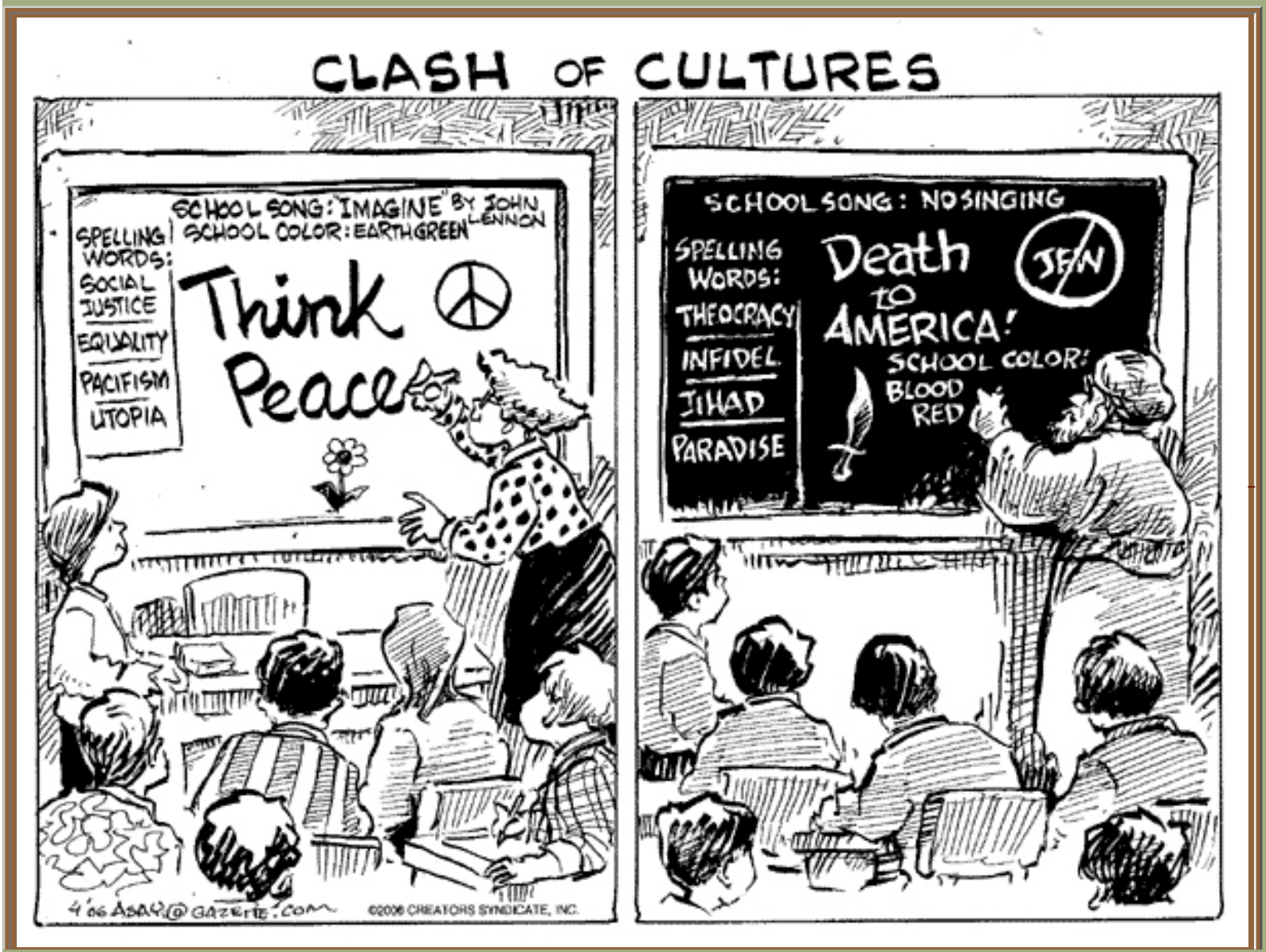
A History of Radical Islam and the United States

1928 - 2001

Compiled by Cynthia Lindsey

Click on the cartoon to enter the main page



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PBS.org

Project Summary

When the United States was attacked by Al Qaeda on September 11, 2001, many Americans were surprised not only by the magnitude of the attacks, but by the fact that anyone disliked our country enough to carry out such an act. Blind to the historical events that led to the attacks, to this day Americans continue to ask the question, "Why do they hate us?" The purpose of this page is to demonstrate the history surrounding the eventual "anti-Americanization" of the Middle East that led to the attacks on New York City and Washington, D.C. This page tracks the rise of radical Islam in the Middle East from the founding of the Muslim Brotherhood in 1928 to the September 11, 2001, attacks on the United States. It evaluates a series of interactions between various Middle Eastern states and the United States, giving the perspective of both on each instance of history. In doing so, it demonstrates that there are at least two distinct perspectives on the history of the region, one of which led a segment of the Middle East's population to radicalize, forming an intense hatred of the U.S.

Timeline of Events - 1928 to 2001

1928	**LANDMARK EVENT** - **The Muslim Brotherhood is founded in Egypt**
1929	
1930	
1931	
1932	**State of Saudi Arabia formed**
1933	Saudi Arabia signs oil concession with Standard Oil, a U.S. company which later became the Arabian American Oil Company (Aramco)
1934	The U.S. formally recognizes Afghanistan
1935	
1936	
1937	
1938	**LANDMARK EVENT** - **Oil discovered in Saudi Arabia**
1939	
1940	
1941	
1942	
1943	President Franklin Roosevelt made Saudi Arabia eligible for Lend-Lease assistance by declaring the defense of Saudi Arabia of vital interest to the U.S.
1944	

1945	**King Abdel Aziz and President Roosevelt cemented the tacit oil-for-security relationship when they met aboard the USS Quincy in the Suez Canal**
1946	
1947	State of Pakistan created when British withdraw from and partition India
1948	**Sayyid Qutb travels to the U.S. to attend graduate school**
1949	**Hassan al Banna executed in Egypt**
1950	
1951	U.S. and Saudi Arabia formalize security relationship with mutual defense agreement; Iranian Parliament nationalizes the oil industry
1952	
1953	Egypt is declared a Republic; **American- and British-led overthrow of Iranian Prime Minister Mahmoud Mossadeq**
1954	
1955	
1956	
1957	
1958	
1959	
1960	The Organization of Petroleum Exporting Countries (OPEC) is founded by Saudi Arabia, Iran, Iraq, Kuwait and Venezuela
1961	
1962	
1963	U.S. President John F. Kennedy sends a squadron of fighter jets to protect Saudi Arabia from Egyptian aircraft bombings during the civil war in Yemen
1964	**Sayyid Qutb completes *Milestones***
1965	
1966	**Sayyd Qutb executed in Egypt**
1967	The Six Day War is fought between Israel and Egypt, Jordan and Syria. Israel defeated the Arab states and increased its territory
1968	
1969	
1970	
1971	
1972	
1973	Saudis lead Arab oil embargo against the United States following the Yom Kippur War
1974	

1975	
1976	
1977	
1978	
1979	**LANDMARK EVENT** - Iranian Revolution; U.S. embassies attacked; Islamists seize control of the Holy Mosque at Mecca; the Soviets invade Afghanistan
1980	U.S. pledges military assistance to Pakistan following Soviet invasion of Afghanistan; Saudi Arabia takes full control of Aramco from the U.S.
1981	American diplomats held hostage in American embassy in Tehran are released; Egyptian President Anwar al-Sadat assassinated
1982	
1983	Car-bomb demolishes much of the U.S. Embassy building in Beirut, Lebanon; U.S. Marine barracks in Beiruit bombed; U.S. Embassy in Kuwait is bombed
1984	Truck bomb explodes outside the U.S. Embassy annex in Aukar, Lebanon
1985	
1986	**U.S. begins supplying Afghan mujahideen with Stinger missiles, enabling them to shoot down Soviet helicopter gunships**
1987	Hamas is founded as an offshoot of the Muslim Brotherhood at the beginning of the First Intifada
1988	**Soviet Union begins pulling out of Afghanistan**; **Iran Air flight mistakenly shot down by the USS Vincennes**
1989	Soviets complete troop withdrawal from Afghanistan. Ayatollah Khomeini dies and is succeeded by Khameini.
1990	**LANDMARK EVENT** - **Iraq invades Kuwait. American troops are invited to Saudi Arabia to protect the kingdom from possible Iraqi aggression.**
1991	The Soviet Union collapses
1992	Bill Clinton is elected president of the United States
1993	**A vehicle bomb explodes in the basement of the World Trade Center in New York City**
1994	Osama Bin Laden is stripped of his Saudi nationality
1995	Bombing in Riyadh kills five Americans
1996	**Osama Bin Laden declares war against the United States**; The Taliban sieze Kabul; Khobar Towers bombing in Dhahran; Bill Clinton is re-elected
1997	Saudi Arabia recognizes the Taliban
1998	**Osama bin Laden issues second fatwa against the United States**; **American embassies in East Africa are bombed simultaneously**
1999	U.N. imposes an air embargo and financial sanctions to force Afghanistan to hand over Osama bin Laden for trial for the East African embassy bombings

2000	**The USS Cole is attacked in the port of Aden in Yemen**; George Bush is elected president of the United States
2001	**LANDMARK EVENT** - **Al Qaeda carries out attacks against the United States in New York, Washington, D.C. and Pennsylvania**

The Muslim Brotherhood



The University of Texas

Summary of Events

The Muslim Brotherhood was founded in Egypt in 1928 by Hassan al-Banna, an elementary school teacher, based on his ideas that Islam should not only be a religious observance, but a comprehensive way of life. He supplements the traditional Islamic education with Tarbeyah training for the Society's male students that includes education, scouting, and militia-type activities to resist the British occupation. (1)

Muslim Brotherhood members believed that the only way to return the Islamic world to its rightful place of economic and political power was through a rigid adherence to core Islamic principles. Initiated brothers pledged to work secretly to create a pure Islamic society modeled on what they saw as the lost

and triumphant Islamic civilizations founded in the seventh century. (3)

It was in Saudi Arabia that many of the Egyptian Muslim Brothers driven out by Nasser found refuge after the mid-1950s. At that time, the Saudis were beginning to profit substantially from their oil revenues, and the Brothers from abroad arrive just in time to supply a class of organizers and intellectuals who were better educated than their Saudi counterparts. (2) It was here that they passed on their highly politicized view of Islam to their young Saudi students, one of whom was Osama bin Laden.

Current website here

Human Actors

Hassan al-Banna



al-Majalla

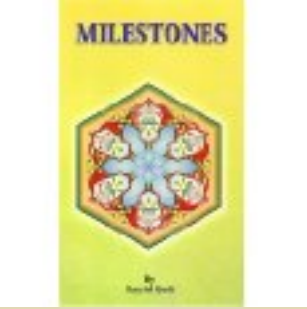
Elementary school teacher who founded the Muslim Brotherhood in Egypt in 1928 based on his ideas that Islam should not only be a religious observance, but a comprehensive way of life. He supplements the traditional Islamic education with Tarbeyah training for the Society's male students that includes education, scouting, and militia-type activities to resist the British occupation. (1)

Completely rejected the Western model of secular, democratic government, which contradicted his notion of universal Islamic rule. "It is the nature of Islam to dominate, not to be dominated, to impose its law on all nations, and to extend its power to the entire planet," he wrote. (5)

Executed by the Egyptian government in 1949.

Sayyid Qutb  Greeley Tribune	Egyptian member of the Muslim Brotherhood who tried unsuccessfully to assassinate Gamal Abdel Nasser. (3) Wrote ***Milestones*** (also known as *Signposts*) while in prison. In the book, Qutb justified violence against nonbelievers and urged radical action to seize political power. His opinions had taken shape, at least in part, during a yearlong visit to the United States in 1948. He viewed America to be repugnant. He though it was materialistic, obsessed with sex, prejudiced against Arabs, and sympathetic to Israel. (3) Qutb argued that all impure governments must be overthrown. *Milestones* attacked nominally Muslim leaders who governed through non-Islamic systems such as capitalism or communism. Those leaders, Qutb wrote, should be declared unbelievers and become the targets of revolutionary jihad. (4) Qutb's writings would later become the theoretical basis for many radical Islamic groups of today -- including al Qaeda. (8)
Mahfouz Azzam	Ayman al-Zawahiri's mother's uncle; the family patriarch and longtime lawyer and political figure in Cairo. He was Sayyid Qutb's protege and later his attorney. He still lives in Helwan, Egypt. (6)
Mohammed Qutb	Sayyid Qutb's brother, also a widely read author and thinker; took refuge with other memebers of the Muslim Brotherhood in Saudi Arabia after spending time in Egyptian prisons. Became a popular speaker at forums where bin Laden was exposed to his teachings. Still lives in Mecca. (7) Edited and published by his brother's works in Saudi Arabia, where they were held in high esteem by his growing contingent of followers there. (2)

Non-Human Actors

Milestones  Amazon	Book authored by Sayyid Qutb during his imprisonment in Egypt. Qutb argued that all impure governments must be overthrown. ***Milestones*** attacked nominally Muslim leaders who governed through non-Islamic systems such as capitalism or communism. Those leaders, Qutb wrote, should be declared unbelievers and become the targets of revolutionary jihad. (4) Qutb's writings, which were edited and published by his brother Muhammad Qutb in Saudi Arabia, were held in high esteem by his growing contingent of followers there. (2)

Additional Readings

Article written by Robert Siegel and published on NPR.org discussing Sayyid Qutb's time in America - ***Sayyid Qutb's America***

Article written by Robert Irwin and published in the Guardian discussing Sayyid Qutb's link to Osama bin Laden - ***Is This the Man Who Inspired Bin Laden?***

Article written by Paul Berman and published in the New York Times discusing Sayyid Qutb's influence on modern Islamic terror - ***The Philosopher of Islamic Terror***

Article written by Dale C. Eikmeier and published in Parameters discussing Qutubism - ***Qutbism: An Ideology of Islamic-Fascism***

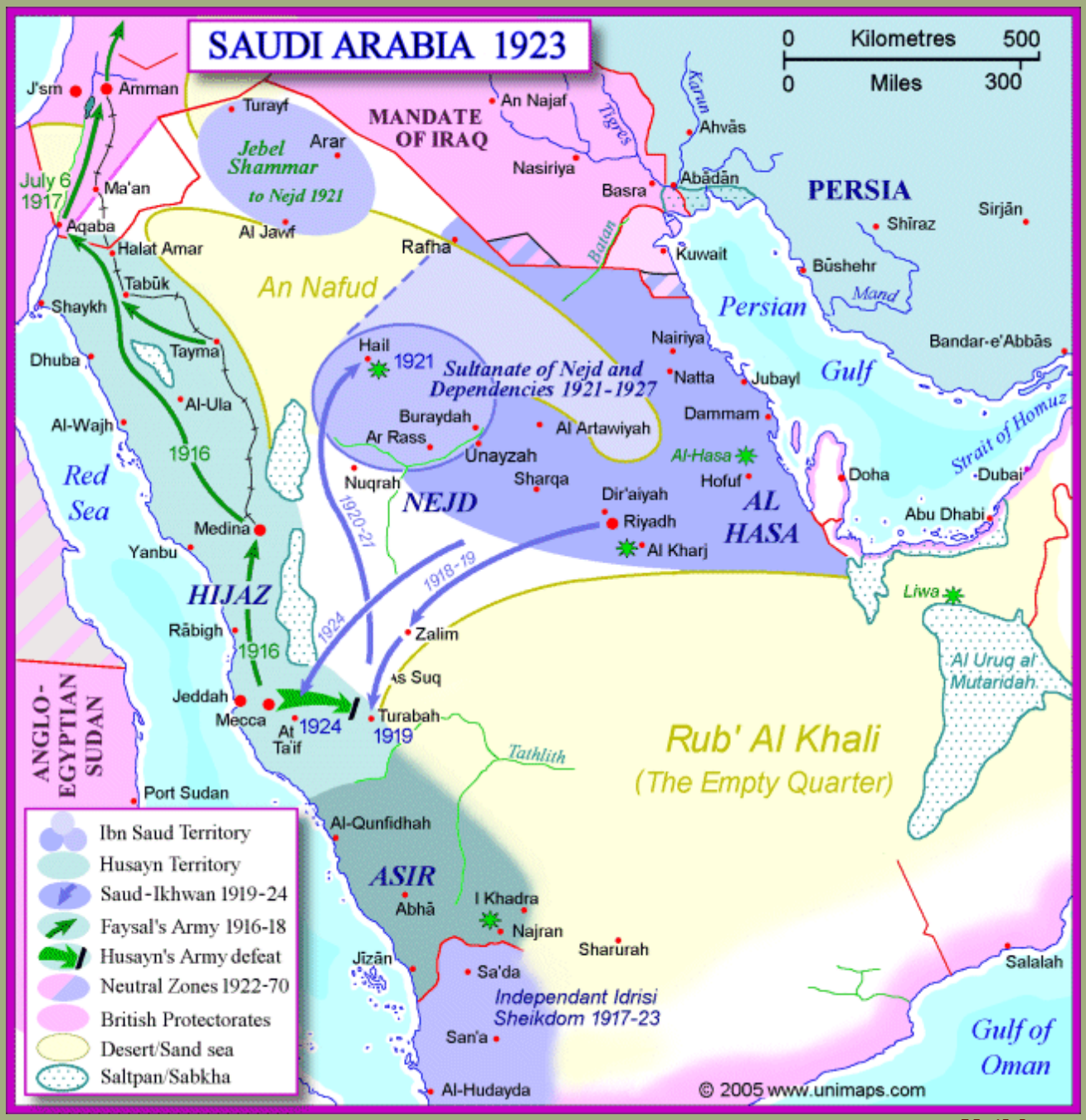
Article written by John Walsh and published in the Harvard International Review outlining the Muslim Brotherhood's current centrist position within the Egyptian political system - ***Egypt ' s Muslim Brotherhood: Understanding Centrist Islam***

Sources:

1. "Global Connections: The Middle East," PBS.org. October 29, 2008, <http://www.pbs.org/wgbh/globalconnections/mideast/timeline/flash/treligion.html>.
2. Gilles Kepel, "***Jihad: The trail of Political Islam***," The Belknap Press of Harvard University Press (Cambridge, Massachusetts), 2002, page 51.
3. Steve Coll, "***Ghost Wars: The Secret History of the CIA, Afghanistan, and bin Laden, from the Soviet Invasion to September 10, 2001***," Penguin Books (New York), 2004, page 112.
4. Steve Coll, "***Ghost Wars: The Secret History of the CIA, Afghanistan, and bin Laden, from the Soviet Invasion to September 10, 2001***," Penguin Books (New York), 2004, page 113.
5. Lawrence Wright, "***The Looming Tower: Al-Qaeda and the Road to 9/11***," Vintage Books (New York), 2007, page 29.
6. Lawrence Wright, "***The Looming Tower: Al-Qaeda and the Road to 9/11***," Vintage Books (New York), 2007, page 424.
7. Lawrence Wright, "***The Looming Tower: Al-Qaeda and the Road to 9/11***," Vintage Books (New York), 2007, page 430.
8. Robert Siegel, "***Sayyid Qutb's America,***" NPR.org, May 6, 2003. December 2, 2008, <http://www.npr.org/templates/story/story.php?storyId=1253796>.

The Founding of Saudi Arabia

1932



UniMaps

Summary of Events

The following summary of events is an excerpt from a Congressional Research Service report titled *The Islamic Traditions of Wahhabism and Salafiyya*:

> Since the foundation of the modern kingdom of Saudi Arabia in 1932, there has been a close relationship between the Saudi ruling family and the Wahhabi religious establishment. Wahhabi-trained Bedouin warriors known as the Ikhwan were integral to the Al Saud family's military campaign to reconquer and unify the Arabian peninsula from 1912 until an Ikhwan rebellion was put down by force in 1930. Thereafter, Wahhabi clerics were integrated into the new kingdom's religious and political establishment, and Wahhabi ideas formed the basis of the rules and laws adopted to govern social affairs in Saudi Arabia. Wahhabism also shaped the kingdom's judicial and educational policies. Saudi schoolbooks historically have denounced teachings that do not conform to Wahhabist beliefs, an issue that remains controversial within Saudi Arabia and among outside observers. (1)

As the report explains, the relationship dates to the 18th century:

> Muhammad bin Abd al Wahhab, whose name is the source of the word "Wahhabi," founded a religious movement in the Arabian peninsula during the eighteenth century (1703-1791) that sought to reverse what he perceived as the moral decline of his society. In particular, Abd al Wahhab denounced many popular Islamic beliefs and practices as idolatrous. Ultimately, he encouraged a "return" to the pure and orthodox practice of the "fundamentals" of Islam, as embodied in the Quran and in the life of the Prophet Muhammad. Muhammad bin Saud, the ancestral founder of the modern-day Al Saud dynasty, partnered with Abd al Wahhab to begin the process of unifying disparate tribes in the Arabian Peninsula. Their partnership formed the basis for a close political relationship between their descendants that continues today. (1)



Additional Readings

Article written by Helena Kane Finn and published on the Council of Foreign Relations' website - Cultural Terrorism and Wahhabi Islam

Article published in the Economist on the role of Islam in Saudi Arabia - Double-Edged Sword

Article published in the Weekly Standard on Wahhabism's prominent role in Saudi Arabia - Saudi Friends, Saudi Foes

Library of Congress report on Saudi Arabia - A Country Study: Saudi Arabia

Congressional Research Service report on the history of U.S.-Saudi relations - Saudi Arabia: Background and U.S. Relations

Sources:

1. Christopher M. Blanchard, "***The Islamic***

Traditions of Wahhabism and Salafiyya ," Congressional Research Service Report for Congress, January 24, 2008. December 2, 2008, <http://www.fas.org/sgp/crs/misc/RS21695.pdf>.

Discovery of Oil in Saudi Arabia

1938





EIA.DOE.gov

During the oil boom of the 1970s, petrodollars were used to fund the construction of new mosques and religious schools, known as madrassas, throughout the kingdom and abroad. There was an explosion in religious charities that were funded by a newly wealthy citizenry. U.S. officials believe that the network of madrassas across the world -- funded by the Saudi charities and fueled by the strict Wahhabi interpretation of Islam -- evolved into a network of recruiting schools that were to train Islamic militants to fight the jihad war in Afghanistan against the Soviet invasion (1979-1989). (2)

Many of the Taliban were educated in Saudi-financed madrassas in Pakistan. Around the world, Saudi wealth and charities contributed to an explosive growth of madrassas during the Afghan jihad against the Soviets. During that war, a new kind of madrassa emerged in the Pakistan-Afghanistan region -- not so much concerned about scholarship as making war on infidels. The enemy then was the Soviet Union, today it's America. (1)

Since 1979, the kingdom has spent more than $50 billion on U.S. military purchases, including 5 airborne warning and control systems (AWACS) and a $5.6 billion "peace shield" -- a state of the art command and control system for the Royal Saudi Air Force with six underground command centers linking 147 defense-related sites. (2)

In the U.S., arms sales to Saudi Arabia often faced strong congressional opposition because of fears that the arming of Saudi Arabia would threaten Israel. In 1985, Congress rejected President Reagan's proposed sale of an arms package to Saudi Arabia that included 42 F-15s, antiaircraft missiles, Harpoon antiship missiles, and Blackhawk helicopters, and Reagan was forced to withdraw the proposal. In 1986 and 1988, Congress approved scaled-down arms packages that included Bradley fighting vehicles, TOW II antitank missiles, electronic upgrades for the F-15s, and 12 replacement F-15s that would remain in the U.S. until they were needed by the Saudis. The Stinger antiaircraft and Maverick antitank missiles were deleted from the president's earlier request. (2)

Sources:

1. "Analyses," PBS.org. November 1, 2008, <http://www.pbs.org/wgbh/pages/frontline/shows/saudi/analyses/>.
2. "Saudi Arabia: A Chronology of the Country's History and Key Events in the U.S.-Saudi Relationship," PBS.org. November 1, 2008, <http://www.pbs.org/wgbh/pages/frontline/shows/saudi/etc/cron.html>.

Roosevelt Meets the Saudi King

February 21, 1945



Documentary

Frontline documentary on Saudi Arabia and U.S.-Saudi relations - **House of Saud**

Overthrow of Mossadeq in Iran

1953

Summary of Events



The following is an excerpt from Ray Takeyh's "*Hidden Iran: Paradox and Power in the Islamic State*:"

> One of America's first acts as a great power int he Middle East was the overthrow in August 1953 of the nationalist Iranian prime minister Muhammad Mossadeq in the name of Communist containment. To this day, many Iranians believe that an oppotunity to forge a new independent and nonaligned foreign policy, employ natural resources for national development, and build a democracy were all lost due to the machinations of a rapacious superpower. The charge, however exaggerated, is not without merit, as American intervention did obstruct the progressive trajectory of Iranian politics. The events of 1953 have created an emotional barrier for Iran's masses and have made them inherently suspicious of American motives and conduct. The United

States was once genuinely seen as a depository of idealism, a great power that resisted temptations of imperial aggrandizement. After August 1953, few Iranians would hold such a pristine image of America. (1)

Documentary and Additional Readings

History of the Iranian oil industry and the coup - Operation Ajax - Iran and the CIA coup

Library of Congress report on Iran - A Country Study: Iran

Link to George Washington University website containing documents on the coup

Link to another George Washington University website containing documents on the coup

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Sources:

1. Ray Takeyh, "***Hidden Iran: Paradox and Power in the Islamic Republic***," Times Books, New York, 2006, page 84.

A Watershed Year

Summary of Events

The year 1979 was a turning point in international terrorism. Throughout the Arab world and the West, the Iranian Islamic revolution sparked fears of a wave of revolutionary Shia Islam. Meanwhile, the Soviet invasion of Afghanistan and the subsequent anti-Soviet mujahedeen war, lasting from 1979 to 1989, stimulated the rise and expansion of terrorist groups. Indeed, the growth of a post-jihad pool of well-trained, battle-hardened militants is a key trend in contemporary international terrorism and insurgency-related violence. Volunteers from various parts of the Islamic world fought in Afghanistan, supported by conservative countries such as Saudi Arabia. In Yemen, for instance, the Riyadh-backed Islamic Front was established to provide financial, logistical, and training support for Yemeni volunteers. So called "Arab-Afghans" have -- and are -- using their experience to support local insurgencies in North Africa, Kashmir, Chechnya, China, Bosnia, and the Philippines. (1) Of course, the "Arab-Afghans" were also responsible for the September 11, 2001, attacks on the United States.

Timeline - 1979

January	The Shah of Iran goes into exile
February	Ayatollah Khomeini returns to Tehran from exile in Iraq
March	
April	Iran adopts a new constitution declaring itself an Islamic Republic
May	
June	
July	U.S. President Jimmy Carter signs the first directive for secret aid to the opponents of the pro-Soviet regime in Kabul
August	
September	
October	

November	Iranian students storm the U.S. embassy in Tehran; Islamists seize the Holy Mosque at Mecca; U.S. embassy in Pakistan destroyed
December	U.S. embassy in Libya attacked and burned; the Soviet Union invades Afghanistan

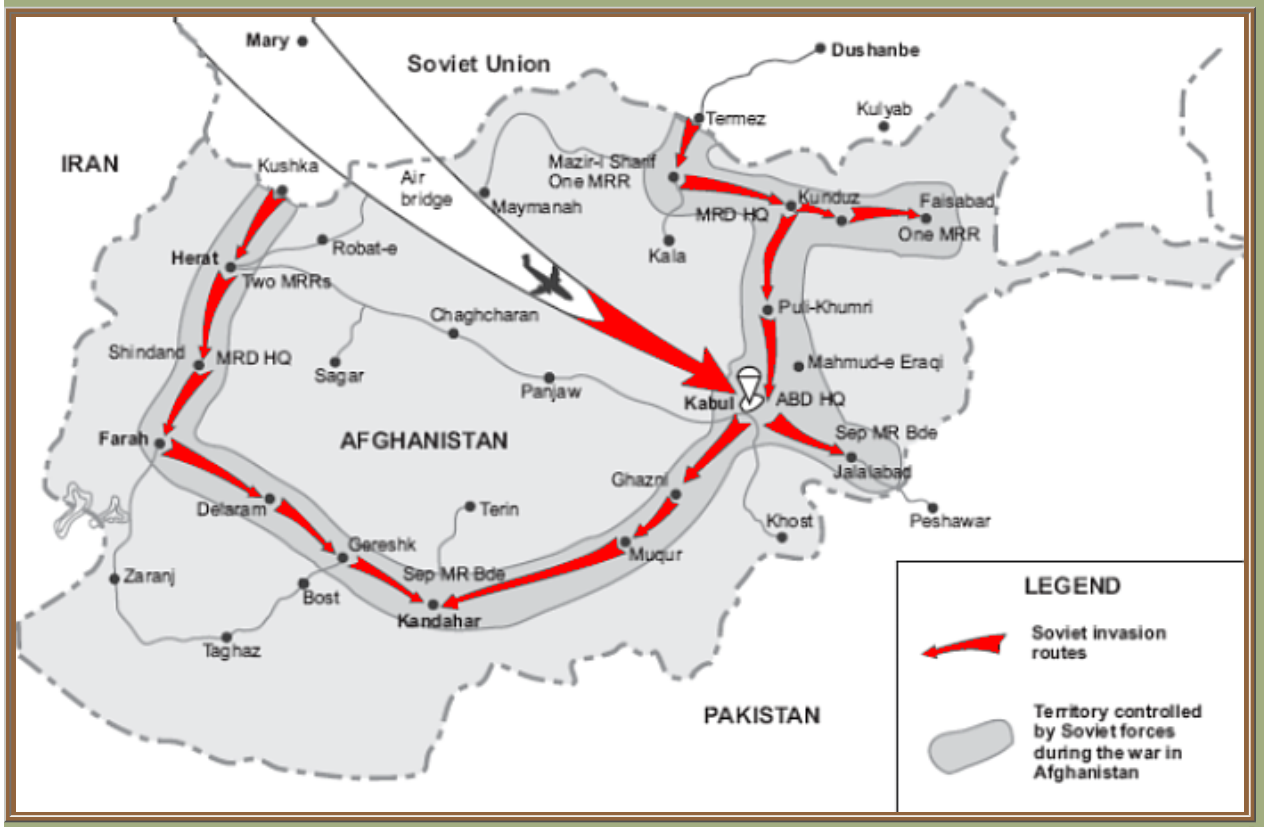
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Sources:

1. Moore, John, "***The Evolution of Islamic Terrorism: An Overview,"*** PBS.org. November 13, 2008, <http://www.pbs.org/wgbh/pages/frontline/shows/target/etc/modern.html>.

The Soviet Invasion of Afghanistan

December 24, 1979



Wikipedia - U.S. Department of Defense

Summary of Events

On December 24, 1979, the USSR invaded Afghanistan to help prop up a communist regime that had come to power in an April 1978 coup. The invasion coincided with the decline of U.S. influence in Iran and other Third World countries such as Angola and Mozambique in 1975, Ethiopia in 1977 and Nicaragua in 1979 where "pro-Soviet" governments had seized power. (3)

In an effort to resist the Soviet occupation and the spread of Marxist ideology to Afghanistan, the United States -- then at the height of a nuclear arms race with the Soviets and fearing a southward movement toward the oil-rich Persian Gulf -- soon partnered with Pakistani intelligence to recruit and train guerilla fighters, known as the Mujahadeen, who could put up

a resistance against the Soviet army. (6) While few believed that the Afghan rebels could force a Soviet withdrawal, it was hoped they would be able to tie Soviet troops down in Afghanistanâ€™s Hindu Kush mountains until the cost of occupation became unsustainable. (3) As far as the United States was concerned, this holy war in Afghanistan had one explicit goal: to set a Vietnam-like deathtrap for the Soviet forces that had invaded Kabul in December 1979 and thus to precipitate the collapse of the Soviet empire. (4)

The Afghan jihad against the Soviets became the great cause with which Islamists worldwide identified, moderates and radicals alike. In the minds of many Arabs, jihad supplanted the Palestinian cause and symbolized the shift from nationalism to Islamism. In addition to the local mujahedeen, the international brigades in Afghanistan hailed from all over the Muslim world. As far as the Gulf oil states were concerned, Afghanistan's function was to divert the attention of the world's radical militants away from the Saudis' lucrative partnership with the American "Great Satan" by focusing their loathing on the Soviet invader. (4)

One of the radicals involved in the Afghan jihad was, of course, Osama bin Laden. During the Afghan war with the Soviets, bin Laden, along with Abdullah Azzam (8) and Muhammed Atef (10) and Abu Ubaidah al Banshiri (10), founded "mekhtab al khidemat" (the "Services Office"), which was dedicated to opposing non-Islamic governments with force and violence. (10) Through this group, bin Laden was able to recruit and fund Arab fighters for the jihad against the Soviets in Afghanistan. From in or about 1989..., this group called itself "al-Qaeda." (10)

Congress ultimately provided nearly $3 billion in covert aid for the mujahidin, more than all other CIA covert operations in the 1980s combined. (3) The U.S. aid to the Afghan mujahidin, which was matched dollar-for-dollar by the Saudis, was funnelled to the mujahidin through the Pakistan's Inter-Services Intelligence Directorate, or the ISI. The ISI chose to favor the more radically Islamic rebel groups and was able to divert a disproportionately large share of U.S.-supplied weapons to these groups. (3)

The withdrawal of the United States and the Soviet Union without further aid to Afghanistan leaves the country in chaos that results in a civil war amongst the leaders of the mujahidin for control of the country. Eventually this leads to the rise of the Taliban, which was willing to harbor Osama bin Laden prior to and after the September 11 attacks against the United States.

Video History

The videos below illustrate the role that unintended consequences have played in the history of the rise of militant Islam in the Middle East. The first is a clip of a speech Jimmy Carter delivered in early 1980, addressing the Iranian hostage crisis and the Soviet invasion of Afghanistan. In addressing Afghanistan, his focus is clearly on containing the Soviet Union. The second clip is a post-9/11 documentary produced by National Geographic. It demonstrates bin Laden's role in the Afghan jihad and the CIA's role in funding the "Afghan Arabs" and in encouraging the mujahidin to fight the Soviets.





Did the U.S. Government "Create" Osama Bin Laden?

Included in the table below are two articles, which are presented in their entirety, that argue each side of this question.
The United States Department of State argues that the U.S. government provided no funding to the "Afghan Arabs," had no

ties to bin Laden, and had no responsibility in his "creation." Norm Dixon argues that American covert actions in Afghanistan led to the creation of Osama bin Laden.

YES	NO
How the CIA created Osama bin Laden by Norm Dixon "Throughout the world ... its agents, client states and satellites are on the defensive - on the moral defensive, the intellectual defensive, and the political and economic defensive. Freedom movements arise and assert themselves. They're doing so on almost every continent populated by man - in the hills of Afghanistan, in Angola, in Kampuchea, in Central America ... [They are] freedom fighters." (2) Is this a call to jihad (holy war) taken from one of Islamic fundamentalist Osama bin Laden's notorious fatwas? Or perhaps a communique issued by the repressive Taliban regime in Kabul? (2) In fact, this glowing praise of the murderous exploits of today's supporters of arch-terrorist bin Laden and his Taliban collaborators, and their holy war against the "evil empire," was issued by US President Ronald Reagan on March 8, 1985. The "evil empire" was the Soviet Union, as well as Third World movements fighting US-backed colonialism, apartheid and dictatorship. (2) How things change. In the aftermath of a series of terrorist atrocities - the most despicable being the mass murder of more than 6000 working people in New York and Washington on September 11 - bin Laden the "freedom fighter" is now lambasted by US leaders and the Western mass media as a "terrorist mastermind" and an "evil-doer." (2) Yet the US government refuses to admit its central role in creating the vicious movement that spawned bin Laden, the Taliban and Islamic fundamentalist terrorists that plague Algeria and Egypt - and perhaps the disaster that befell New York. (2) The mass media has also downplayed the origins of bin Laden and his toxic brand of Islamic fundamentalism. (2) **Mujaheddin** In April 1978, the People's Democratic Party of Afghanistan (PDPA) seized power in Afghanistan in reaction to a crackdown against the party by that country's repressive government. (2) The PDPA was committed to a radical land reform that favoured the peasants, trade union rights, an expansion of education and social services, equality for women and the separation of church and state. The PDPA also supported strengthening Afghanistan's relationship with the Soviet Union. (2) Such policies enraged the wealthy semi-feudal landlords, the Muslim religious establishment (many mullahs were also big landlords) and the tribal chiefs. They immediately began organising resistance to the government's progressive policies, under the guise of defending Islam. (2) Washington, fearing the spread of Soviet influence (and worse the new government's radical example) to its allies in Pakistan, Iran and the Gulf states, immediately offered support to the Afghan mujaheddin, as the "contra" force was known. (2)	Did the U.S. "Create" Osama bin Laden?: Allegations that the U.S. Provided Funding for bin Laden Proved Inaccurate by the United States Department of State The United States did not "create" Osama bin Laden or al Qaeda. The United States supported the Afghans fighting for their country's freedom -- as did other countries, including Saudi Arabia, Pakistan, China, Egypt, and the UK -- but the United States did not support the "Afghan Arabs," the Arabs and other Muslims who came to fight in Afghanistan for broader goals. CNN terrorism analyst Peter Bergen notes that the "Afghan Arabs functioned independently and had their own sources of funding." He notes: (1) > "While the charges that the CIA was responsible for the rise of the Afghan Arabs might make good copy, they don't make good history. The truth is more complicated, tinged with varying shades of gray. The United States wanted to be able to deny that the CIA was funding the Afghan war, so its support was funneled through Pakistan's Inter Services Intelligence agency (ISI). ISI in turn made the decisions about which Afghan factions to arm and train, tending to favor the most Islamist and pro-Pakistan. The Afghan Arabs generally fought alongside those factions, which is how the charge arose that they were creatures of the CIA. (1) > Former CIA official Milt Bearden, who ran the Agency's Afghan operation in the late 1980s, says, "The CIA did not recruit Arabs," as there was no need to do so. There were hundreds of thousands of Afghans all too willing to fight, and the Arabs who did come for jihad were "very disruptive . . . the Afghans thought they were a pain in the ass." Similar sentiments from Afghans who appreciated the money that flowed from the Gulf but did not appreciate the Arabs' holier-than-thou attempts to convert them to their ultra-purist version of Islam. Freelance cameraman Peter Jouvenal recalls: "There was no love lost between the Afghans and the Arabs. One Afghan told me, â€˜Whenever we had a problem with one of them we just shot them. They thought they were kings.'" (1) > ... There was simply no point in the CIA and the Afghan Arabs being in contact with each other. ... the Afghan Arabs functioned independently and had their own sources of funding. The CIA did not need the Afghan Arabs, and the Afghan Arabs did not need the CIA. So the notion that the Agency funded and trained the Afghan Arabs is, at best, misleading. The 'let's blame everything bad that happens on the CIA' school of thought vastly overestimates the Agency's powers, both for good and ill." [Holy War, Inc.: Inside the Secret World of Osama bin Laden (New York: The Free Press, 2001), pp. 64-66.] (1) Al Qaeda's number two leader, Ayman al-Zawahiri, confirmed that the "Afghan Arabs" did not receive any U.S. funding during the war in Afghanistan. In the book that was described as his last will, Knights Under the Prophet's Banner, which was serialized in December 2001 in Al-Sharq al-Awsat, al-Zawahiri says the Afghan Arabs were funded with money from Arab sources, which amounted to hundreds of millions of dollars: (1) > "While the United States backed Pakistan and the mujahidin factions with money and equipment, the young Arab mujahidin's relationship with the United States was totally different." (1)

Following an internal PDPA power struggle in December 1979 which toppled Afghanistan's leader, thousands of Soviet troops entered the country to prevent the new government's fall. This only galvanised the disparate fundamentalist factions. Their reactionary jihad now gained legitimacy as a "national liberation" struggle in the eyes of many Afghans. (2)

The Soviet Union was eventually to withdraw from Afghanistan in 1989 and the mujaheddin captured the capital, Kabul, in 1992. (2)

Between 1978 and 1992, the US government poured at least US$6 billion (some estimates range as high as $20 billion) worth of arms, training and funds to prop up the mujaheddin factions. Other Western governments, as well as oil-rich Saudi Arabia, kicked in as much again. Wealthy Arab fanatics, like Osama bin Laden, provided millions more. (2)

Washington's policy in Afghanistan was shaped by US President Jimmy Carter's national security advisor, Zbigniew Brzezinski, and was continued by his successors. His plan went far beyond simply forcing Soviet troops to withdraw; rather it aimed to foster an international movement to spread Islamic fanaticism into the Muslim Central Asian Soviet republics to destabilise the Soviet Union. (2)

Brzezinski's grand plan coincided with Pakistan military dictator General Zia ul-Haq's own ambitions to dominate the region. US-run Radio Liberty and Radio Free Europe beamed Islamic fundamentalist tirades across Central Asia (while paradoxically denouncing the "Islamic revolution" that toppled the pro-US Shah of Iran in 1979). (2)

Washington's favoured mujaheddin faction was one of the most extreme, led by Gulbuddin Hekmatyar. The West's distaste for terrorism did not apply to this unsavoury "freedom fighter." Hekmatyar was notorious in the 1970s for throwing acid in the faces of women who refused to wear the veil. (2)

After the mujaheddin took Kabul in 1992, Hekmatyar's forces rained US-supplied missiles and rockets on that city - killing at least 2000 civilians - until the new government agreed to give him the post of prime minister. Osama bin Laden was a close associate of Hekmatyar and his faction. (2)

Hekmatyar was also infamous for his side trade in the cultivation and trafficking in opium. Backing of the mujaheddin from the CIA coincided with a boom in the drug business. Within two years, the Afghanistan-Pakistan border was the world's single largest source of heroin, supplying 60% of US drug users. (2)

In 1995, the former director of the CIA's operation in Afghanistan was unrepentant about the explosion in the flow of drugs: "Our main mission was to do as much damage as possible to the Soviets... There was a fallout in terms of drugs, yes. But the main objective was accomplished. The Soviets left Afghanistan." (2)

Made in the USA

According to Ahmed Rashid, a correspondent for the Far Eastern Economic Review, in 1986 CIA chief William Casey committed CIA support to a long-standing ISI proposal to recruit from around the world to join the Afghan jihad. At least 100,000 Islamic militants flocked to Pakistan between 1982 and 1992 (some 60,000 attended fundamentalist schools in Pakistan without necessarily taking part in the fighting). (2)

> "... The financing of the activities of the Arab mujahidin in Afghanistan came from aid sent to Afghanistan by popular organizations. It was substantial aid." (1)
>
> "The Arab mujahidin did not confine themselves to financing their own jihad but also carried Muslim donations to the Afghan mujahidin themselves. Usama Bin Ladin has apprised me of the size of the popular Arab support for the Afghan mujahidin that amounted, according to his sources, to $200 million in the form of military aid alone in 10 years. Imagine how much aid was sent by popular Arab organizations in the non-military fields such as medicine and health, education and vocational training, food, and social assistance ...." (1)
>
> "Through the unofficial popular support, the Arab mujahidin established training centers and centers for the call to the faith. They formed fronts that trained and equipped thousands of Arab mujahidin and provided them with living expenses, housing, travel and organization." (Al-Sharq al-Awsat, December 3, 2001, Foreign Broadcast Information Service (FBIS), GMP20011202000401) (1)

Abdullah Anas, an Algerian who was one of the foremost Afghan Arab organizers and the son-in-law of Abdullah Azzam, has also confirmed that the CIA had no relationship with the Afghan Arabs. Speaking on the French television program Zone Interdit on September 12, 2004, Anas stated: (1)

> "If you say there was a relationship in the sense that the CIA used to meet with Arabs, discuss with them, prepare plans with them, and to fight with them -- it never happened." (1)

Milt Bearden served as the CIA station chief in Pakistan from 1986 to 1989, where he was in charge of running the covert action program for Afghanistan. In his memoirs titled "The Main Enemy: The Inside Story of the CIA's Final Showdown with the KGB," Bearden says the United States, Saudi Arabia, Pakistan, China, Egypt, and the UK were "major players" in the effort to aid the Afghans. Bearden writes: (1)

> "[President Jimmy] Carter's national security adviser, Zbigniew Brzezinski, had in 1980 secured an agreement from the Saudi king to match American contributions to the Afghan effort dollar for dollar, and [Reagan administration CIA director] Bill Casey kept that agreement going over the years." (The Main Enemy, p. 219) (1)

From 1983 to 1987, Brigadier Mohammad Yousaf was in charge of the Afghan Bureau of Pakistan's Inter-Services Intelligence (ISI), which ran Pakistan's covert program to aid the Afghan mujahidin. In his book The Bear Trap: Afghanistan's Untold Story, Brigadier Yousaf confirms the matching U.S.-Saudi arrangement, stating: (1)

> "For every dollar supplied by the US, another was added by the Saudi Arabian government. The combined funds, running into several hundred million dollars a year, were transferred by the CIA to special accounts in Pakistan under the control of the ISI." (The Bear Trap, p. 81) (1)

Bearden makes it clear that the CIA covert action program did not fund any Arabs or other Muslims to come to the jihad: (1)

> "Contrary to what people have come to imagine, the CIA never recruited, trained, or otherwise used Arab volunteers. The Afghans were more than happy to do their own

John Cooley, a former journalist with the US ABC television network and author of Unholy Wars: Afghanistan, America and International Terrorism, has revealed that Muslims recruited in the US for the mujaheddin were sent to Camp Peary, the CIA's spy training camp in Virginia, where young Afghans, Arabs from Egypt and Jordan, and even some African-American "black Muslims" were taught "sabotage skills." (2)

The November 1, 1998, British Independent reported that one of those charged with the 1998 bombings of US embassies in Kenya and Tanzania, Ali Mohammed, had trained "bin Laden's operatives" in 1989. (2)

These "operatives" were recruited at the al Kifah Refugee Centre in Brooklyn, New York, given paramilitary training in the New York area and then sent to Afghanistan with US assistance to join Hekmatyar's forces. Mohammed was a member of the US army's elite Green Berets. (2)

The program, reported the Independent, was part of a Washington-approved plan called "Operation Cyclone." (2)

In Pakistan, recruits, money and equipment were distributed to the mujaheddin factions by an organisation known as Maktab al Khidamar (Office of Services - MAK). (2)

MAK was a front for Pakistan's CIA, the Inter-Service Intelligence Directorate. The ISI was the first recipient of the vast bulk of CIA and Saudi Arabian covert assistance for the Afghan contras. Bin Laden was one of three people who ran MAK. In 1989, he took overall charge of MAK. (2)

Among those trained by Mohammed were El Sayyid Nosair, who was jailed in 1995 for killing Israeli rightist Rabbi Meir Kahane and plotting with others to bomb New York landmarks, including the World Trade Center in 1993. (2)

The Independent also suggested that Shiekh Omar Abdel-Rahman, an Egyptian religious leader also jailed for the 1993 bombing of the World Trade Center, was also part of Operation Cyclone. He entered the US in 1990 with the CIA's approval. A confidential CIA report concluded that the agency was "partly culpable" for the 1993 World Trade Center blast, the Independent reported. (2)

Bin Laden

Osama bin Laden, one of 20 sons of a billionaire construction magnate, arrived in Afghanistan to join the jihad in 1980. An austere religious fanatic and business tycoon, bin Laden specialised in recruiting, financing and training the estimated 35,000 non-Afghan mercenaries who joined the mujaheddin. (2)

The bin Laden family is a prominent pillar of the Saudi Arabian ruling class, with close personal, financial and political ties to that country's pro-US royal family. (2)

Bin Laden senior was appointed Saudi Arabia's minister of public works as a favour by King Faisal. The new minister awarded his own construction companies lucrative contracts to rebuild Islam's holiest mosques in Mecca and Medina. In the process, the bin Laden family company in 1966 became the world's largest private construction company. (2)

Osama bin Laden's father died in 1968. Until 1994, he had access to the dividends from this ill-gotten business empire. (2)

(Bin Laden junior's oft-quoted personal fortune of US$200-300 million has been arrived at by the US State Department by dividing today's value of the bin Laden family net worth - estimated to

> fighting -- we saw no reason not to satisfy them on this point." (The Main Enemy, p. 243) (1)

Marc Sageman worked closely with the Afghan mujahideen as one of Milt Bearden's case officers, from 1987 to 1989. In his book, Understanding Terror Networks, he writes: (1)

> "No U.S. official ever came in contact with the foreign volunteers. They simply traveled in different circles and never crossed U.S. radar screens. They had their own sources of money and their own contacts with the Pakistanis, official Saudis, and other Muslim supporters, and they made their own deals with the various Afghan resistance leaders. Their presence in Afghanistan was very small and they did not participate in any significant fighting." (Understanding Terror Networks, pp. 57-58.) (1)

The Central Intelligence Agency has issued a statement categorically denying that it ever had any relationship with Osama bin Laden. It stated, in response to the hypothetical question "Has the CIA ever provided funding, training, or other support to Usama Bin Laden?": (1)

> "No. Numerous comments in the media recently have reiterated a widely circulated but incorrect notion that the CIA once had a relationship with Usama Bin Laden. For the record, you should know that the CIA never employed, paid, or maintained any relationship whatsoever with Bin Laden (emphasis in original)." (1)

In summary: (1)

- U.S. covert aid went to the Afghans, not to the "Afghan Arabs." (1)
- The "Afghan Arabs" were funded by Arab sources, not by the United States. (1)
- United States never had "any relationship whatsoever" with Osama bin Laden. (1)
- The Soviet invasion of Afghanistan, Arab backing for the "Afghan Arabs," and bin Laden's own decisions "created" Osama bin Laden and al Qaeda, not the United States. (1)

be US$5 billion - by the number of bin Laden senior's sons. A fact rarely mentioned is that in 1994 the bin Laden family disowned Osama and took control of his share.) (2)

Osama's military and business adventures in Afghanistan had the blessing of the bin Laden dynasty and the reactionary Saudi Arabian regime. His close working relationship with MAK also meant that the CIA was fully aware of his activities. (2)

Milt Bearden, the CIA's station chief in Pakistan from 1986 to 1989, admitted to the January 24, 2000, New Yorker that while he never personally met bin Laden, "Did I know that he was out there? Yes, I did ... [Guys like] bin Laden were bringing $20-$25 million a month from other Saudis and Gulf Arabs to underwrite the war. And that is a lot of money. It's an extra $200-$300 million a year. And this is what bin Laden did." (2)

In 1986, bin Laden brought heavy construction equipment from Saudi Arabia to Afghanistan. Using his extensive knowledge of construction techniques (he has a degree in civil engineering), he built "training camps," some dug deep into the sides of mountains, and built roads to reach them. (2)

These camps, now dubbed "terrorist universities" by Washington, were built in collaboration with the ISI and the CIA. The Afghan contra fighters, including the tens of thousands of mercenaries recruited and paid for by bin Laden, were armed by the CIA. Pakistan, the US and Britain provided military trainers. (2)

Tom Carew, a former British SAS soldier who secretly fought for the mujaheddin told the August 13, 2000, British Observer, "The Americans were keen to teach the Afghans the techniques of urban terrorism - car bombing and so on - so that they could strike at the Russians in major towns ... Many of them are now using their knowledge and expertise to wage war on everything they hate." (2)

Al Qaeda (the Base), bin Laden's organisation, was established in 1987-88 to run the camps and other business enterprises. It is a tightly-run capitalist holding company - albeit one that integrates the operations of a mercenary force and related logistical services with "legitimate" business operations. (2)

Bin Laden has simply continued to do the job he was asked to do in Afghanistan during the 1980s - fund, feed and train mercenaries. All that has changed is his primary customer. Then it was the ISI and, behind the scenes, the CIA. Today, his services are utilised primarily by the reactionary Taliban regime. (2)

Bin Laden only became a "terrorist" in US eyes when he fell out with the Saudi royal family over its decision to allow more than 540,000 US troops to be stationed on Saudi soil following Iraq's invasion of Kuwait. (2)

When thousands of US troops remained in Saudi Arabia after the end of the Gulf War, bin Laden's anger turned to outright opposition. He declared that Saudi Arabia and other regimes - such as Egypt - in the Middle East were puppets of the US, just as the PDPA government of Afghanistan had been a puppet of the Soviet Union. (2)

He called for the overthrow of these client regimes and declared it the duty of all Muslims to drive the US out of the Gulf states. In 1994, he was stripped of his Saudi citizenship and forced to leave the country. His assets there were frozen. (2)

After a period in Sudan, he returned to Afghanistan in May 1996. He refurbished the camps he

had helped build during the Afghan war and offered the facilities and services - and thousands of his mercenaries - to the Taliban, which took power that September. (2)

Today, bin Laden's private army of non-Afghan religious fanatics is a key prop of the Taliban regime. (2)

Prior to the devastating September 11 attack on the twin towers of World Trade Center, US ruling-class figures remained unrepentant about the consequences of their dirty deals with the likes of bin Laden, Hekmatyar and the Taliban. Since the awful attack, they have been downright hypocritical. (2)

In an August 28, 1998, report posted on MSNBC, Michael Moran quotes Senator Orrin Hatch, who was a senior member of the Senate Intelligence Committee which approved US dealings with the mujaheddin, as saying he would make "the same call again," even knowing what bin Laden would become. (2)

"It was worth it. Those were very important, pivotal matters that played an important role in the downfall of the Soviet Union." (2)

Hatch today is one of the most gung-ho voices demanding military retaliation. (2)

Another face that has appeared repeatedly on television screens since the attack has been Vincent Cannistrano, described as a former CIA chief of "counter-terrorism operations." (2)

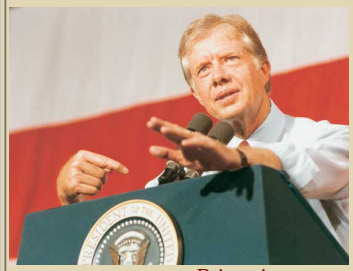
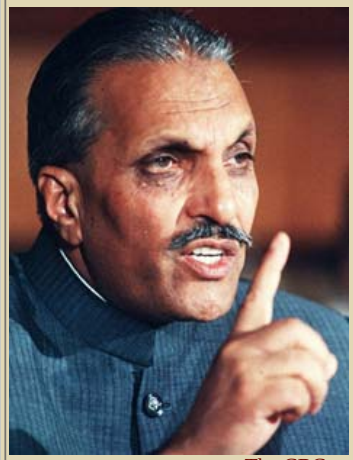
Cannistrano is certainly an expert on terrorists like bin Laden, because he directed their "work." He was in charge of the CIA-backed Nicaraguan contras during the early 1980s. In 1984, he became the supervisor of covert aid to the Afghan mujaheddin for the US National Security Council. (2)

The last word goes to Zbigniew Brzezinski: "What was more important in the world view of history? The Taliban or the fall of the Soviet Empire? A few stirred up Muslims or the liberation of Central Europe and the end of the Cold War?" (2)

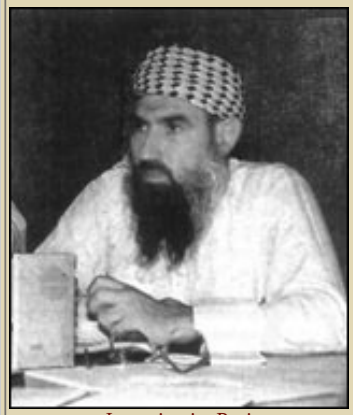
Additional Readings:

Peter Bergen, "*Bin Laden, CIA Links Hogwash*"

Human Actors

Jimmy Carter  Britannica.com	U.S. president at the time the Soviets invaded Afghanistan. According to National Security Advisor Zbigniew Brzezinski, on July 3, 1979, President Carter signed the first directive for secret aid to the opponents of the pro-Soviet regime in Kabul. (5)
Ronald Reagan  Britannica.com	U.S. president for much of the Afghan-Soviet war. Dramatically increased aid that had started under the Carter Administration.
General Mohammed Zia-Ul-Haq  The CBC	Military leader of Pakistan during the Afghan-Soviet war.

Abdullah Azzam



InvestigativeProject.org

The following biographical information was found at GlobalSecurity.org:

> Abdullah Azzam, with his deputy Osama bin Laden, founded Maktab al-Khidamat in 1984 to recruit and assist Arabs fighting the Soviet invasion of Afghanistan. Once the anti-Soviet forces' victory was assured, Azzam and bin Laden decided they wanted to keep the jihad alive, and export it globally.
>
> Azzam was a disciple of the Egypitan Islamist Sayyid Qutb.
>
> In a journal article published in 1987, Azzam defined "al-Qa'ida al-Sulbah," or "the solid base," as the vanguard of global jihad.
>
> Killed with Azzam in 1989 were his two sons. It is uncertain who killed him.

Osama bin Laden



AP Photo

The following biographical information was found at GlobalSecurity.org:

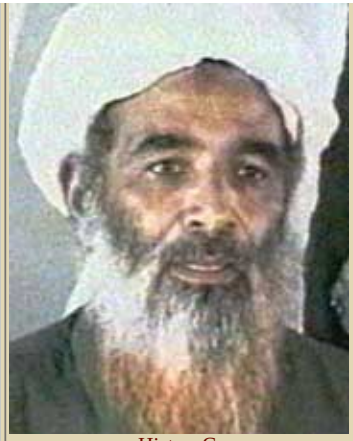
> Osama bin Laden is the 17th of 57 children of Yemeni-Saudi Muhammed bin Laden, a construction magnate who rose from poverty to become one of the wealthiest non-royals in Saudi Arabia before his death in 1968. While most of his family eschewed politics, bin Laden became very religious and interested in the fate of Muslims throughout the Islamic world. (9)
>
> His influences include Sayyid Qutb, an anti-Western Egyptian writer who was executed by the Egyptian government in 1996; Abdullah Azzam, the ideological founder of al-Qaeda; and Ayman al-Zawahiri, his chief deputy after the Sept. 11 attacks. (9)
>
> In 1980, he left his lavish upbringing behind and opted for a life of warfare, first in Afghanistan, against the army of the Soviet Union.
> He is thought to have taken part in at least one battle, but his primary role was in directing money, including some of his family fortune, and logistical support to the anti-Soviet fighters, both Afghan and Arab. (9)
>
> There is a frequent claim that the CIA directly funded bin Laden. Top CIA officers involved in the effort say, no, their support went directly to the Afghans, or to the Pakistanis. (The Pakistanis, in turn, supported bin Laden and the other foreign fighters in Afghanistan.) In 1984 he and Azzam founded Maktab al-Khidamat, or the "Services Office," which funneled money and volunteers to the mujahideen. This organization can be thought of as the pre-cursor to al-Qaeda. (9)

Muhammed Atef

According to a 1998 U.S. government indictment of Osama bin Laden, Atef was a co-founder of the Services Office. (10)

The following biographical information was found at GlobalSecurity.org:

> Atef served as al-Qaeda's miltitary chief until he was tracked and killed by American forces shortly after Sept. 11. Atef and Ayman al-Zawahiri served as Osama bin Laden's two closest advisers until his death. He is considered one of the founders of al-Qaeda. He sat on the maljis al shura, or consultation council, of the organization. (7)
>
> The former Egyptian policeman joined Egyptian Islamic Jihad and became a leader in the organization, ultimately supporting the group's merger with al-Qaeda in 1998. (7)



HistoryCommons.org

Abu Ubaidah al Banshiri	According to a 1998 U.S. government indictment of Osama bin Laden, al Banshiri was a co-founder of the Services Office. (10) The following biographical information was found at GlobalSecurity.org: Founder of Al-Qaeda. Al-Qaeda's second-in-command between 1991 and his death in a ferry accident in 1996. He helped train Somali tribesmen who fought against U.S. forces in Mogadishu in 1993. He served in the Egyptian police. (8)

Documents, Documentaries and Interviews

History Channel documentary on the Afghan-Soviet War and how it led to the Taliban and the September 11 attacks - Declassified: The Taliban

Steve Coll discussion on U.S. involvement in Afghanistan from the Soviet invastion to September 10, 2001 - Ghost Wars: The Secret History of the CIA in Afghanistan

University of California discussion on Afghanistan and the rise of Al Qaeda - Conversations with History: Steve Coll

CNN documentary on the Afghan-Soviet War and U.S. intervention in Afghanistan - Soldiers of God: Cold War

Link to U.S. government documents assessing the Soviet effort in Afghanistan - The National Security Archive

Link to Soviet documents concerning the effort in Afghanistan - The National Security Archive

Article on the on-going threat of the Stingers in Afghanistan - What About the Taliban's Stingers?

Mary Anne Weaver article published in the Atlantic attributing bin Laden's rise to power to the anti-Soviet jihad - Blowback

Sources:

1. The United States Department of State, "*Did the U.S. "Create" Osama bin Laden?: Allegations that the U.S. provided funding for bin Laden proved inaccurate*," State.gov. November 30, 2008, <http://usinfo.state.gov/media/Archive/2005/Jan/24-318760.html>.

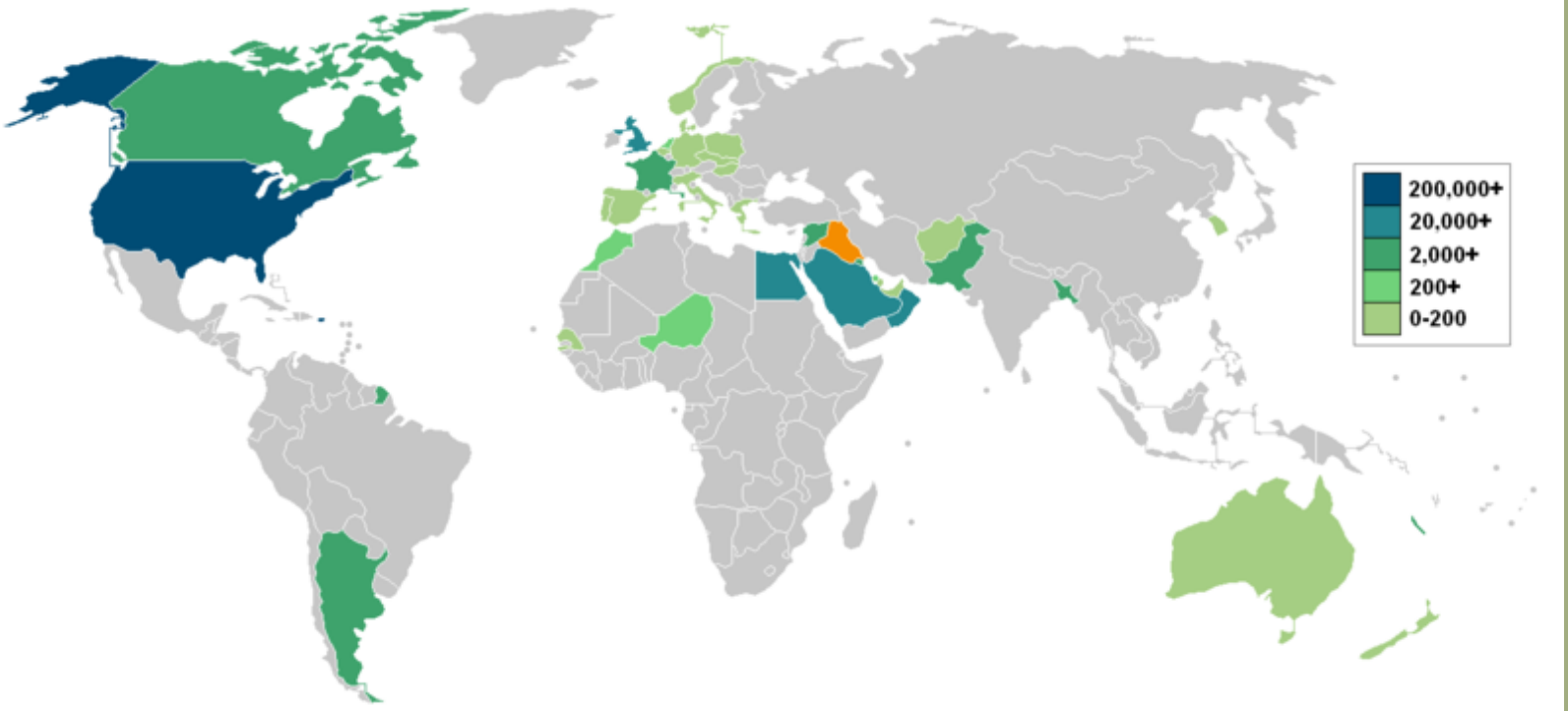
2. Norm Dixon, "*How the CIA Created Osama bin Laden*," GreenLeft.org, September 19, 2001. November 30, 2008, <http://www.greenleft.

org.au/2001/465/25199>.
3. Steve Galster, "*Afghanistan: The Making of U.S. Policy, 1973-1990*," October 9, 2001. November 30, 2008, <http://www.gwu.edu/%7Ensarchiv/NSAEBB/NSAEBB57/essay.html>.
4. Gilles Kepel, "*Jihad: The Trail of Political Islam*," The Belknap Press of Harvard University Press, Cambridge, Massachusetts, 2002, page 8.
5. "*Interview with Zbigniew Brzezinski, President Jimmy Carter's National Security Adviser*," Le Nouvel Observateur, January 15-21, 1998. November 30, 2008, <http://www.globalresearch.ca/articles/BRZ110A.html>.
6. Sehrish Shaban, "*The Soviet Occupation of Afghanistan*," PBS News Hour, October 9, 2006. November 30, 2008, <http://www.pbs.org/newshour/indepth_coverage/asia/afghanistan/soviet.html>.
7. "*Mohammed Atef*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/mohammed_atef.htm>.
8. "*Abu Ubaidah al-Banshiri*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/abu_ubaidah_al-banshiri.htm>.
9. "*Osama bin Laden*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/osama_bin_laden.htm>.
10. The United States of America vs. Usama bin Laden, et al, November 6, 1998. December 8, 2008, <http://www.fas.org/irp/news/1998/11/indict2.pdf>.
11. "*Abdullah Azzam*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/abdullah_azzam.htm>.

The First Gulf War

1990-1991

A Map of Coalition Forces During the First Gulf War



Wikipedia

Summary of Events

Saudi Arabia and the United States were close allies during the crisis and war that followed the surprise Iraqi invasion of Kuwait on August 2, 1990. As Iraqi combat forces moved toward the Saudi border, King Fahd authorized the deployment of U.S. forces to aid in his border defense. The Kingdom hosted over 600,000 allied forces, and its treasury reached record deficit levels in 1990 and 1991. The U.S. spent $60 billion on the Gulf War, with the Saudis and Kuwaitis footing half the bill. As a result, the Saudi government was forced to borrow from commercial banks and export credit agencies for the first time. (1)

Saudi Arabia is home to some of Islam's holiest sites and the deployment of US forces there was seen as a historic betrayal by many Islamists, notably Osama Bin Laden. It is one of the main reasons given by the Saudi-born dissident - blamed by Washington for the 11 September attacks - to justify violence against the United States and its allies. (3)

This is another example of the role of unintended consequences of history. While the U.S. believed it was doing a good thing in protecting Saudi Arabia from further Iraqi advancement, and while most Saudis were resigned to the presence of American troops in their country (4), a certain segment of the population was highly offended at the presence "infidel" fighters', whom they depicted as Crusaders, in the land of the two holiest sites in Islam.

Human Actors

George H.W. Bush



about.com

U.S. President who built the coalition to protect Saudi Arabia from further Iraqi aggression.

Richard Cheney



ABCNews.com

U.S. Secretary of Defense during the war.

The following is an excerpt from Lawrence Wright's *"The Looming Tower: Al-Qaeda and the Road to 9/11"*:

> The Americans had already made a decision, however. If, after snacking on Kuwait, Saddam gobbled up the Eastern Province of Saudi Arabia, he would then control the bulk of the world's available oil supply. That was an intolerable threat to the security of the United States, not just the Kingdom. U.S. Secretary of Defense Dick Cheney flew to Jeddah with a team of advisers, including General Norman Schwarzkopf, to persuade the king to accept American troops to defend Saudi Arabia. Schwarzkopf showed satellite images of three armored Iraqi divisions inside Kuwait, followed by ground troops-far more manpower, he contended, than the number needed to occupy such a small country. The Saudis had intelligence that several Iraqi reconnaissance teams had already crossed the Saudi border. (5)
>
> Crown Prince Abdullah advised against letting the Americans enter the country for fear they would never depart. In the name of the president of the United States, Cheney pledged that the troops would leave as soon as the threat was over, or whenever the king said they should go. That promise decided the matter. (5)
>
> "Come with all you can bring," the king implored. "Come as fast as you can." (5)

Norman Schwarzkopf



Wikimedia

U.S. Army General and adviser to Secretary of Defense Cheney.

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King Fahd



GlobalSecurity.org

Saudi king who chose to allow U.S. troops into Saudi Arabia to protect the Kingdom from Iraqi aggression. The Saudi royal family, of which Fahd was the leader, turned down an earlier offer by bin Laden to protect the Kingdom using his fighters from Afghanistan.

After Secretary of Defense Cheney pledged that the troops would leave as soon as the threat was over, or whenever the king said they should go, the king told him, "Come with all you can bring. Come as fast as you can." (5)

Crown Prince Abdullah



The BBC

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Prince Sultan



The BBC

Saudi minister of defense.

The following is an excerpt from Lawrence Wright's *"The Looming Tower: Al-Qaeda and the Road to 9/11*":

> In early September, weeks after American forces began arriving, bin Laden spoke to Prince Sultan, the minister of defense, in the company of several Afghan mujahideen commanders and Saudi veterans of that conflict. it was a bizarre and grandiose replication of General Schwarzkopf's briefing. Bin Laden brought his own maps of the region and presented a detailed plan of attack, with diagrams and charts, indicating trenches and sand traps along the border to be constructed with the Saudi Binladin Group's extensive inventory of earth-moving equipment. Added to this, he would create a mujahideen army made up of his colleagues from the Afghan jihad and unemployed Saudi youth. "I am ready to prepare one hundred thousand fighters with good combat capability within three months," bin Laden promised Prince Sultan. "You don't need Americans. You don't need any other non-Muslim troops. We will be enough." (6)
>
> "There are no caves in Kuwait," the prince observed. "What will you do when he lobs missiles at you with chemical and biological weapons?" (6)
>
> "We will fight him with faith," bin Laden responded. (6)

Prince Turki



Getty Images

The following is an excerpt from Lawrence Wright's *"The Looming Tower: Al-Qaeda and the Road to 9/11*":

> Bin Laden also made his presentation to Prince Turki. He was one of the few princes who had agreed with bin Laden's assessment of Saddam as a threat to the Kingdom; in fact, over the years, Turki had made several proposals to the CIA about removing Saddam through covert means, but each time he was spurned. When the invasion of Kuwait occurred, Turki had been in Washington, D.C., on vacation. He was in a theater watching *Die Hard 2* when he was summoned to the White House. He spent the rest of the night at the Central Intelligence Agency, helping to coordinate the campaign to repel the Iraqis from Kuwait. In his opinion, if Saddam were allowed to stay in Kuwait, he would enter the Kingdom at the slightest provocation. (7)
>
> So when bin Laden approached him with his plan, Turki was taken aback by the naivete of the young Afghan veteran. There were only fifty-eight thousand men in the entire Saudi army. Iraq, on the other hand, had a standing army of nearly a million men - the fourth-largest army in the world - not counting its reserves and paramilitary forces. Saddam's armored corps counted 5,700 tanks, and his Republican Guards included the most fearsome and well-trained divisions in the Middle East. That did not impress bin Laden. "We pushed the Soviets out of Afghanistan," he said. (7)
>
> The prince laughed in disbelief. For the first time, he was alarmed by the "radical changes" he saw in bin Laden's personality. He had gone from being "a calm, peaceful and gentle man" whose only goal was to help Muslims, to being "a person who believed that he would be able to amass and command an army to liberate Kuwait. It revealed his arrogance and his haughtiness." (7)

Osama bin Laden



AP Photo

The following is an excerpt from Lawrence Wright's *"The Looming Tower: Al-Qaeda and the Road to 9/11*":

> With the Iraqi army poised on the Saudi border, bin Laden wrote a letter to the king beseeching him not to call upon the Americans for protection; he followed this with a frenzied round of lobbying the senior princes... (5)
>
> In early September, weeks after American forces began arriving, bin Laden spoke to Prince Sultan, the minister of defense, in the company of several Afghan mujahideen commanders and Saudi veterans of that conflict. it was a bizarre and grandiose replication of General Schwarzkopf's briefing. Bin Laden brought his own maps of the region and presented a detailed plan of attack, with diagrams and charts, indicating trenches and sand traps along the border to be constructed with the Saudi Binladin Group's extensive inventory of earth-moving equipment. Added to this, he would create a mujahideen army made up of his colleagues from the Afghan jihad and unemployed Saudi youth. "I am ready to prepare one hundred thousand fighters with good combat capability within three months," bin Laden promised Prince Sultan. "You don't need Americans. You don't need any other non-Muslim troops. We will be enough." (6)
>
> "There are no caves in Kuwait," the prince observed. "What will you do when he lobs missiles at you with chemical and biological weapons?" (6)
>
> "We will fight him with faith," bin Laden responded. (6)
>
> Bin Laden also made his presentation to Prince Turki. He was one of the few princes who had agreed with bin Laden's assessment of Saddam as a threat to the Kingdom; in fact, over the years, Turki had made several proposals to the CIA about removing Saddam through covert means, but each time he was spurned. When the invasion of Kuwait occurred, Turki had been in Washington, D.C., on vacation. He was in a theater watching *Die Hard 2* when he was summoned to the White House. He spent the rest of the night at the Central Intelligence Agency, helping to coordinate the campaign to repel the Iraqis from Kuwait. In his opinion, if Saddam were allowed to stay in Kuwait, he would enter the Kingdom at the slightest provocation. (7)

So when bin Laden approached him with his plan, Turki was taken aback by the naivete of the young Afghan veteran. There were only fifty-eight thousand men in the entire Saudi army. Iraq, on the other hand, had a standing army of nearly a million men - the fourth-largest army in the world - not counting its reserves and paramilitary forces. Saddam's armored corps counted 5,700 tanks, and his Republican Guards included the most fearsome and well-trained divisions in the Middle East. That did not impress bin Laden. "We pushed the Soviets out of Afghanistan," he said. (7)

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In late 1990, sought to persuade the Saudi royal family to let him lead a jihad against Saddam Hussein's Iraq, to expel Iraqi forces from Kuwait. Instead the royal family had invited the American military to wage the war and had banished bin Laden from the kingdom for protesting. The humiliation bin Laden felt at the rejection of the royal family led him to issue a fatwa in 1998 in which he declared, the United States "has been occupying the most sacred lands of Islam: that Arabian Peninsula. It has been stealing its resources, dictating to its leaders, humiliating its people, and frightening its neighbors. It is using its rule in the Peninsula as a weapon to fight the neighboring peoples of Islam." The Americans had declared war "on Allah, His Prophet, and Muslims." In reply, the signatories of the manifest "hereby give all Muslims the following judgment: The judgment to kill and fight Americans and their allies, whether civilians or military, is an obligation for every Muslim who is able to do so in any country." (2)

Non-Human Actors

The Holy Mosque at Mecca



The BBC

The Prophet's Mosque at Medina



Princeton.edu

The two holiest sites in Islam, both of which are located in western Saudi Arabia. The deployment of US forces to the Kingdom, home of these two holy sites, was seen as a historic betrayal by many Islamists, notably Osama Bin Laden. It is one of the main reasons given by the Saudi-born dissident - blamed by Washington for the 11 September attacks - to justify violence against the United States and its allies. (3)

The Saudi Oil Fields



EIA.DOE.gov

One of the primary reasons the U.S. decided it had to protect Saudi Arabia from Saddam Hussein. If, after snacking on Kuwait, Saddam gobbled up the Eastern Province of Saudi Arabia, he would then control the bulk of the world's available oil supply. That was an intolerable threat to the security of the United States, not just the Kingdom. (5)

Additional Readings

1991 State Department terrorist assessment indicating concern that the presence of U.S. troops in Saudi Arabia would spark terrorist incidents throughout the region - Patterns of Global Terrorism: 1991, Middle East Overview

Sources:

1. "Saudi Arabia: A Chronology of the Country's History and Key Events in U.S. - Saudi Relationship," PBS.org. October 29, 2008, <http://www.pbs.org/wgbh/pages/frontline/shows/saudi/etc/cron.html>.
2. Coll, Steve, "***Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001***," Penguin Books, New York, 2004, pages 380-381.
3. "US pulls out of Saudi Arabia," BBC.co.uk, April 29, 2003. December 9, 2008, <http://news.bbc.co.uk/2/hi/middle_east/2984547.stm>.
4. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 182.
5. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 178.
6. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 178-179.
7. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 179-180.

World Trade Center Truck Bombing

February 26, 1993





Wikipedia

Summary of Events

On the morning of Feb. 26, 1993, Eyad Ismoil drove a rented Ryder Ford F350 Econoline truck packed with 1,500 pounds of fertilizer-based explosives into level B-2 of the underground garage beneath the World Trade Center. Ismoil departed, leaving a timing device set to detonate the explosives a while later. At 12:18 p.m., the bomb exploded, killing six, creating a crater 150 feet in diameter that blew a hole five floors deep in the parking garage. The towers, however, did not fall. Yousef, the mastermind of the plot, later said he had hoped to kill tens of thousands. The explosives were manufactured at a Jersey City apartment, using chemicals ordered from a supply company. They were placed in the truck at a rented storage shed alongside three tanks of compressed hydrogen gas, purchased to enhance the destructive power of the explosives. The plotters, including Yousef and Yasin, built the bombs using manuals brought from Pakistan. (4)

The February 1993 bombing of the World Trade Center in New York City marked the beginning of an ugly new phase of terrorism involving the indiscriminate killing of civilians...The World Trade Center bombing was motivated by the desire to kill as many people as possible. The target of the bomb plot was the World Trade Center complex, a sixteen-acre site in lower Manhattan... Although the explosion killed six people and injured more than 1,000, the consequences could have been far worse. (12)

In 1995, investigative journalist Steven Emerson noted that federal investigators had identified links between the WTC bombers and at least five Islamic organizations: the Gama al-Islamiya, Islamic Jihad, Hamas, the Sudanese National Islamic Front, and al-Fuqrah. He observed that these groups work together more closely in diaspora communities outside the Middle East “because they feel they are surrounded by a common enemy: Westerners and their values.”...(12)

Several historical forces created a fertile climate for a loose collection of individuals to act out their anti-American feelings, even though they were not a part of a formal terrorist organization. The decade-long struggle in Afghanistan against the Soviet Union created a generation of rebel warriors who were fervently anti-Israel and anti-American. Both Ramzi Yousef and Eyad Ismoil, who drove Yousef in the rental van to the WTC garage, claimed to have had relatives killed during the Persian Gulf War or at the hands of the Israelis. Moreover, the political mood throughout the Middle East immediately after the Gulf War, particularly in the Palestinian community, was strongly anti-American...(12)

Human Actors

Ramzi Yousef



AP

Mastermind of the 1993 World Trade Center bombing. The nephew of Khaled Sheikh Mohammed, Yousef was born in Kuwait in 1968; studied electrical engineering in Wales. Created elaborate plots to assassinate Pope John Paul II and President Bill Clinton and to blow up eleven American airliners simultaneously. Finally captured in Pakistan in 1995, he is in an American prison serving a life sentence plus 240 years. (10)

The following additional biographical information was found at GlobalSecurity.org:

> U.S. officials say there is no strong evidence he was working for al-Qaeda at the time of the 1993 World Trade Center bombing. However, his ties to the organization grew, and by the 1995 Bojinka plot, he was affiliated with bin Laden's organization. Said he wanted to kill 250,000 people in the first World Trade Center bombing. (1)

Khalid Shaikh Mohammed



AP

The architect of the 9/11 attacks, Mohammed is uncle of Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing. After growing up in Kuwait, Mohammed earned a bachelor's degree in mechanical engineering at North Carolina A&T in 1986. He then went to Peshawar, where he became a secretary of Abdul Rasul Sayyaf, the Afghan warlord favored by the Saudis. Met bin Laden in 1996, where he presented a portfolio of plans for attacking the United States. Captured in Pakistan in 2003, he is now being held by American authorities at Guantanamo Bay. (11)

The following additional biographical information was found at GlobalSecurity.org:

> Khalid Shaikh Mohammed is al-Qaeda's most successful terrorist operator, having planned and executed the Sept. 11 attacks in the United States. Raised in Kuwait to a family from the Baluchi region of Pakistan, Mohammed was cousin or uncle to Ramzi Yousef. He said his willingness to attack the United States is a result of U.S. support of Israel. He graduated from North Carolina A&T University with a degree in mechanical engineering in 1986, and afterwards went to Afghanistan to fight the Soviets there. He wired $660 to one of Yousef's co-conspirators in 1992 in support of the first World Trade Center bombing. (2)

Mohammad Salameh



HistoryCommons.org

The following biographical information was found at GlobalSecurity.org:

> First World Trade Center bombing cell Operative. Palestinian. Salameh is generally derided as the bumbler who led authorities to the members of the cell that bombed the World Trade Center in 1993. He rented the Ryder truck used in the bombing and helped prepare the explosives it carried. He reported the truck stolen to police the day before the bombing, and in the weeks after, he repeatedly called the rental agency to get the $400 deposit back. He was invited to the agency on March 4, 1993, and the FBI arrested him there. Salameh comes from a family of Palestinians opposed to British, and later, Israeli rule. His maternal uncle served in a terrorist unit of the Palestianian Liberation organization. He entered the United States on a six-month tourist visa in 1988 and stayed illegally for the next several years. (5)

Nidal Ayyad

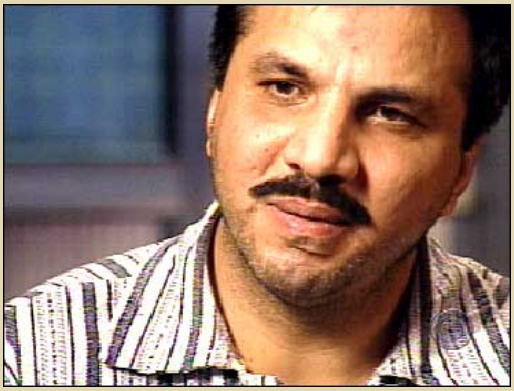


FBI.gov

The following biographical information was found at GlobalSecurity.org:

> First World Trade Center bombing cell operative. On Feb. 25, 1993, he ordered three tanks of compressed hydrogen gas that were used in the World Trade Center truck bombing a day later. (6)

Abdul Rahman Yasin



CBS News

The following biographical information was found at GlobalSecurity.org:

> First World Trade Center bombing cell Operative. Abdul Rahman Yasin is wanted for his alleged role in the 1993 World Trade Center bombing. According to prosecutors, he helped prepare the explosives used in the attack. He was born in Indiana, moved to Iraq as a child and returned to the United States in 1992. The U.S. State Department is offering a reward of up to $5 million for information leading to his capture. (7)

Mahmud Abouhalima



DebbieSchlussel.com

The following biographical information was found at GlobalSecurity.org:

> First World Trade Center bombing cell member. Abouhalima drove the getaway car after Eyad Ismoil left behind the bomb truck at the World Trade Center. Abouhalima grew up religious and became radicalized against the Egyptian government around the time he was in college at Alexandria University. He left Egypt in 1981, reportedly fought in Afghanistan and came to the United States a decade later, where he worked as a cab driver in Brooklyn. Witnesses saw him load the Ryder truck used in the 1993 World Trade Center bombing. (8)

Ahmad Mohammed Ajaj

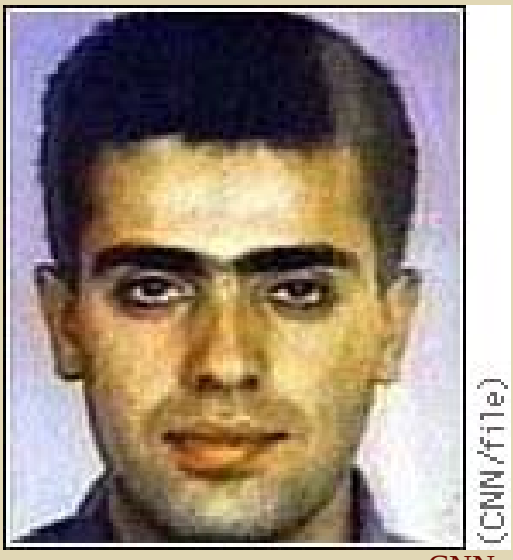


HistoryCommons.org

The following biographical information was found at GlobalSecurity.org:

> First World Trade Center bombing cell Operative. (9)

Eyad Ismoil



CNN

The following biographical information was found at GlobalSecurity.org:

> First World Trade Center bombing cell driver. Jordanian national, possibly of Palestianian descent. Attended engineering school at Wichita State University. Claimed at trial he was an unknowing dupe when he drove the bomb-laden truck to the World Trade Center. (3)

Non-Human Actors

The World Trade Center



Britannica.com

The terrorists apparently selected the World Trade Center as a target not because it was a symbol of Western values or the financial power of the United States, but simply because toppling the twin towers would enable them to inflict a large number of casualties... Thus, while the symbolism of the World Trade Center cannot be ignored, it does not fully explain its selection over other buildings or places occupied by large numbers of people. Physical attributes and location appear to have been more important. The imposing profile of the twin towers on the New York skyline lay in clear view from New Jersey, where the bombers assembled their weapon. Mahmud Abouhalima [one of the perpetrators] also picked up many of the fares for his car service right across the street from the WTC... (12)

Sources:

1. "*Ramzi Yousef*," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/profiles/ramzi_yousef.htm>.
2. "*Khalid Sheikh Mohammed*," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/profiles/khalid_shaikh_mohammed.htm>.
3. "*Eyad Ismoil*," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/profiles/eyad_ismoil.htm>.
4. "*World Trade Center Truck Bombing*," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/profiles/world_trade_center_truck_bombing.htm>.
5. "*Mohammad Salameh*," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/profiles/mohammad_salameh.htm>.
6. "*Nidal Ayyad*," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/profiles/nidal_ayyad.htm>.
7. "*Abdul Rahman Yasin*," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/profiles/abdul_rahman_yasin.htm>.
8. "*Mahmud Abouhalima*," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/profiles/mahmud_abouhalima.htm>.
9. "Ahmad Mohammed Ajaj," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/profiles/ahmad_mohammed_ajaj.htm>.
10. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page

432.
11. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 429.
12. John V. Parachini, "*The World Trade Center Bombers (1993)*" Chapter 11 in Jonathan B. Tucker, (ed.) Toxic Terror: Assessing Terrorist Use of Chemical and Biological Weapons. MIT Press, Cambridge, MA. (2000), pp.185-206. Accessed December 9, 2008, <http://www.cns.miis.edu/pubs/reports/wtc93.htm>.

Bin Laden's Declaration of War

August 1996

Summary of Events

In August 1996, Osama bin Laden declared war on America from a cave in Afghanistan. The states cause was the continued presence of U.S. forces in Saudi Arabia five years after the first Gulf War. (1)

Full Text of the Fatwa

Declaration of War against the Americans Occupying the Land of the Two Holy Places

Praise be to Allah, we seek His help and ask for his pardon. we take refuge in Allah from our wrongs and bad deeds. Who ever been guided by Allah will not be misled, and who ever has been misled, he will never be guided. I bear witness that there is no God except Allah-no associates with Him- and I bear witness that Muhammad is His slave and messenger.

{O you who believe! be careful of -your duty to- Allah with the proper care which is due to Him, and do not die unless you are Muslim} (Imraan; 3:102), {O people be careful of -your duty to- your Lord, Who created you from a single being and created its mate of the same -kind- and spread from these two, many men and women; and be careful of -your duty to- Allah , by whom you demand one of another -your rights-, and (be careful) to the ties of kinship; surely Allah ever watches over you} (An-Nisa; 4:1), {O you who believe! be careful- of your duty- to Allah and speak the right word; He will put your deeds into a right state for you, and forgive you your faults; and who ever obeys Allah and his Apostle, he indeed achieve a mighty success} (Al-Ahzab; 33:70-71).

Praise be to Allah, reporting the saying of the prophet Shu'aib: {I desire nothing but reform so far as I am able, and with non but Allah is the direction of my affair to the right and successful path; on him do I rely and to him do I turn} (Hud; 11:88).

Praise be to Allah, saying: {You are the best of the nations raised up for -the benefit of- men; you enjoin what is right and forbid the wrong and believe in Allah} (Aal-Imraan; 3:110). Allah's blessing

and salutations on His slave and messenger who said: (The people are close to an all encompassing punishment from Allah if they see the oppressor and fail to restrain him.)

It should not be hidden from you that the people of Islam had suffered from aggression, iniquity and injustice imposed on them by the Zionist-Crusaders alliance and their collaborators; to the extent that the Muslims blood became the cheapest and their wealth as loot in the hands of the enemies. Their blood was spilled in Palestine and Iraq. The horrifying pictures of the massacre of Qana, in Lebanon are still fresh in our memory. Massacres in Tajakestan, Burma, Cashmere, Assam, Philippine, Fatani, Ogadin, Somalia, Erithria, Chechnia and in Bosnia-Herzegovina took place, massacres that send shivers in the body and shake the conscience. All of this and the world watch and hear, and not only didn't respond to these atrocities, but also with a clear conspiracy between the USA and its' allies and under the cover of the iniquitous United Nations, the dispossessed people were even prevented from obtaining arms to defend themselves.

The people of Islam awakened and realised that they are the main target for the aggression of the Zionist-Crusaders alliance. All false claims and propaganda about "Human Rights" were hammered down and exposed by the massacres that took place against the Muslims in every part of the world.

The latest and the greatest of these aggressions, incurred by the Muslims since the death of the Prophet (ALLAH'S BLESSING AND SALUTATIONS ON HIM) is the occupation of the land of the two Holy Places -the foundation of the house of Islam, the place of the revelation, the source of the message and the place of the noble Ka'ba, the Qiblah of all Muslims- by the armies of the American Crusaders and their allies. (We bemoan this and can only say: "No power and power acquiring except through Allah").

Under the present circumstances, and under the banner of the blessed awakening which is sweeping the world in general and the Islamic world in particular, I meet with you today. And after a long absence, imposed on the scholars (Ulama) and callers (Da'ees) of Islam by the iniquitous crusaders movement under the leadership of the USA; who fears that they, the scholars and callers of Islam, will instigate the Ummah of Islam against its' enemies as their ancestor scholars-may Allah be pleased with them- like Ibn Taymiyyah and Al'iz Ibn Abdes-Salaam did. And therefore the Zionist-Crusader alliance resorted to killing and arresting the truthful Ulama and the working Da'ees (We are not praising or sanctifying them; Allah sanctify whom He pleased). They killed the Mujahid Sheikh Abdullah Azzaam, and they arrested the Mujahid Sheikh Ahmad Yaseen and the Mujahid Sheikh Omar Abdur Rahman (in America).

By orders from the USA they also arrested a large number of scholars, Da'ees and young people - in the land of the two Holy Places- among them the prominent Sheikh Salman Al-Oud'a and Sheikh Safar Al-Hawali and their brothers; (We bemoan this and can only say: "No power and power acquiring except through Allah"). We, myself and my group, have suffered some of this injustice ourselves; we have been prevented from addressing the Muslims. We have been pursued in Pakistan, Sudan and Afghanistan, hence this long absence on my part. But by the Grace of Allah, a safe base is now available in the high Hindukush mountains in Khurasan ; where--by the Grace of Allah-the largest infidel military force of the world was destroyed. And the myth of the super power was

withered in front of the Mujahideen cries of Allahu Akbar (God is greater). Today we work from the same mountains to lift the iniquity that had been imposed on the Ummah by the Zionist-Crusader alliance, particularly after they have occupied the blessed land around Jerusalem, route of the journey of the Prophet (ALLAH'S BLESSING AND SALUTATIONS ON HIM) and the land of the two Holy Places. We ask Allah to bestow us with victory, He is our Patron and He is the Most Capable.

From here, today we begin the work, talking and discussing the ways of correcting what had happened to the Islamic world in general, and the Land of the two Holy Places in particular. We wish to study the means that we could follow to return the situation to its' normal path. And to return to the people their own rights, particularly after the large damages and the great aggression on the life and the religion of the people. An injustice that had affected every section and group of the people; the civilians, military and security men, government officials and merchants, the young and the old people as well as schools and university students. Hundred of thousands of the unemployed graduates, who became the widest section of the society, were also affected.

Injustice had affected the people of the industry and agriculture. It affected the people of the rural and urban areas. And almost every body complain about something. The situation at the land of the two Holy places became like a huge volcano at the verge of eruption that would destroy the Kufr and the corruption and its' sources. The explosion at Riyadh and Al-Khobar is a warning of this volcanic eruption emerging as a result of the sever oppression, suffering, excessive iniquity, humiliation and poverty.

People are fully concerned about their every day livings; every body talks about the deterioration of the economy, inflation, ever increasing debts and jails full of prisoners. Government employees with limited income talk about debts of ten thousands and hundred thousands of Saudi Riyals . They complain that the value of the Riyal is greatly and continuously deteriorating among most of the main currencies. Great merchants and contractors speak about hundreds and thousands of million Riyals owed to them by the government. More than three hundred forty billions of Riyal owed by the government to the people in addition to the daily accumulated interest, let alone the foreign debt. People wonder whether we are the largest oil exporting country?! They even believe that this situation is a curse put on them by Allah for not objecting to the oppressive and illegitimate behaviour and measures of the ruling regime: Ignoring the divine Shari'ah law; depriving people of their legitimate rights; allowing the American to occupy the land of the two Holy Places; imprisonment, unjustly, of the sincere scholars. The honourable Ulamah and scholars as well as merchants, economists and eminent people of the country were all alerted by this disastrous situation.

Quick efforts were made by each group to contain and to correct the situation. All agreed that the country is heading toward a great catastrophe, the depth of which is not known except by Allah. One big merchant commented : " the king is leading the state into 'sixty-six' folded disaster", (We bemoan this and can only say: "No power and power acquiring except through Allah"). Numerous princes share with the people their feelings, privately expressing their concerns and objecting to the corruption, repression and the intimidation taking place in the country. But the competition between influential princes for personal gains and interest had destroyed the country. Through its course of actions the regime has torn off its legitimacy:

(1) Suspension of the Islamic Shari'ah law and exchanging it with man made civil law. The regime entered into a bloody confrontation with the truthful Ulamah and the righteous youths (we sanctify nobody; Allah sanctify Whom He pleaseth).

(2) The inability of the regime to protect the country, and allowing the enemy of the Ummah - the American crusader forces- to occupy the land for the longest of years. The crusader forces became the main cause of our disastrous condition, particularly in the economical aspect of it due to the unjustified heavy spending on these forces. As a result of the policy imposed on the country, especially in the field of oil industry where production is restricted or expanded and prices are fixed to suit the American economy ignoring the economy of the country. Expensive deals were imposed on the country to purchase arms. People asking what is the justification for the very existence of the regime then?

Quick efforts were made by individuals and by different groups of the society to contain the situation and to prevent the danger. They advised the government both privately and openly; they send letters and poems, reports after reports, reminders after reminders, they explored every avenue and enlist every influential man in their movement of reform and correction. They wrote with style of passion, diplomacy and wisdom asking for corrective measures and repentance from the "great wrong doings and corruption " that had engulfed even the basic principles of the religion and the legitimate rights of the people.

But -to our deepest regret- the regime refused to listen to the people accusing them of being ridiculous and imbecile. The matter got worse as previous wrong doings were followed by mischief's of greater magnitudes. All of this taking place in the land of the two Holy Places! It is no longer possible to be quiet. It is not acceptable to give a blind eye to this matter.

As the extent of these infringements reached the highest of levels and turned into demolishing forces threatening the very existence of the Islamic principles, a group of scholars-who can take no more-supported by hundreds of retired officials, merchants, prominent and educated people wrote to the King asking for implementation of the corrective measures. In 1411 A.H. (May 1991), at the time of the gulf war, a letter, the famous letter of Shawwaal, with over four hundred signatures was send to the king demanding the lift of oppression and the implementation of corrective actions. The king humiliated those people and choose to ignore the content of their letter; and the very bad situation of the country became even worse.

People, however, tried again and send more letters and petitions. One particular report, the glorious Memorandum Of Advice, was handed over to the king on Muharram, 1413 A.H (July 1992), which tackled the problem pointed out the illness and prescribed the medicine in an original, righteous and scientific style. It described the gaps and the shortcoming in the philosophy of the regime and suggested the required course of action and remedy. The report gave a description of:

(1) The intimidation and harassment suffered by the leaders of the society, the scholars, heads of tribes, merchants, academic teachers and other eminent individuals;

(2) The situation of the law within the country and the arbitrary declaration of what is Halal and Haram (lawful and unlawful) regardless of the Shari'ah as instituted by Allah;

(3) The state of the press and the media which became a tool of truth-hiding and misinformation; the media carried out the plan of the enemy of idolising cult of certain personalities and spreading scandals among the believers to repel the people away from their religion, as Allah, the Exalted said: {surely- as for- those who love that scandal should circulate between the believers, they shall have a grievous chastisement in this world and in the here after} (An-Noor, 24:19).

(4) Abuse and confiscation of human rights;

(5) The financial and the economical situation of the country and the frightening future in the view of the enormous amount of debts and interest owed by the government; this is at the time when the wealth of the Ummah being wasted to satisfy personal desires of certain individuals!! while imposing more custom duties and taxes on the nation. (the prophet said about the woman who committed adultery: "She repented in such a way sufficient to bring forgiveness to a custom collector!!").,

(6) The miserable situation of the social services and infra-structure especially the water service and supply , the basic requirement of life.,

(7) The state of the ill-trained and ill-prepared army and the impotence of its commander in chief despite the incredible amount of money that has been spent on the army. The gulf war clearly exposed the situation.,

(8) Shari'a law was suspended and man made law was used instead.,

(9) And as far as the foreign policy is concerned the report exposed not only how this policy has disregarded the Islamic issues and ignored the Muslims, but also how help and support were provided to the enemy against the Muslims; the cases of Gaza-Ariha and the communist in the south of Yemen are still fresh in the memory, and more can be said.

As stated by the people of knowledge, it is not a secret that to use man made law instead of the Shari'a and to support the infidels against the Muslims is one of the ten "voiders" that would strip a person from his Islamic status (turn a Muslim into a Mushrik, non believer status). The All Mighty said: {and whoever did not judge by what Allah revealed, those are the unbelievers} (Al-Ma'ida; 5:44), and {but no! by your Lord! they do not believe (in reality) until they make you a judge of that which has become a matter of disagreement among them, and then do not find the slightest misgiving in their hearts as to what you have decided and submit with entire submission} (An-Nissa; 4:65).

In spite of the fact that the report was written with soft words and very diplomatic style, reminding of Allah, giving truthful sincere advice, and despite of the importance of advice in Islam - being absolutely essential for those in charge of the people- and the large number who signed this document as well as their supporters, all of that was not an intercession for the Memorandum . Its' content was rejected and those who signed it and their sympathisers were ridiculed, prevented from travel,

punished and even jailed.

Therefore it is very clear that the advocates of correction and reform movement were very keen on using peaceful means in order to protect the unity of the country and to prevent blood shed. Why is it then the regime closed all peaceful routes and pushed the people toward armed actions?!! which is the only choice left for them to implement righteousness and justice. To whose benefit does prince Sultan and prince Nayeff push the country into a civil war that will destroy everything? and why consulting those who ignites internal feuds, playing the people against each other and instigate the policemen, the sons of the nation, to abort the reform movement. While leaving in peace and security such traitors who implement the policy of the enemy in order to bleed the financial and the human resources of the Ummah, and leaving the main enemy in the area-the American Zionist alliance enjoy peace and security?!

The advisor (Zaki Badr, the Egyptian ex-minister of the interior) to prince Nayeff -minister of interior- was not acceptable even to his own country; he was sacked from his position there due to the filthy attitude and the aggression he exercised on his own people, yet he was warmly welcomed by prince Nayeff to assist in sins and aggressions. He unjustly filled the prisons with the best sons of this Ummah and caused miseries to their mothers. Does the regime want to play the civilians against their military personnel and vice versa, like what had happened in some of the neighbouring countries?!! No doubts this is the policy of the American-Israeli alliance as they are the first to benefit from this situation.

But with the grace of Allah, the majority of the nation, both civilians and military individuals are aware of the wicked plan. They refused to be played against each others and to be used by the regime as a tool to carry out the policy of the American-Israeli alliance through their agent in our country: the Saudi regime.

Therefore every one agreed that the situation can not be rectified (the shadow cannot be straighten when its' source, the rod, is not straight either) unless the root of the problem is tackled. Hence it is essential to hit the main enemy who divided the Ummah into small and little countries and pushed it, for the last few decades, into a state of confusion. The Zionist-Crusader alliance moves quickly to contain and abort any "corrective movement" appearing in the Islamic countries. Different means and methods are used to achieve their target; on occasion the "movement" is dragged into an armed struggle at a predetermined unfavourable time and place. Sometime officials from the Ministry of Interior, who are also graduates of the colleges of the Shari'ah, are leashed out to mislead and confuse the nation and the Ummah (by wrong Fatwas) and to circulate false information about the movement. At other occasions some righteous people were tricked into a war of words against the Ulama and the leaders of the movement, wasting the energy of the nation in discussing minor issues and ignoring the main one that is the unification of the people under the divine law of Allah.

In the shadow of these discussions and arguments truthfulness is covered by the falsehood, and personal feuds and partisanship created among the people increasing the division and the weakness of the Ummah; priorities of the Islamic work are lost while the blasphemy and polytheism continue its grip and control over the Ummah. We should be alert to these atrocious plans carried out by the

Ministry of Interior. The right answer is to follow what have been decided by the people of knowledge, as was said by Ibn Taymiyyah (Allah's mercy upon him): "people of Islam should join forces and support each other to get rid of the main "Kufr" who is controlling the countries of the Islamic world, even to bear the lesser damage to get rid of the major one, that is the great Kufr".

If there are more than one duty to be carried out, then the most important one should receive priority. Clearly after Belief (Imaan) there is no more important duty than pushing the American enemy out of the holy land. No other priority, except Belief, could be considered before it; the people of knowledge, Ibn Taymiyyah, stated: "to fight in defence of religion and Belief is a collective duty; there is no other duty after Belief than fighting the enemy who is corrupting the life and the religion. There is no preconditions for this duty and the enemy should be fought with one best abilities. (ref: supplement of Fatawa). If it is not possible to push back the enemy except by the collective movement of the Muslim people, then there is a duty on the Muslims to ignore the minor differences among themselves; the ill effect of ignoring these differences, at a given period of time, is much less than the ill effect of the occupation of the Muslims' land by the main Kufr. Ibn Taymiyyah had explained this issue and emphasised the importance of dealing with the major threat on the expense of the minor one. He described the situation of the Muslims and the Mujahideen and stated that even the military personnel who are not practising Islam are not exempted from the duty of Jihad against the enemy.

Ibn Taymiyyah , after mentioning the Moguls (Tatar) and their behaviour in changing the law of Allah, stated that: the ultimate aim of pleasing Allah, raising His word, instituting His religion and obeying His messenger (ALLAH'S BLESSING AND SALUTATIONS ON HIM) is to fight the enemy, in every aspects and in a complete manner; if the danger to the religion from not fighting is greater than that of fighting, then it is a duty to fight them even if the intention of some of the fighter is not pure i.e . fighting for the sake of leadership (personal gain) or if they do not observe some of the rules and commandments of Islam. To repel the greatest of the two dangers on the expense of the lesser one is an Islamic principle which should be observed. It was the tradition of the people of the Sunnah (Ahlul-Sunnah) to join and invade- fight- with the righteous and non righteous men. Allah may support this religion by righteous and non righteous people as told by the prophet (ALLAH'S BLESSING AND SALUTATIONS ON HIM). If it is not possible to fight except with the help of non righteous military personnel and commanders, then there are two possibilities: either fighting will be ignored and the others, who are the great danger to this life and religion, will take control; or to fight with the help of non righteous rulers and therefore repelling the greatest of the two dangers and implementing most, though not all, of the Islamic laws. The latter option is the right duty to be carried out in these circumstances and in many other similar situation. In fact many of the fights and conquests that took place after the time of Rashidoon, the guided Imams, were of this type. (majmoo' al Fatawa, 26/506).

No one, not even a blind or a deaf person , can deny the presence of the widely spread mischief's or the prevalence of the great sins that had reached the grievous iniquity of polytheism and to share with Allah in His sole right of sovereignty and making of the law. The All Mighty stated: {And when Luqman said to his son while he admonish him: O my son! do not associate ought with Allah; most surely polytheism is a grievous iniquity} (Luqman; 31:13). Man fabricated laws were put forward permitting what has been forbidden by Allah such as usury (Riba) and other matters. Banks dealing in

usury are competing, for lands, with the two Holy Places and declaring war against Allah by disobeying His order {Allah has allowed trading and forbidden usury} (Baqarah; 2:275). All this taking place at the vicinity of the Holy Mosque in the Holy Land! Allah (SWT) stated in His Holy Book a unique promise (that had not been promised to any other sinner) to the Muslims who deals in usury: {O you who believe! Be careful of your duty to Allah and relinquish what remains (due) from usury, if you are believers * But if you do (it) not, then be appraised of WAR from Allah and His Apostle} (Baqarah; 2:278-279). This is for the "Muslim" who deals in usury (believing that it is a sin), what is it then to the person who make himself a partner and equal to Allah, legalising (usury and other sins) what has been forbidden by Allah. Despite of all of the above we see the government misled and dragged some of the righteous Ulamah and Da'ees away from the issue of objecting to the greatest of sins and Kufr. (We bemoan this and can only say: "No power and power acquiring except through Allah").

Under such circumstances, to push the enemy-the greatest Kufr- out of the country is a prime duty. No other duty after Belief is more important than the duty of had . Utmost effort should be made to prepare and instigate the Ummah against the enemy, the American-Israeli alliance- occupying the country of the two Holy Places and the route of the Apostle (Allah's Blessings and Salutations may be on him) to the Furthest Mosque (Al-Aqsa Mosque). Also to remind the Muslims not to be engaged in an internal war among themselves, as that will have grieve consequences namely:

1-consumption of the Muslims human resources as most casualties and fatalities will be among the Muslims people.

2-Exhaustion of the economic and financial resources.

3-Destruction of the country infrastructures

4-Dissociation of the society

5-Destruction of the oil industries. The presence of the USA Crusader military forces on land, sea and air of the states of the Islamic Gulf is the greatest danger threatening the largest oil reserve in the world. The existence of these forces in the area will provoke the people of the country and induces aggression on their religion, feelings and prides and push them to take up armed struggle against the invaders occupying the land; therefore spread of the fighting in the region will expose the oil wealth to the danger of being burned up. The economic interests of the States of the Gulf and the land of the two Holy Places will be damaged and even a greater damage will be caused to the economy of the world. I would like here to alert my brothers, the Mujahideen, the sons of the nation, to protect this (oil) wealth and not to include it in the battle as it is a great Islamic wealth and a large economical power essential for the soon to be established Islamic state, by Allah's Permission and Grace. We also warn the aggressors, the USA, against burning this Islamic wealth (a crime which they may commit in order to prevent it, at the end of the war, from falling in the hands of its legitimate owners and to cause economic damages to the competitors of the USA in Europe or the Far East, particularly Japan which is the major consumer of the oil of the region).

6-Division of the land of the two Holy Places, and annexing of the northerly part of it by Israel. Dividing the land of the two Holy Places is an essential demand of the Zionist-Crusader alliance. The existence of such a large country with its huge resources under the leadership of the forthcoming Islamic State, by Allah's Grace, represent a serious danger to the very existence of the Zionist state in Palestine. The Nobel Ka'ba, -the Qiblah of all Muslims- makes the land of the two Holy Places a symbol for the unity of the Islamic world. Moreover, the presence of the world largest oil reserve makes the land of the two Holy Places an important economical power in the Islamic world. The sons of the two Holy Places are directly related to the life style (Seerah) of their forefathers, the companions, may Allah be pleased with them. They consider the Seerah of their forefathers as a source and an example for re-establishing the greatness of this Ummah and to raise the word of Allah again. Furthermore the presence of a population of fighters in the south of Yemen, fighting in the cause of Allah, is a strategic threat to the Zionist-Crusader alliance in the area. The Prophet (ALLAH'S BLESSING AND SALUTATIONS ON HIM) said: (around twelve thousands will emerge from Aden/Abian helping -the cause of- Allah and His messenger, they are the best, in the time, between me and them) narrated by Ahmad with a correct trustworthy reference.

7-An internal war is a great mistake, no matter what reasons are there for it. the presence of the occupier-the USA- forces will control the outcome of the battle for the benefit of the international Kufr.

I address now my brothers of the security and military forces and the national guards may Allah preserve you hoard for Islam and the Muslims people:

O you protectors of unity and guardians of Faith; O you descendent of the ancestors who carried the light (torch) of guidance and spread it all over the world. O you grandsons of Sa'd Ibn Abi Waqqaas , Almothanna Ibn Haritha Ash-Shaybani , Alga'ga' Ibn Amroo Al-Tameemi and those pious companions who fought Jihad alongside them; you competed to join the army and the guard forces with the intention to carry out Jihad in the cause of Allah -raising His word- and to defend the faith of Islam and the land of the two Holy Places against the invaders and the occupying forces. That is the ultimate level of believing in this religion "Deen". But the regime had reversed these principles and their understanding, humiliating the Ummah and disobeying Allah. Half a century ago the rulers promised the Ummah to regain the first Qiblah, but fifty years later new generation arrived and the promises have been changed; Al-Aqsa Mosque handed over to the Zionists and the wounds of the Ummah still bleeding there. At the time when the Ummah has not regained the first Qiblah and the rout of the journey of the Prophet (Allah's Blessings and Salutations may be on him), and despite of all of the above, the Saudi regime had stunt the Ummah in the remaining sanctities, the Holy city of Makka and the mosque of the Prophet (Al-Masjid An-Nabawy), by calling the Christians army to defend the regime. The crusaders were permitted to be in the land of the two Holy Places. Not surprisingly though, the King himself wore the cross on his chest. The country was widely opened from the north-to- the south and from east-to-the west for the crusaders. The land was filled with the military bases of the USA and the allies. The regime became unable to keep control without the help of these bases. You know more than any body else about the size, intention and the danger of the presence of the USA military bases in the area. The regime betrayed the Ummah and joined the Kufr, assisting and helping them against the Muslims. It is well known that this is one of the ten "voiders"

of Islam, deeds of de-Islamisation. By opening the Arab peninsula to the crusaders the regime disobeyed and acted against what has been enjoined by the messenger of Allah (Allah's Blessings and Salutations may be on him), while he was at the bed of his death: (Expel the polytheists out of the Arab Peninsula); (narrated by Al-Bukhari) and: (If I survive, Allah willing, I'll expel the Jews and the Christians out of the Arab Peninsula); saheeh Aljame' As-Sagheer.

It is out of date and no longer acceptable to claim that the presence of the crusaders is necessity and only a temporary measures to protect the land of the two Holy Places. Especially when the civil and the military infrastructures of Iraq were savagely destroyed showing the depth of the Zionist-Crusaders hatred to the Muslims and their children, and the rejection of the idea of replacing the crusaders forces by an Islamic force composed of the sons of the country and other Muslim people. moreover the foundations of the claim and the claim it self were demolished and wiped out by the sequence of speeches given by the leaders of the Kuffar in America. The latest of these speeches was the one given by William Perry, the Defense Secretary, after the explosion in Al-Khobar saying that: the presence of the American solders there is to protect the interest of the USA. The imprisoned Sheikh Safar Al-Hawali, may Allah hasten his release, wrote a book of seventy pages; in it he presented evidence and proof that the presence of the Americans in the Arab Peninsula is a pre-planed military occupation. The regime want to deceive the Muslim people in the same manner when the Palestinian fighters, Mujahideen, were deceived causing the loss of Al-Aqsa Mosque. In 1304 A.H (1936 AD) the awakened Muslims nation of Palestine started their great struggle, Jihad, against the British occupying forces. Britain was impotent to stop the Mujahideen and their Jihad, but their devil inspired that there is no way to stop the armed struggle in Palestine unless through their agent King Abdul Azeez, who managed to deceives the Mujahideen. King Abdul Azeez carried out his duty to his British masters. He sent his two sons to meet the Mujahideen leaders and to inform them that King Abdul Azeez would guarantee the promises made by the British government in leaving the area and responding positively to the demands of the Mujahideen if the latter stop their Jihad. And so King Abdul Azeez caused the loss of the first Qiblah of the Muslims people. The King joined the crusaders against the Muslims and instead of supporting the Mujahideen in the cause of Allah, to liberate the Al-Aqsa Mosque, he disappointed and humiliated them.

Today, his son, king Fahd, trying to deceive the Muslims for the second time so as to loose what is left of the sanctities. When the Islamic world resented the arrival of the crusader forces to the land of the two Holy Places, the king told lies to the Ulamah (who issued Fatwas about the arrival of the Americans) and to the gathering of the Islamic leaders at the conference of Rabitah which was held in the Holy City of Makka. The King said that: "the issue is simple, the American and the alliance forces will leave the area in few months". Today it is seven years since their arrival and the regime is not able to move them out of the country. The regime made no confession about its inability and carried on lying to the people claiming that the American will leave. But never-never again ; a believer will not be bitten twice from the same hole or snake! Happy is the one who takes note of the sad experience of the others!!

Instead of motivating the army, the guards, and the security men to oppose the occupiers, the regime used these men to protect the invaders, and further deepening the humiliation and the betrayal. (We bemoan this and can only say: "No power and power acquiring except through Allah"). To those little

group of men within the army, police and security forces, who have been tricked and pressured by the regime to attack the Muslims and spill their blood, we would like to remind them of the narration: (I promise war against those who take my friends as their enemy) narrated by Al--Bukhari. And his saying (Allah's Blessings and Salutations may be on him) saying of: (In the day of judgement a man comes holding another and complaining being slain by him. Allah, blessed be His Names, asks: Why did you slay him?! The accused replies: I did so that all exaltation may be Yours. Allah, blessed be His Names, says: All exaltation is indeed mine! Another man comes holding a fourth with a similar complaint. Allah, blessed be His Names, asks: Why did you kill him?! The accused replies: I did so that exaltation may be for Mr. X! Allah, blessed be His Names, says: exaltation is mine, not for Mr. X, carry all the slain man's sins (and proceed to the Hell fire)!). In another wording of An-Nasa'i: "The accused says: for strengthening the rule or kingdom of Mr. X"

Today your brothers and sons, the sons of the two Holy Places, have started their Jihad in the cause of Allah, to expel the occupying enemy from of the country of the two Holy places. And there is no doubt you would like to carry out this mission too, in order to re-establish the greatness of this Ummah and to liberate its' occupied sanctities. Nevertheless, it must be obvious to you that, due to the imbalance of power between our armed forces and the enemy forces, a suitable means of fighting must be adopted i.e using fast moving light forces that work under complete secrecy. In other word to initiate a guerrilla warfare, were the sons of the nation, and not the military forces, take part in it. And as you know, it is wise, in the present circumstances, for the armed military forces not to be engaged in a conventional fighting with the forces of the crusader enemy (the exceptions are the bold and the forceful operations carried out by the members of the armed forces individually, that is without the movement of the formal forces in its conventional shape and hence the responses will not be directed, strongly, against the army) unless a big advantage is likely to be achieved; and great losses induced on the enemy side (that would shaken and destroy its foundations and infrastructures) that will help to expel the defeated enemy from the country.

The Mujahideen, your brothers and sons, requesting that you support them in every possible way by supplying them with the necessary information, materials and arms. Security men are especially asked to cover up for the Mujahideen and to assist them as much as possible against the occupying enemy; and to spread rumours, fear and discouragement among the members of the enemy forces.

We bring to your attention that the regime, in order to create a friction and feud between the Mujahideen and yourselves, might resort to take a deliberate action against personnel of the security, guards and military forces and blame the Mujahideen for these actions. The regime should not be allowed to have such opportunity.

The regime is fully responsible for what had been incurred by the country and the nation; however the occupying American enemy is the principle and the main cause of the situation . Therefore efforts should be concentrated on destroying, fighting and killing the enemy until, by the Grace of Allah, it is completely defeated. The time will come -by the Permission of Allah- when you'll perform your decisive role so that the word of Allah will be supreme and the word of the infidels (Kaferoon) will be the inferior. You will hit with iron fist against the aggressors. You'll re-establish the normal course and give the people their rights and carry out your truly Islamic duty. Allah willing, I'll have a

separate talk about these issues.

My Muslim Brothers (particularly those of the Arab Peninsula): The money you pay to buy American goods will be transformed into bullets and used against our brothers in Palestine and tomorrow (future) against our sons in the land of the two Holy places. By buying these goods we are strengthening their economy while our dispossession and poverty increases.

Muslims Brothers of land of the two Holy Places:

It is incredible that our country is the world largest buyer of arms from the USA and the area biggest commercial partners of the Americans who are assisting their Zionist brothers in occupying Palestine and in evicting and killing the Muslims there, by providing arms, men and financial supports.

To deny these occupiers from the enormous revenues of their trading with our country is a very important help for our Jihad against them. To express our anger and hate to them is a very important moral gesture. By doing so we would have taken part in (the process of) cleansing our sanctities from the crusaders and the Zionists and forcing them, by the Permission of Allah, to leave disappointed and defeated.

We expect the woman of the land of the two Holy Places and other countries to carry out their role in boycotting the American goods.

If economical boycotting is intertwined with the military operations of the Mujahideen, then defeating the enemy will be even nearer, by the Permission of Allah. However if Muslims don't co-operate and support their Mujahideen brothers then , in effect, they are supplying the army of the enemy with financial help and extending the war and increasing the suffering of the Muslims.

The security and the intelligence services of the entire world can not force a single citizen to buy the goods of his/her enemy. Economical boycotting of the American goods is a very effective weapon of hitting and weakening the enemy, and it is not under the control of the security forces of the regime.

Before closing my talk, I have a very important message to the youths of Islam, men of the brilliant future of the Ummah of Muhammad (ALLAH'S BLESSING AND SALUTATIONS ON HIM). Our talk with the youths about their duty in this difficult period in the history of our Ummah. A period in which the youths and no one else came forward to carry out the variable and different duties. While some of the well known individuals had hesitated in their duty of defending Islam and saving themselves and their wealth from the injustice, aggression and terror -exercised by the government- the youths (may Allah protect them) were forthcoming and raised the banner of Jihad against the American-Zionist alliance occupying the sanctities of Islam. Others who have been tricked into loving this materialistic world, and those who have been terrorised by the government choose to give legitimacy to the greatest betrayal , the occupation of the land of the two Holy Places (We bemoan this and can only say: "No power and power acquiring except through Allah"). We are not surprised from the action of our youths. The youths were the companions of Muhammad (Allah's Blessings and Salutations may be on him), and was it not the youths themselves who killed Aba-Jahl, the Pharaoh of

this Ummah? Our youths are the best descendent of the best ancestors.

Abdul-Rahman Ibn Awf -may Allah be pleased with him- said: (I was at Badr where I noticed two youths one to my right and the other to my left. One of them asked me quietly (so not to be heard by the other) : O uncle point out Aba-Jahl to me. What do you want him for? , said Abdul Rahman. The boy answered: I have been informed that he- Aba-Jahl- abused the Messenger of Allah (), I swear by Allah, who have my soul in His hand, that if I see Aba-Jahl I'll not let my shadow departs his shadow till one of us is dead. I was astonished, said Abdul Rahman; then the other youth said the same thing as the first one. Subsequently I saw Aba-Jahl among the people; I said to the boys do you see? this is the man you are asking me about. The two youths hit Aba-Jahl with their swords till he was dead. Allah is the greatest, Praise be to Him: Two youths of young age but with great perseverance, enthusiasm, courage and pride for the religion of Allah's, each one of them asking about the most important act of killing that should be induced on the enemy. That is the killing of the pharaoh of this Ummah - Aba Jahl-, the leader of the unbelievers (Mushrikeen) at the battle of Badr. The role of Abdul Rahman Ibn Awf , may Allah be pleased with him, was to direct the two youths toward Aba-Jahl. That was the perseverance and the enthusiasm of the youths of that time and that was the perseverance and the enthusiasm of their fathers. It is this role that is now required from the people who have the expertise and knowledge in fighting the enemy. They should guide their brothers and sons in this matter; once that has been done, then our youths will repeat what their forefathers had said before: "I swear by Allah if I see him I'll not let my shadow to departs from his shadow till one of us is dead".

And the story of Abdur-Rahman Ibn Awf about Ummayyah Ibn Khalaf shows the extent of Bilal's (may Allah be pleased with him) persistence in killing the head of the Kufr: "the head of Kufr is Ummayyah Ibn Khalaf.... I shall live not if he survives" said Bilal.

Few days ago the news agencies had reported that the Defence Secretary of the Crusading Americans had said that "the explosion at Riyadh and Al-Khobar had taught him one lesson: that is not to withdraw when attacked by coward terrorists".

We say to the Defence Secretary that his talk can induce a grieving mother to laughter! and shows the fears that had enshrined you all. Where was this false courage of yours when the explosion in Beirut took place on 1983 AD (1403 A.H). You were turned into scattered pits and pieces at that time; 241 mainly marines solders were killed. And where was this courage of yours when two explosions made you to leave Aden in lees than twenty four hours!

But your most disgraceful case was in Somalia; where- after vigorous propaganda about the power of the USA and its post cold war leadership of the new world order- you moved tens of thousands of international force, including twenty eight thousands American solders into Somalia. However, when tens of your solders were killed in minor battles and one American Pilot was dragged in the streets of Mogadishu you left the area carrying disappointment, humiliation, defeat and your dead with you. Clinton appeared in front of the whole world threatening and promising revenge , but these threats were merely a preparation for withdrawal. You have been disgraced by Allah and you withdrew; the extent of your impotence and weaknesses became very clear. It was a pleasure for the "heart" of every

Muslim and a remedy to the "chests" of believing nations to see you defeated in the three Islamic cities of Beirut , Aden and Mogadishu.

I say to Secretary of Defence: The sons of the land of the two Holy Places had come out to fight against the Russian in Afghanistan, the Serb in Bosnia-Herzegovina and today they are fighting in Chechenia and -by the Permission of Allah- they have been made victorious over your partner, the Russians. By the command of Allah, they are also fighting in Tajakistan.

I say: Since the sons of the land of the two Holy Places feel and strongly believe that fighting (Jihad) against the Kuffar in every part of the world, is absolutely essential; then they would be even more enthusiastic, more powerful and larger in number upon fighting on their own land- the place of their births- defending the greatest of their sanctities, the noble Ka'ba (the Qiblah of all Muslims). They know that the Muslims of the world will assist and help them to victory. To liberate their sanctities is the greatest of issues concerning all Muslims; It is the duty of every Muslims in this world.

I say to you William (Defence Secretary) that: These youths love death as you loves life. They inherit dignity, pride, courage, generosity, truthfulness and sacrifice from father to father. They are most delivering and steadfast at war. They inherit these values from their ancestors (even from the time of the Jaheliyyah, before Islam). These values were approved and completed by the arriving Islam as stated by the messenger of Allah (Allah's Blessings and Salutations may be on him): "I have been send to perfecting the good values". (Saheeh Al-Jame' As-Sagheer).

When the pagan King Amroo Ibn Hind tried to humiliate the pagan Amroo Ibn Kulthoom, the latter cut the head of the King with his sword rejecting aggression, humiliation and indignation.

If the king oppresses the people excessively, we reject submitting to humiliation.

By which legitimacy (or command) O Amroo bin Hind you want us to be degraded?!

By which legitimacy (or command) O Amroo bin Hind you listen to our foes and disrespect us?!

Our toughness has, O Amroo, tired the enemies before you, never giving in!

Our youths believe in paradise after death. They believe that taking part in fighting will not bring their day nearer; and staying behind will not postpone their day either. Exalted be to Allah who said: {And a soul will not die but with the permission of Allah, the term is fixed} (Aal Imraan; 3:145). Our youths believe in the saying of the messenger of Allah (Allah's Blessings and Salutations may be on him): "O boy, I teach a few words; guard (guard the cause of, keep the commandments of) Allah, then He guards you, guard (the cause of) Allah, then He will be with you; if you ask (for your need) ask Allah, if you seek assistance, seek Allah's; and know definitely that if the Whole World gathered to (bestow) profit on you they will not profit you except with what was determined for you by Allah, and if they gathered to harm you they will not harm you except with what has been determined for you by Allah; Pen lifted, papers dried, it is fixed nothing in these truths can be changed" Saheeh Al-Jame' As-Sagheer. Our youths took note of the meaning of the poetic verse:

"If death is a predetermined must, then it is a shame to die cowardly."
and the other poet saying:
"Who do not die by the sword will die by other reason; many causes are there but one death".

These youths believe in what has been told by Allah and His messenger (Allah's Blessings and Salutations may be on him) about the greatness of the reward for the Mujahideen and Martyrs; Allah, the most exalted said: {and -so far- those who are slain in the way of Allah, He will by no means allow their deeds to perish. He will guide them and improve their condition. and cause them to enter the garden -paradise- which He has made known to them}. (Muhammad; 47:4-6). Allah the Exalted also said: {and do not speak of those who are slain in Allah's way as dead; nay -they are- alive, but you do not perceive} (Bagarah; 2:154). His messenger (Allah's Blessings and Salutations may be on him) said: "for those who strive in His cause Allah prepared hundred degrees (levels) in paradise; in-between two degrees as the in-between heaven and earth". Saheeh Al-Jame' As-Sagheer. He (Allah's Blessings and Salutations may be on him) also said: "the best of the martyrs are those who do NOT turn their faces away from the battle till they are killed. They are in the high level of Jannah (paradise). Their Lord laughs to them (in pleasure) and when your Lord laughs to a slave of His, He will not hold him to an account". narrated by Ahmad with correct and trustworthy reference. And : "a martyr will not feel the pain of death except like how you feel when you are pinched". Saheeh Al-Jame' As-Sagheer. He also said: "a martyr privileges are guaranteed by Allah; forgiveness with the first gush of his blood, he will be shown his seat in paradise, he will be decorated with the jewels of belief (Imaan), married off to the beautiful ones, protected from the test in the grave, assured security in the day of judgement, crowned with the crown of dignity, a ruby of which is better than this whole world (Duniah) and its' entire content, wedded to seventy two of the pure Houries (beautiful ones of Paradise) and his intercession on the behalf of seventy of his relatives will be accepted". Narrated by Ahmad and At-Tirmithi (with the correct and trustworthy reference).

Those youths know that their rewards in fighting you, the USA, is double than their rewards in fighting some one else not from the people of the book. They have no intention except to enter paradise by killing you. An infidel, and enemy of God like you, cannot be in the same hell with his righteous executioner.

Our youths chanting and reciting the word of Allah, the most exalted: {fight them; Allah will punish them by your hands and bring them to disgrace, and assist you against them and heal the heart of a believing people} (At-Taubah; 9:14) and the words of the prophet (ALLAH'S BLESSING AND SALUTATIONS ON HIM): "I swear by Him, who has my soul in His hand, that no man get killed fighting them today, patiently attacking and not retreating ,surely Allah will let him into paradise". And his (Allah's Blessings and Salutations may be on him) saying to them: "get up to a paradise as wide as heaven and earth".

The youths also reciting the All Mighty words of: "so when you meat in battle those who disbelieve, then smite the necks..." (Muhammad; 47:19). Those youths will not ask you (William Perry) for explanations, they will tell you singing there is nothing between us need to be explained, there is only killing and neck smiting.

And they will say to you what their grand father, Haroon Ar-Rasheed, Ameer-ul-Mu'meneen, replied to your grandfather, Nagfoor, the Byzantine emperor, when he threatened the Muslims: "from Haroon Ar-Rasheed, Ameer-ul-Mu'meneen, to Nagfoor, the dog of the Romans; the answer is what you will see not what you hear". Haroon El-Rasheed led the armies of Islam to the battle and handed Nagfoor a devastating defeat.

The youths you called cowards are competing among themselves for fighting and killing you. reciting what one of them said:
The crusader army became dust when we detonated al-Khobar.
With courageous youth of Islam fearing no danger.
If (they are) threatened: The tyrants will kill you, they reply my death is a victory.
I did not betray that king, he did betray our Qiblah.
And he permitted in the holy country the most filthy sort of humans.
I have made an oath by Allah, the Great, to fight who ever rejected the faith.
For more than a decade, they carried arms on their shoulders in Afghanistan and they have made vows to Allah that as long as they are alive, they will continue to carry arms against you until you are -Allah willing- expelled, defeated and humiliated, they will carry on as long as they live saying:
O William, tomorrow you will know which young man is confronting your misguided brethren!
A youth fighting in smile, returning with the spear coloured red.
May Allah keep me close to knights, humans in peace, demons in war.
Lions in Jungle but their teeth are spears and Indian swords.
The horses witness that I push them hard forwarded in the fire of battle.

The dust of the battle bears witnesses for me, so also the fighting itself, the pens and the books!

So to abuse the grandsons of the companions, may Allah be pleased with them, by calling them cowards and challenging them by refusing to leave the land of the two Holy Places shows the insanity and the imbalance you are suffering from. Its appropriate "remedy," however, is in the hands of the youths of Islam, as the poet said:

I am willing to sacrifice self and wealth for knights who never disappointed me.

Knights who are never fed up or deterred by death, even if the mill of war turns.

In the heat of battle they do not care, and cure the insanity of the enemy by their 'insane' courage.

Terrorising you, while you are carrying arms on our land, is a legitimate and morally demanded duty. It is a legitimate right well known to all humans and other creatures. Your example and our example is like a snake which entered into a house of a man and got killed by him. The coward is the one who lets you walk, while carrying arms, freely on his land and provides you with peace and security.

Those youths are different from your soldiers. Your problem will be how to convince your troops to fight, while our problem will be how to restrain our youths to wait for their turn in fighting and in operations. These youths are commendation and praiseworthy.

They stood up tall to defend the religion; at the time when the government misled the prominent scholars and tricked them into issuing Fatwas (that have no basis neither in the book of Allah, nor in the Sunnah of His prophet (Allah's Blessings and Salutations may be on him)) of opening the land of the two Holy Places for the Christians armies and handing the Al-Aqsa Mosque to the Zionists. Twisting the meanings of the holy text will not change this fact at all. They deserve the praise of the poet:
I rejected all the critics, who chose the wrong way;
I rejected those who enjoy fireplaces in clubs discussing eternally;
I rejected those, who inspite being lost, think they are at the goal;
I respect those who carried on not asking or bothering about the difficulties;
Never letting up from their goals, inspite all hardships of the road;
Whose blood is the oil for the flame guiding in the darkness of confusion;
I feel still the pain of (the loss) Al-Quds in my internal organs;
That loss is like a burning fire in my intestines;
I did not betray my covenant with God, when even states did betray it! As their grandfather Assim Bin Thabit said rejecting a surrender offer of the pagans:

What for an excuse I had to surrender, while I am still able, having arrows and my bow having a tough string?!

Death is truth and ultimate destiny, and life will end any way. If I do not fight you, then my mother must be insane!

The youths hold you responsible for all of the killings and evictions of the Muslims and the violation of the sanctities, carried out by your Zionist brothers in Lebanon; you openly supplied them with arms and finance. More than 600,000 Iraqi children have died due to lack of food and medicine and as a result of the unjustifiable aggression (sanction) imposed on Iraq and its nation. The children of Iraq are our children. You, the USA, together with the Saudi regime are responsible for the shedding of the blood of these innocent children. Due to all of that, what ever treaty you have with our country is now null and void.

The treaty of Hudaybiyyah was cancelled by the messenger of Allah (Allah's Blessings and Salutations may be on him) once Quraysh had assisted Bani Bakr against Khusa'ah, the allies of the prophet (Allah's Blessings and Salutations may be on him). The prophet (Allah's Blessings and Salutations may be on him) fought Quraysh and concurred Makka. He (Allah's Blessings and Salutations may be on him) considered the treaty with Bani Qainuqa' void because one of their Jews publicly hurt one Muslim woman, one single woman, at the market. Let alone then, the killing you caused to hundred of thousands Muslims and occupying their sanctities. It is now clear that those who claim that the blood of the American solders (the enemy occupying the land of the Muslims) should be protected are merely repeating what is imposed on them by the regime; fearing the aggression and interested in saving themselves. It is a duty now on every tribe in the Arab Peninsula to fight, Jihad, in the cause of Allah and to cleanse the land from those occupiers. Allah knows that there blood is permitted (to be spilled) and their wealth is a booty; their wealth is a booty to those who kill them.

The most Exalted said in the verse of As-Sayef, The Sword: "so when the sacred months have passed away, then slay the idolaters where ever you find them, and take them captives and besiege them and lie in wait for them in every ambush" (At-Tauba; 9:5). Our youths knew that the humiliation suffered by the Muslims as a result of the occupation of their sanctities can not be kicked and removed except by explosions and Jihad. As the poet said:

The walls of oppression and humiliation cannot be demolished except in a rain of bullets.

The freeman does not surrender leadership to infidels and sinners.

Without shedding blood no degradation and branding can be removed from the forehead.

I remind the youths of the Islamic world, who fought in Afghanistan and Bosnia-Herzegovina with their wealth, pens, tongues and themselves that the battle had not finished yet. I remind them about the talk between Jibreel (Gabriel) and the messenger of Allah (Allah's Blessings and Salutations may be on both of them) after the battle of Ahzab when the messenger of Allah (Allah's Blessings and Salutations may be on him) returned to Medina and before putting his sword aside; when Jibreel (Allah's Blessings and Salutations may be on him) descend saying: "are you putting your sword aside? by Allah the angels haven't dropped their arms yet; march with your companions to Bani Quraydah, I am (going) ahead of you to throw fears in their hearts and to shake their fortresses on them". Jibreel marched with the angels (Allah's Blessings and Salutations may be on them all), followed by the messenger of Allah (Allah's Blessings and Salutations may be on him) marching with the immigrants, Muhajeroon, and supporters, Ansar. (narrated by Al-Bukhary).

These youths know that: if one is not to be killed one will die (any way) and the most honourable death is to be killed in the way of Allah. They are even more determined after the martyrdom of the four heroes who bombed the Americans in Riyadh. Those youths who raised high the head of the Ummah and humiliated the Americans-the occupier- by their operation in Riyadh. They remember the poetry of Ja'far, the second commander in the battle of Mu'tah, in which three thousand Muslims faced over a hundred thousand Romans:

How good is the Paradise and its nearness, good with cool drink But the Romans are promised punishment (in Hell), if I meet them.

I will fight them.

And the poetry of Abdullah Bin Rawaha, the third commander in the battle of Mu'tah, after the martyrdom of Ja'far, when he felt some hesitation:

O my soul if you do not get killed, you are going to die, anyway.

This is death pool in front of you!

You are getting what you have wished for (martyrdom) before, and you follow the example of the two previous commanders you are rightly guided!

As for our daughters, wives, sisters and mothers they should take prime example from the prophet (Allah's Blessings and Salutations may be on him) pious female companions, may Allah be pleased with them; they should adopt the life style (Seerah) of the female companions of courage, sacrifice and generosity in the cause of the supremacy of Allah's religion.

They should remember the courage and the personality of Fatima, daughter of Khatab, when she accepted Islam and stood up in front of her brother, Omar Ibn Al-Khatab and challenged him (before he became a Muslim) saying: "O Omar , what will you do if the truth is not in your religion?!" And to remember the stand of Asma', daughter of Abu Bakr, on the day of Hijra, when she attended the Messenger and his companion in the cave and split her belt in two pieces for them. And to remember the stand of Naseeba Bent Ka'b striving to defend the messenger of Allah (Allah's Blessings and Salutations may be on him) on the day of Uhud, in which she suffered twelve injuries, one of which was so deep leaving a deep lifelong scar! They should remember the generosity of the early woman of Islam who raised finance for the Muslims army by selling their jewelery.

Our women had set a tremendous example of generosity in the cause of Allah; they motivated and encouraged their sons, brothers and husbands to fight- in the cause of Allah- in Afghanistan, Bosnia-Herzegovina, Chechenia and in other countries. We ask Allah to accept from them these deeds, and may He help their fathers, brothers, husbands and sons. May Allah strengthen the belief - Imaan - of our women in the way of generosity and sacrifice for the supremacy of the word of Allah. Our women weep not, except over men who fight in the cause of Allah; our women instigate their brothers to fight in the cause of Allah.

Our women bemoan only fighters in the cause of Allah, as said:
Do not moan on any one except a lion in the woods, courageous in the burning wars.
Let me die dignified in wars, honourable death is better than my current life.

Our women encourage Jihad saying:
Prepare yourself like a struggler, the matter is bigger than words!
Are you going to leave us else for the wolves of Kufr eating our wings?!
The wolves of Kufr are mobilising all evil persons from every where!
Where are the freemen defending free women by the arms?!
Death is better than life in humiliation! Some scandals and shames will never be otherwise eradicated.

My Muslim Brothers of The World:
Your brothers in Palestine and in the land of the two Holy Places are calling upon your help and asking you to take part in fighting against the enemy --your enemy and their enemy-- the Americans and the Israelis. they are asking you to do whatever you can, with one own means and ability, to expel the enemy, humiliated and defeated, out of the sanctities of Islam. Exalted be to Allah said in His book: { and if they ask your support, because they are oppressed in their faith, then support them!} (Anfaal; 8:72)

O you horses (soldiers) of Allah ride and march on. This is the time of hardship so be tough. And

know that your gathering and co-operation in order to liberate the sanctities of Islam is the right step toward unifying the word of the Ummah under the banner of "No God but Allah").

From our place we raise our palms humbly to Allah asking Him to bestow on us His guide in every aspects of this issue.

Our Lord, we ask you to secure the release of the truthful scholars, Ulama, of Islam and pious youths of the Ummah from their imprisonment. O Allah, strengthen them and help their families.

Our Lord, the people of the cross had come with their horses (soldiers) and occupied the land of the two Holy places. And the Zionist Jews fiddling as they wish with the Al-Aqsa Mosque, the route of the ascendance of the messenger of Allah (ALLAH'S BLESSING AND SALUTATIONS ON HIM). Our Lord, shatter their gathering, divide them among themselves, shaken the earth under their feet and give us control over them; Our Lord, we take refuge in you from their deeds and take you as a shield between us and them

Our Lord, show us a black day in them!

Our Lord, show us the wonderment of your ability in them!

Our Lord, You are the Revealer of the book, Director of the clouds, You defeated the allies (Ahzab); defeat them and make us victorious over them.

Our Lord, You are the one who help us and You are the one who assist us, with Your Power we move and by Your Power we fight. On You we rely and You are our cause.

Our Lord, those youths got together to make Your religion victorious and raise Your banner. Our Lord, send them Your help and strengthen their hearts.

Our Lord, make the youths of Islam steadfast and descend patience on them and guide their shots!

Our Lord, unify the Muslims and bestow love among their hearts!

O Lord pour down upon us patience, and make our steps firm and assist us against the unbelieving people!

Our Lord, do not lay on us a burden as Thou didst lay on those before us; Our Lord, do not impose upon us that which we have no strength to bear; and pardon us and grant us protection and have mercy on us, Thou art our patron, so help us against the unbelieving people.

Our Lord, guide this Ummah, and make the right conditions (by which) the people of your obedience will be in dignity and the people of disobedience in humiliation, and by which the good deeds are enjoined and the bad deeds are forebode.

Our Lord, bless Muhammad, Your slave and messenger, his family and descendants, and companions

and salute him with a (becoming) salutation.

And our last supplication is: All praise is due to Allah .

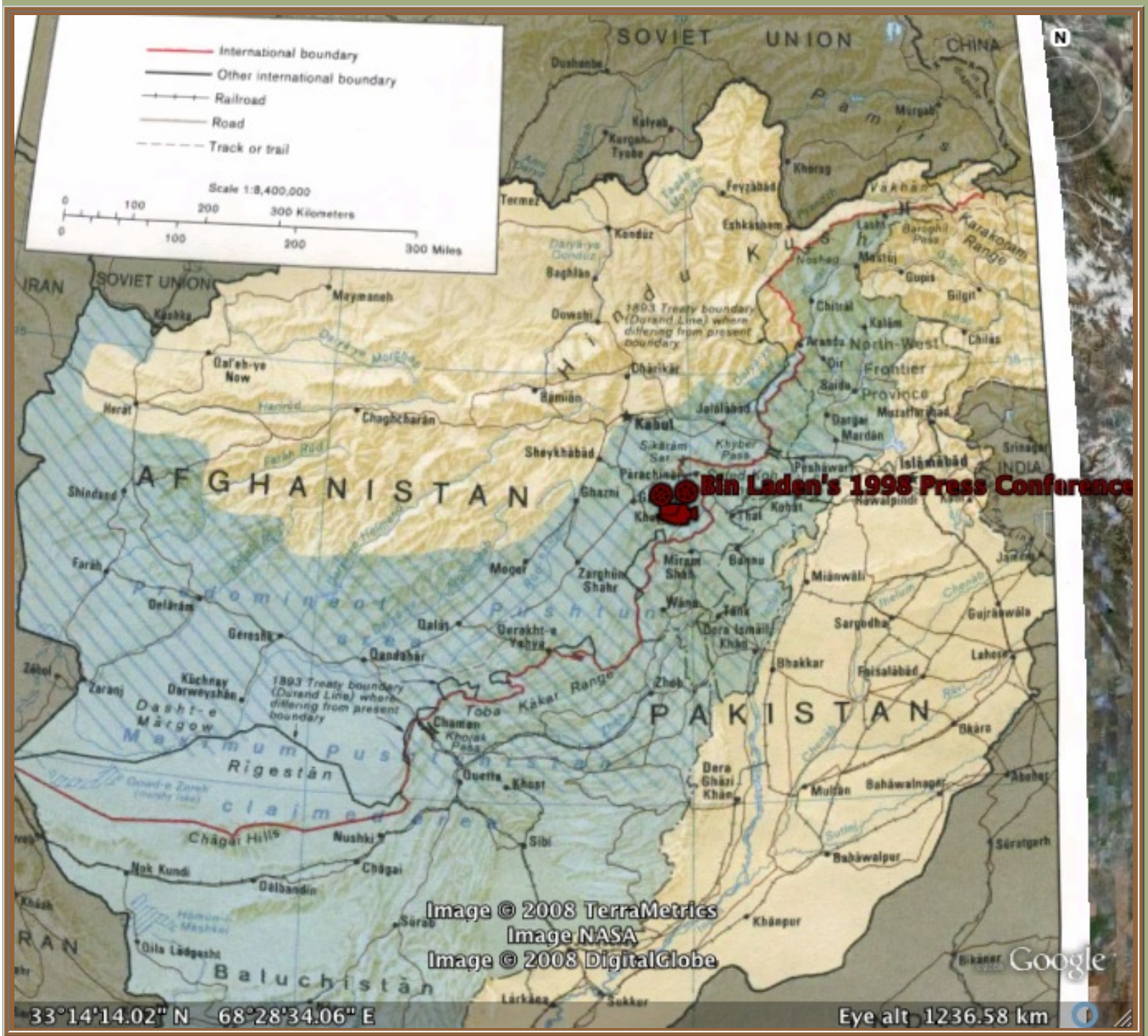
Translation found at PBS.org.

Sources:

1. Wright, Lawrence, "***The Looming Tower: Al-Qaeda and the Road to 9/11***," Vintage Books, New York, 2006, page 4.

Bin Laden's Second Fatwa

February 23, 1998



The University of Texas

Summary of Events

According to CNN, which obtained a tape of the bin Laden's press conference to announce his newest fatwa, only a few select Pakistani journalists, and one Chinese journalist, were allowed to attend. During the press conference, Osama bin Laden again calls for the killing of Americans. (1)

Text of the Fatwa

Praise be to God, who revealed the Book, controls the clouds, defeats factionalism, and says in His Book: "But when the forbidden months are past, then fight and slay the pagans wherever ye find them, seize them, beleaguer them, and lie in wait for them in every stratagem (of war)"; and peace be upon our Prophet, Muhammad Bin-'Abdallah, who said: I have been sent with the sword between my hands to ensure that no one but God is worshipped, God who put my livelihood under the shadow of my spear and who inflicts humiliation and scorn on those who disobey my orders.

The Arabian Peninsula has never -- since God made it flat, created its desert, and encircled it with seas -- been stormed by any forces like the crusader armies spreading in it like locusts, eating its riches and wiping out its plantations. All this is happening at a time in which nations are attacking Muslims like people fighting over a plate of food. In the light of the grave situation and the lack of support, we and you are obliged to discuss current events, and we should all agree on how to settle the matter.

No one argues today about three facts that are known to everyone; we will list them, in order to remind everyone:

First, for over seven years the United States has been occupying the lands of Islam in the holiest of places, the Arabian Peninsula, plundering its riches, dictating to its rulers, humiliating its people, terrorizing its neighbors, and turning its bases in the Peninsula into a spearhead through which to fight the neighboring Muslim peoples.

If some people have in the past argued about the fact of the occupation, all the people of the Peninsula have now acknowledged it. The best proof of this is the Americans' continuing aggression against the Iraqi people using the Peninsula as a staging post, even though all its rulers are against their territories being used to that end, but they are helpless.

Second, despite the great devastation inflicted on the Iraqi people by the crusader-Zionist alliance, and despite the huge number of those killed, which has exceeded 1 million... despite all this, the Americans are once against trying to repeat the horrific massacres, as though they are not content with the protracted blockade imposed after the ferocious war or the fragmentation and devastation.

So here they come to annihilate what is left of this people and to humiliate their Muslim neighbors. Third, if the Americans' aims behind these wars are religious and economic, the aim is also to serve the Jews' petty state and divert attention from its occupation of Jerusalem and murder of Muslims there. The best proof of this is their eagerness to destroy Iraq, the strongest neighboring Arab state, and their endeavor to fragment all the states of the region such as Iraq, Saudi Arabia, Egypt, and Sudan into paper statelets and through their disunion and weakness to guarantee Israel's survival and the continuation of the brutal crusade occupation of the Peninsula.

All these crimes and sins committed by the Americans are a clear declaration of war on God, his messenger, and Muslims. And ulema have throughout Islamic history unanimously agreed that the jihad is an individual duty if the enemy destroys the Muslim countries. This was revealed by Imam Bin-Qadamah in "Al- Mughni," Imam al-Kisa'i in "Al-Bada'i," al-Qurtubi in his interpretation, and the shaykh of al-Islam in his books, where he said: "As for the fighting to repulse [an enemy], it is aimed at defending sanctity and religion, and it is a duty as agreed [by the ulema]. Nothing

is more sacred than belief except repulsing an enemy who is attacking religion and life." On that basis, and in compliance with God's order, we issue the following fatwa to all Muslims:

The ruling to kill the Americans and their allies -- civilians and military -- is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al-Aqsa Mosque and the holy mosque [Mecca] from their grip, and in order for their armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim. This is in accordance with the words of Almighty God, "and fight the pagans all together as they fight you all together," and "fight them until there is no more tumult or oppression, and there prevail justice and faith in God."

This is in addition to the words of Almighty God: "And why should ye not fight in the cause of God and of those who, being weak, are ill-treated (and oppressed)? -- women and children, whose cry is: 'Our Lord, rescue us from this town, whose people are oppressors; and raise for us from thee one who will help!'"

We -- with God's help -- call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it. We also call on Muslim ulema, leaders, youths, and soldiers to launch the raid on Satan's U.S. troops and the devil's supporters allying with them, and to displace those who are behind them so that they may learn a lesson.

Almighty God said: "O ye who believe, give your response to God and His Apostle, when He calleth you to that which will give you life. And know that God cometh between a man and his heart, and that it is He to whom ye shall all be gathered."

Almighty God also says: "O ye who believe, what is the matter with you, that when ye are asked to go forth in the cause of God, ye cling so heavily to the earth! Do ye prefer the life of this world to the hereafter? But little is the comfort of this life, as compared with the hereafter. Unless ye go forth, He will punish you with a grievous penalty, and put others in your place; but Him ye would not harm in the least. For God hath power over all things."

Almighty God also says: "So lose no heart, nor fall into despair. For ye must gain mastery if ye are true in faith."

Translation found at PBS.org.



The BBC

Osama bin Laden (left), Mohammed Atef (center), and an unidentified militant at the press conference publicizing the expanded fatwa in May 1998.

Sources:

1. "Osama bin Laden holds press conference," GlobalSecurity.org. December 10, 2008, <http://www.globalsecurity.org/security/profiles/osama_bin_laden_holds_press_conference.htm>.

East Africa Embassy Bombings

August 7, 1998



Google Earth Overlay from the University of Texas

In the above map, the green shading indicates areas that are inhabited predominately by Muslims. The areas of green with white circles indicate areas where Muslims are a significant minority population. The full map can be viewed through the University of Texas website.

Summary of Events

On August 7, 1998, at approximately 10:30 a.m. local time, two Embassies of the United States of America, located in the East African cities of Nairobi, Kenya and Dar es Salaam, Tanzania, were attacked in coordinated truck bombings, later determined to have occurred approximately four minutes apart. In Nairobi, 213 people were killed in the blast, while 11 individuals died in the bombing at Dar es Salaam. The bombings were carried out by members and associates of Usama Bin Ladin's organization, known by the Arabic word "al-Qaeda." (1)

The al-Qaeda conspiracy targeted the US Government because the United States is an "infidel" power, governing in a manner inconsistent with al-Qaeda's interpretation of Islam and because of US support for other "infidel" governments, such as Saudi Arabia and Egypt. In addition, al-Qaeda opposed the involvement of the United States in the Gulf War in 1991, operation "Restore Hope" in Somalia in 1992-1993 and the presence of US military currently in Saudi Arabia and Yemen. Finally, al-Qaeda opposed the United States because of the arrest, conviction, and imprisonment of persons belonging to al-Qaeda and associated groups, such as Sheikh Omar Abdel-Rahman. (1)

Human Actors

Osama bin Laden



AP Photo

The following biographical information was found at GlobalSecurity.org:

Osama bin Laden is the 17th of 57 children of Yemeni-Saudi Muhammed bin Laden, a construction magnate who rose from poverty to become one of the wealthiest non-royals in Saudi Arabia before his death in 1968. While most of his family eschewed politics, bin Laden became very religious and interested in the fate of Muslims throughout the Islamic world. (2)

His influences include Sayyid Qutb, an anti-Western Egyptian writer who was executed by the Egyptian government in 1996; Abdullah Azzam, the ideological founder of al-Qaeda; and Ayman al-Zawahiri, his chief deputy after the Sept. 11 attacks. (2)

In 1980, he left his lavish upbringing behind and opted for a life of warfare, first in Afghanistan. In 1984 he and Azzam founded Maktab al-Khidamat, or the "Services Office," which funneled money and volunteers to the mujahideen. This organization can be thought of as the pre-cursor to al-Qaeda. (2)

Once victory over the Soviet Union was secured, bin Laden, Azzam and their comrades conceived of a way to continue the jihad: al-Qaeda, the base, as in a military base. Azzam, however, was killed in a car bombing in 1989, leaving bin Laden the sole leader of the extremist movement, which was then based in Peshawar, Pakistan. (2)

He became a staunch critic of the ruling Saudi monarchy for allowing

the United States to station troops on Saudi soil. (2)

In 1994, the Saudi government revoked his citizen and froze his assets. Most of bin Laden's family disowned him. Until this date, he received about $1 million a year from his family's wealth. (2)

By 1996, al-Qaeda had gained enough prestige that various governments pressured Sudan to expel him. He returned to Afghanistan and allied himself with the Taliban, which promised order from country's constant state of warfare. (2)

In 1998, al-Qaeda bombed two American embassies in Africa. Osama bin Laden received true international notoriety, and President Bill Clinton ordered a missile strike on his supposed location in Afghanistan. The attack failed. (2)

Osama bin Laden's appeal is in blaming the United States for the problems of the Muslim world: its corrupt leadership, its squalor, its moderate view of Islam. Islam's many violent borders -- in Africa, southeast Asia, India, Russia, Israel and Europe -- are to be blamed on the United States and its allies. (2)

Mohammed Atef



HistoryCommons.org

Egyptian. (1)

The following biographical information was found at GlobalSecurity.org:

Atef served as al-Qaeda's military chief until he was tracked and killed by American forces shortly after Sept. 11. Atef and Ayman al-Zawahiri served as Osama bin Laden's two closest advisers until his death. He is considered one of the founders of al-Qaeda. He sat on the maljis al shura, or consultation council, of the organization. (3)

The former Egyptian policeman joined Egyptian Islamic Jihad and became a leader in the organization, ultimately supporting the group's merger with al-Qaeda in 1998. (3)

Saif al-Adel



CNN

The following biographical information was found at GlobalSecurity.org:

Saif al-Adel is wanted in connection with East Africa embassy bombings. (4)

Before 2001, he reported to Muhammed Atef on al-Qaeda's military committee. Starting around 1990, he provided military and intelligence training to al-Qaeda and Egyptian Islamic Jihad members in Afghanistan, Pakistan and Sudan. (4)

He is skilled with explosives. (4)

Mamdouh Mahmud Salim



GlobalSecurity.org

The following biographical information was found at GlobalSecurity.org:

Jamal al-Fadl described him as Osama bin Laden's closest friend. (5)

Trained as electrical engineer. (5)

Managed guesthouses and training camps in Afghanistan and Pakistan. On several occasions, he advised other members of al-Qaeda that it was Islamically proper to attack nonbelievers, even if others might be killed. The innocents would go to paradise; those who were not innocent deserved to die, he said. In Sudan, he discussed fatwahs regarding the United States' presence in Saudi Arabia. (5)

Advocated for al-Qaeda's move to Sudan in 1991 to a group of al-Qaeda members. He made $1,500 a month working for al-Qaeda in Sudan, prompting complaints by Jamal al-Fadl, who was paid less. (5)

Assisted in al-Qaeda's attempt to buy uranium in 1993-94 timeframe. (5)

Wadih El Hage

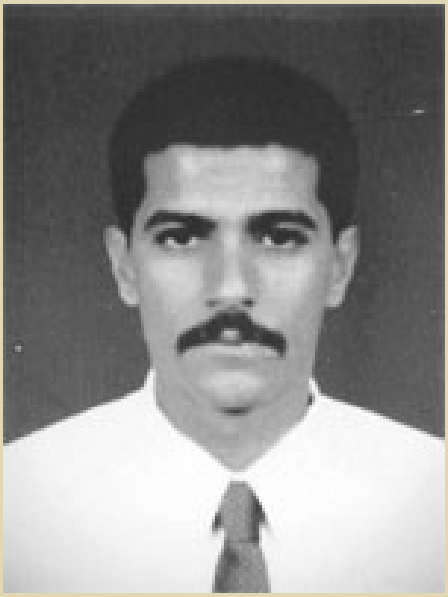


GlobalSecurity.org

One of the first Usama Bin Ladin associates and former mujahidin to move to Kenya. A Lebanese Christian by birth, who later became a naturalized American citizen and converted to Islam. Associated with Kenya based non-governmental organizations (NGO's), organizations ostensibly created for the purposes of humanitarian relief and aid work. A chapter of one NGO, Help Africa People, allegedly founded in Germany, was established in Nairobi by El-Hage. (1)

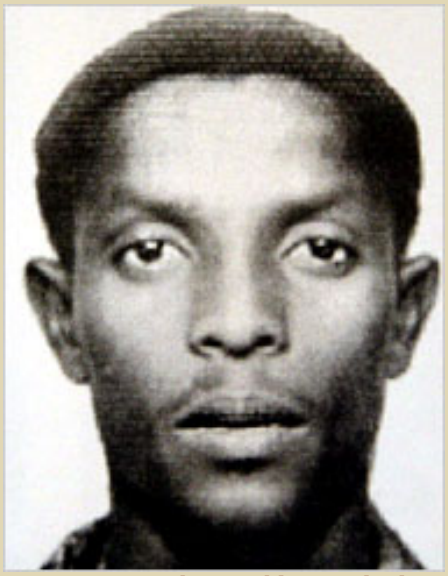
In May 1998, Harun rented an estate home in an upscale residential neighborhood outside the center of Nairobi at 43 Runda Estates. It is believed that the bomb used to destroy the US Embassy at Nairobi may have been constructed and actually stored at this location. (1)

Was taken into US custody following the bombing. (1)

	The following biographical information was found at GlobalSecurity.org: Born to Lebanese Christian parents. Moved to Kuwait at a young age. (6) Attended University of Southwest Louisiana in Lafayette, La., in August 1978. Went to Afghanistan in 1983. Ultimately received degree in urban planning. Married April Brightsky Ray. Father of seven, all U.S. citizens. (6) Lived in Tucson; Arlington, Texas; Pakistan. Moved to Sudan to work for Osama bin Laden for salary of $1,200/month. Moved to Nairobi in 1994. Traveled to Slovakia, Pakistan. Returned to United States in 1997. (6) In court, his attorney contended he was not involved in the bombings. (6) Made $800/month working for al-Qaeda in Sudan in early 1990s. (6)
Abdullah Ahmed Abdullah  FBI.gov	The FBI refers to this suspect as "Saleh." The FBI believes he was involved in the operation to bomb the US Embassy in Nairobi. Place of birth and country of citizenship unknown. Described as the "mastermind" of both the Nairobi and Dar es Salaam attacks. On August 4, 1998, Saleh and Al-Owhali reportedly conducted a reconnaissance of the US Embassy, in part to finalize the plan concerning the bomb-delivery truck's placement. (1)
Azzam	Also known as Jihad Mohammed Ali. Saudi citizen. The FBI believes was involved in the operation to bomb the US Embassy in Nairobi. (1) On August 7, 1998, prior to the bombing, two light colored vehicles exited 43 Runda Estates. In the first, a pick-up truck, was Harun, who led the second vehicle, a truck, containing the passenger Al-Owhali and the driver Azzam to the US embassy. Azzam manually detonated the bomb at the embassy. It is believed that Azzam was killed instantly. (1)

Hamden Khalif Allah Awad	Egyptian citizen. Hamden Khalif Allah Awad aka "Ahmed the German," was chosen to drive the bomb vehicle in Dar es Salaam. The FBI believes that "Ahmed the German" was the driver of the bomb delivery vehicle and that he was killed instantly as a result of the bomb's detonation outside the US Embassy in Dar es Salaam. (1)
Mohamed Rashed Daoud Al-Owhali  CNN.com	The FBI believes was involved in the operation to bomb the US Embassy in Nairobi. Saudi citizen born in Liverpool, England. A passenger in the bomb delivery truck driven by Azzam. Al-Owhali and Azzam had prepared for their martyrdom in what was to be a suicide bombing. Al-Owhali, however, fled the scene of the bombing when the attack diverged from the original plan. He was subsequently arrested and rendered to the United States on August 27, 1998. (1) On August 4, 1998, Saleh and Al-Owhali reportedly conducted a reconnaissance of the US Embassy, in part to finalize the plan concerning the bomb-delivery truck's placement. (1) On August 7, 1998, prior to the bombing, two light colored vehicles exited 43 Runda Estates. In the first, a pick-up truck, was Harun, who led the second vehicle, a truck, containing the passenger Al-Owhali and the driver Azzam to the US embassy. At that time, Al-Owhali was armed with a pistol and a number of homemade stun grenades. Once in the Embassy parking lot, Al-Owhali's role was to "scare away" people in the vicinity of the Embassy compound. The objective was allegedly to reduce the number of potential Kenyan casualties. Al-Owhali was also to manually detonate the bomb, in the event that the detonation device malfunctioned. However, upon exiting the bomb delivery vehicle, Al-Owhali forgot his pistol in the truck and was left only with the stun grenades. Instead of returning to the bomb vehicle, Al-Owhali brandished a stun grenade before throwing it in the direction of a security guard. Al-Owhali then fled the scene. At about the same time, Azzam (the driver) manually detonated the bomb. It is believed that Azzam was killed instantly. (1) Was taken into US custody after the bombing. (1) The following biographical information was found at GlobalSecurity.org: > Would-be suicide bomber at the Nairobi embassy, but he fled before the bomb went off. Al-'Owhali trained in explosives, hijacking, kidnapping, assassination and intelligence techniques in Afghanistan in 1996. He met Osama bin Laden during this time. (7)

Fazul Abdullah Mohammed



The Weekly Standard

Also known as Harun Fazhl. Born in the Comoros Islands and fluent in French, Swahili, Arabic and English. The FBI believes he may be part of the original core group of the Usama Bin Ladin cell in East Africa and believes he was involved in the operation to bomb the US Embassy in Nairobi. Associated with Kenya based non-governmental organizations (NGO's), organizations ostensibly created for the purposes of humanitarian relief and aid work. Was employed by Help Africa, El-Hage's NGO, at one time.(1)

On August 7, 1998, prior to the bombing, two light colored vehicles exited 43 Runda Estates. In the first, a pick-up truck, was Harun, who led the second vehicle, a truck, containing the passenger Al-Owhali and the driver Azzam, along with the bomb, to the US embassy. (1)

The following biographical information was found at GlobalSecurity.org:

> Mohammed took part in the planning and execution of the bombing of the U.S. Embassy in Nairobi, Kenya, in 1998. (8)
>
> He speaks French, Swahili, Arabic, English and Comoran. He is skilled with computers. (8)
>
> He was targeted in an American airstrike in Somalia in January 2007, and initial reports say he may have been killed. (8)

Khalfan Khamis Mohamed

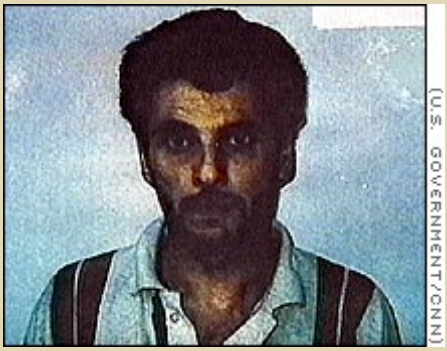
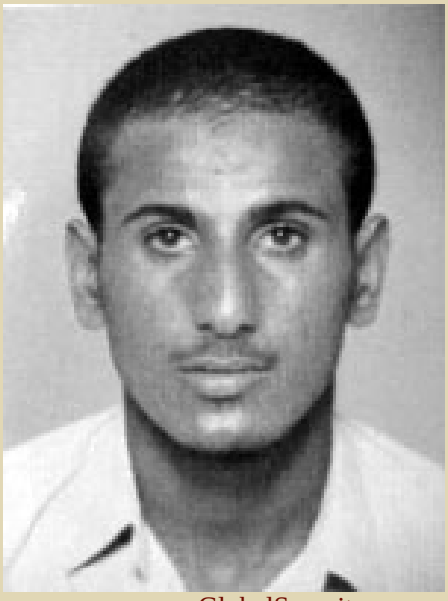


GlobalSecurity.org

Has been identified as being possibly member of the Dar es Salaam cell. Possibly an Omani citizen. In June 1998, Khalfan Khamis Mohammed (hereinafter known as Khamis) signed a lease to rent a house in the Ilala District of Dar es Salaam. Preliminary analysis suggests it may have been where the bomb used to destroy the US embassy in Dar es Salaam was constructed and stored. Also associated with the bomb delivery vehicle.(1)

The following biographical information was found at GlobalSecurity.org:

> Has a twin sister. Moved with family to Dar es Salaam around 1990. Trained in explosives in Afghanistan in 1994. Returned home to Dar Es Salaam in 1995. Traveled to Mombasa, Kenya and twice to Somalia in 1997. Traveled to Mombasa again in 1998. Joined embassy bombings plot in March or April 1998. (9)
>
> Rented house in Dar Es Salaam used as base of operations for embassy bombings. Helped grind the TNT and prepare the bomb used in Tanzania bombing. Purchased a white Suzuki Samurai used by conspirators. Drove the truck partway to Dar Es Salaam embassy. (9)
>
> He fled to South Africa and worked as a cook at a fast-food restaurant, Burger World, under an assumed name, until South African police detained him. He was turned over to the United States. (9)
>
> Tried to reach al-Qaeda in June 1999 but didn't not hear back. (9)
>
> After he was captured, he assisted Mamdouh Salim in a jail uprising in New York in 2000. (9)

	During trial, his attorney portrayed him as a simple gofer and a pawn. After his conviction, a South African court ruled his extradition to the United States was illegal on the grounds he faced the death penalty. (9)
Mohamed Sadeek Odeh  CNN.com	Also known as Mohammed Sadiq Howaida. Born in Saudi Arabia but a citizen of Jordan. An "explosives consultant" and trained architect. The FBI believes he may be part of the original core group of the Usama Bin Ladin cell in East Africa and believes he was involved in the operation to bomb the US Embassy in Nairobi. Associated with Kenya based non-governmental organizations (NGO's), organizations ostensibly created for the purposes of humanitarian relief and aid work. Was given an identity card for Help Africa People, El-Hage's NGO, to show his wife and her family as an indication of his employment. Odeh was arrested by the Kenyans on August 14th, 1998 and rendered to the United States on August 28th, 1998. (1)
Fahid Mohammed Ally Msalam  GlobalSecurity.org	The FBI believes was involved in the operation to bomb the US Embassy in Nairobi. Thought to be of Kenyan or Yemeni origins. Owner of a pick-up truck subsequently believed to be used by Harun to lead the bomb delivery truck to the rear of the US Embassy in Nairobi. (1) Has been identified as being possibly member of the Dar es Salaam cell. Associated with the bomb delivery vehicle. (1)
Abdul Rahman	The FBI believes was involved in the operation to bomb the US Embassy in Nairobi. Is described to be a bomb technician. Egyptian citizen. On or about August 5, 1998, Rahman is said to have made the final connection between the bomb and the detonation device, which was located in the passenger compartment of the bomb-delivery truck. (1)

Ahmed Khalfan Ghailani  The Washington Post	Has been identified as being possibly member of the Dar es Salaam cell. Tanzanian citizen. Ghailani purchased the bomb delivery vehicle with the assistance of Swedan. (1) The following biographical information was found at GlobalSecurity.org: Ghaliani, on orders from Msalam, purchased various components used in the Dar Es Salaam bombing. He fled Africa for Afghanistan the day before the bombings and became a line soldier, and later a cook, for al-Qaeda. (10) He later served in al-Qaeda's document forgery office in Kandahar, Afghanistan, until the fall of the Taliban. He then moved to Pakistan. He worked for Hamza Rabia during this time. (10) He was one of 14 key al-Qaeda operatives transferred from CIA custody to the U.S. military prison at Guantanamo Bay, Cuba, in 2006. (10)
Ahmed Salim Swedan  National Counterterrorism Center	Has been identified as being possibly member of the Dar es Salaam cell. Kenyan of Yemeni origin. Ghailani purchased the bomb delivery vehicle with the assistance of Swedan. (1)
Rashid Saleh Hamed	Investigations subsequent to the bombing revealed that Ally and Khamis had been residing with Rashid Saleh Hamed. Hamed is currently in the custody of Tanzanian officials and has been charged with the murder of eleven people as a direct result of the bombing. (1)
Mustafa Mahmud Said Ahmed	Another individual currently in Tanzanian custody and charged with this bombing is Mustafa Mahmud Said Ahmed (hereinafter referred to as Mahmud). Mahmud was reportedly involved a past incident of surveilling the US Embassy in Nairobi in 1997. (1)

Documents, Documentaries and Additional Readings

National Geographic documentary on the bombings - Seconds from Disaster: American Embassy Bombing

The FBI's declassified executive summary on the bombings - Bombings of the Embassies of the United States of America at Nairobi, Kenya, and Dar Es Salaam, Tanzania

Link to George Washington University website that contains State Department cables about the retaliatory bombings in Afghanistan and evaluates their effectiveness

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Sources:

1. U.S. Department of Justice, "*Bombings of the Embassies of the United States of America at Nairobi, Kenya, and Dar Es Salaam, Tanzania*," November 18, 1998. October 27, 2008, <http://www.pbs.org/wgbh/pages/frontline/shows/binladen/bombings/summary.html>.
2. "*Osama bin Laden*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/osama_bin_laden.htm>.
3. "*Mohammed Atef*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/mohammed_atef.htm>.
4. "*Saif al-Adel*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/saif_al-adel.htm>.
5. "*Mamdouh Mahmud Salim*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/mamdouh_mahmud_salim.htm>.
6. "*Wadih El Hage*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/wadih_el_hage.htm>.
7. "*Mohamed Rashed Daoud Al-Owhali*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/mohamed_rashed_daoud_al-owhali.htm>.
8. "*Fazul Abdullah Mohammed*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/fazul_abdullah_mohammed.htm>.
9. "*Khalfan Khamis Mohamed*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/khalfan_khamis_mohamed.htm>.
10. "*Ahmed Khalfan Ghailani*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/ahmed_khalfan_ghailani.htm>.

The U.S.S. Cole Attack

October 12, 2000



The University of Texas

Summary of Events

On October 12, 2000, al-Qaeda operatives in a small boat laden with explosives attacked a U.S. Navy destroyer, the USS Cole. The blast ripped a hole in the side of the Cole, killing 17 members of the ship's crew and wounding at least 40. The plot was a full-fledged al Qaeda operation, supervised directly by Bin Ladin. He chose the target and location of the attack, selected the suicide operatives, and provided the money needed to purchase explosives and equipment. (8)

In Afghanistan, Bin Ladin anticipated U.S. military retaliation. He ordered the evacuation of al Qaeda's Kandahar airport compound and fled- first to the desert area near Kabul, then to Khowst and Jalalabad, and eventually back to Kandahar. In Kandahar, he rotated between five to six residences, spending one night at each residence. In addition, he sent his senior advisor, Mohammed Atef, to a different part of Kandahar and his deputy, Ayman al Zawahiri, to Kabul so that all three could not be killed in one attack. There was no American strike. In February 2001, a source reported that an individual whom he identified as the big instructor (probably a reference to Bin Ladin) complained frequently that the United States had not yet attacked. According to the source, Bin Ladin wanted the United States to attack, and if it did not he would launch something bigger. (8)

The attack on the USS Cole galvanized al Qaeda's recruitment efforts. Following the attack, Bin Ladin instructed the media committee, then headed by Khalid Sheikh Mohammed, to produce a propaganda video that included a reenactment of the attack along with images of the al Qaeda training camps and training methods; it also highlighted Muslim suffering in Palestine, Kashmir, Indonesia, and Chechnya. Al Qaeda's image was very important to Bin Ladin, and the video was widely disseminated. Portions were aired on Al Jazeera, CNN, and other television outlets. It was also disseminated among many young men in Saudi Arabia and Yemen, and caused many extremists to travel to Afghanistan for training and jihad.Al Qaeda members considered the video an effective tool in their struggle for preeminence among other Islamist and jihadist movements. (8)

Human Actors

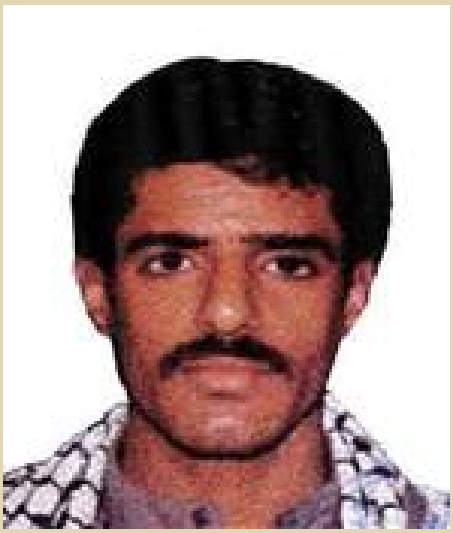
Osama bin Laden



AP Photo

The following biographical information was found at GlobalSecurity.org:

> Osama bin Laden is the 17th of 57 children of Yemeni-Saudi Muhammed bin Laden, a construction magnate who rose from poverty to become one of the wealthiest non-royals in Saudi Arabia before his death in 1968. While most of his family eschewed politics, bin Laden became very religious and interested in the fate of Muslims throughout the Islamic world. (1)
>
> His influences include Sayyid Qutb, an anti-Western Egyptian writer who was executed by the Egyptian government in 1996; Abdullah Azzam, the ideological founder of al-Qaeda; and Ayman al-Zawahiri, his chief deputy after the Sept. 11 attacks. (1)
>
> In 1980, he left his lavish upbringing behind and opted for a life of warfare, first in Afghanistan, against the army of the Soviet Union. He is thought to have taken part in at least one battle, but his primary role was in directing money, including some of his family fortune, and logistical support to the anti-Soviet fighters, both Afghan and Arab. (1)

	Once victory over the Soviet Union was secured, bin Laden, Azzam and their comrades conceived of a way to continue the jihad: al-Qaeda, the base, as in a military base. Azzam, however, was killed in a car bombing in 1989, leaving bin Laden the sole leader of the extremist movement, which was then based in Peshawar, Pakistan. He became a staunch critic of the ruling Saudi monarchy for allowing the United States to station troops on Saudi soil. (1) Osama bin Laden's appeal is in blaming the United States for the problems of the Muslim world: its corrupt leadership, its squalor, its moderate view of Islam. Islam's many violent borders -- in Africa, southeast Asia, India, Russia, Israel and Europe -- are to be blamed on the United States and its allies. (1)
Tawfiq bin Attash  MSNBC	The following biographical information was found at GlobalSecurity.org: Key operative involved in the USS Cole bombing and 9-11. A CIA counterterrorism officer described him as a "major-league killer." (2) He volunteered as a suicide bomber and was assigned to join the 9-11 hijackers. He was unable to obtain a U.S. visa. (2) Much of his family is involved with al-Qaeda and terrorism. He first came to Afghanistan to fight in 1994, at the age of 15. One of his brothers was killed fighting there. (2) Khallad served as a bodyguard for Osama bin Laden and a line fighter against the Northern Alliance before joining al-Qaeda's operational ranks in 1998. (2) Served as communications link between al-Qaeda's leadership in Afghanistan and Pakistan and operatives in the Persian Gulf. (2) In 2001, the CIA and FBI had some information on him and his connection to the Cole bombing and the Kuala Lumpur meeting, which also included two future 9-11 hijackers. (2)
Jamal al Badawi  CNN	The following biographical information was found at GlobalSecurity.org: Jamal al Badawi served as a facilitator in the USS Cole bombing, locating the bomb boat and a private residence in Aden, Yemen, where the boat could be constructed. (3) Badawi has twice escaped from a Yemeni prison after being detained in connection with the Cole bombing, first in April 2003. He was recaptured in March 2004, then escaped again on Feb. 3, 2006. (3)

Fahd al Quso



GlobalSecurity.org

The following biographical information was found at GlobalSecurity.org:

He escaped from a Yemeni prison in April 2003. (5)

Mushin Musa Matwalli Atwah



GlobalSecurity.org

The following biographical information was found at GlobalSecurity.org:

Conducted explosives training in Farouq camp, Afghanistan, in early 1990s. (6)

Along with Saif al-Adel and Ali Mohamed, provided training to al-Qaeda and Egyptian Islamic Jihad members in Afghanistan, Pakistan and Sudan, starting in 1990 or earlier. (6)

He was identified as an unindicted co-conspirator in the USS Cole bombing. He assisted in testing the explosives used in the attack. (6)

In April 2006, Pakistan claimed to have killed Atwah in a raid on a village near the Afghanistan-Pakistan border. The U.S. government confirmed this in October 2006. (6)

Saif al-Adel

The following biographical information was found at GlobalSecurity.org:

Saif al-Adel is wanted in connection with East Africa embassy bombings. (4)

Before 2001, he reported to Muhammed Atef on al-Qaeda's military committee. Starting around 1990, he provided military and intelligence training to al-Qaeda and Egyptian Islamic Jihad members in Afghanistan, Pakistan and Sudan. (4)

He is skilled with explosives. (4)

Identified as an unindicted co-conspirator in the attack on the USS Cole.



CNN

In spring 2001, He assisted in production of a propaganda and recruiting video that include a re-enactment of the Cole bombing. (4)

Abd al-Rahim al-Nashiri



CNN

The following biographical information was found at GlobalSecurity.org:

Al-Nashiri was propelled into al-Qaeda's senior leadership after the success of the USS Cole bombing. (7)

He joined his cousins and uncles in militant Islam after completing intermediate school in Saudi Arabia. He took part in Khattab's insurgencies in Tajikstan and Chechnya and became a trainer at Khalden camp in Afghanistan in 1992. (7)

Accompanied by Tawfiq bin Attash, he first met bin Laden in the mid-1990s, but al-Nashiri initially refused to pledge loyalty to him because he found the idea distateful. (7)

In 1997, he joined the Taliban and later began work for al-Qaeda. He and his cousin Azzam were tasked to smuggle Russian AT-3 Sagger antitank missiles into Saudi Arabia to use against American targets there. The attack did not take place. (7)

In late 1998, he was tasked by bin Laden to attack an oil tanker off the coast of Yemen. This plot was modified in 1999 to a U.S. Navy warship. Nashiri's operatives failed on their first attempt when an overloaded bomb boat sank in January 2000, but the Cole attack 10 months later succeeded. (7)

His cousin Azzam was the suicide bomber at the U.S. Embassy in Nairobi, Kenya, in 1998. (7)

An associate described him as utterly committed to al-Qaeda, suggesting he "would commit a terrorist act 'in Mecca inside the Ka'aba itself' (the holiest site on Islam) if he believed there was a need to do so." (7)

At the time of Nashiri's arrest, he was involved in a number of plots, including one to crash a small plane into the bridge of a U.S. or allied warship in the United Arab Emirates. (7)

He was one of 14 key al-Qaeda operatives and associates transferred from

	CIA custody to the U.S. military prison at Guantanamo Bay, Cuba, in 2006. (7)
Ibrahim al-Thawar	Suicide bomber.
Hassan al Khamri	Suicide bomber.

Non-Human Actors

The U.S.S. Cole  The BBC	"The destroyer represented the capital of the West," bin Laden said, "and the small boat represented Mohammed." (9)

Additional Readings

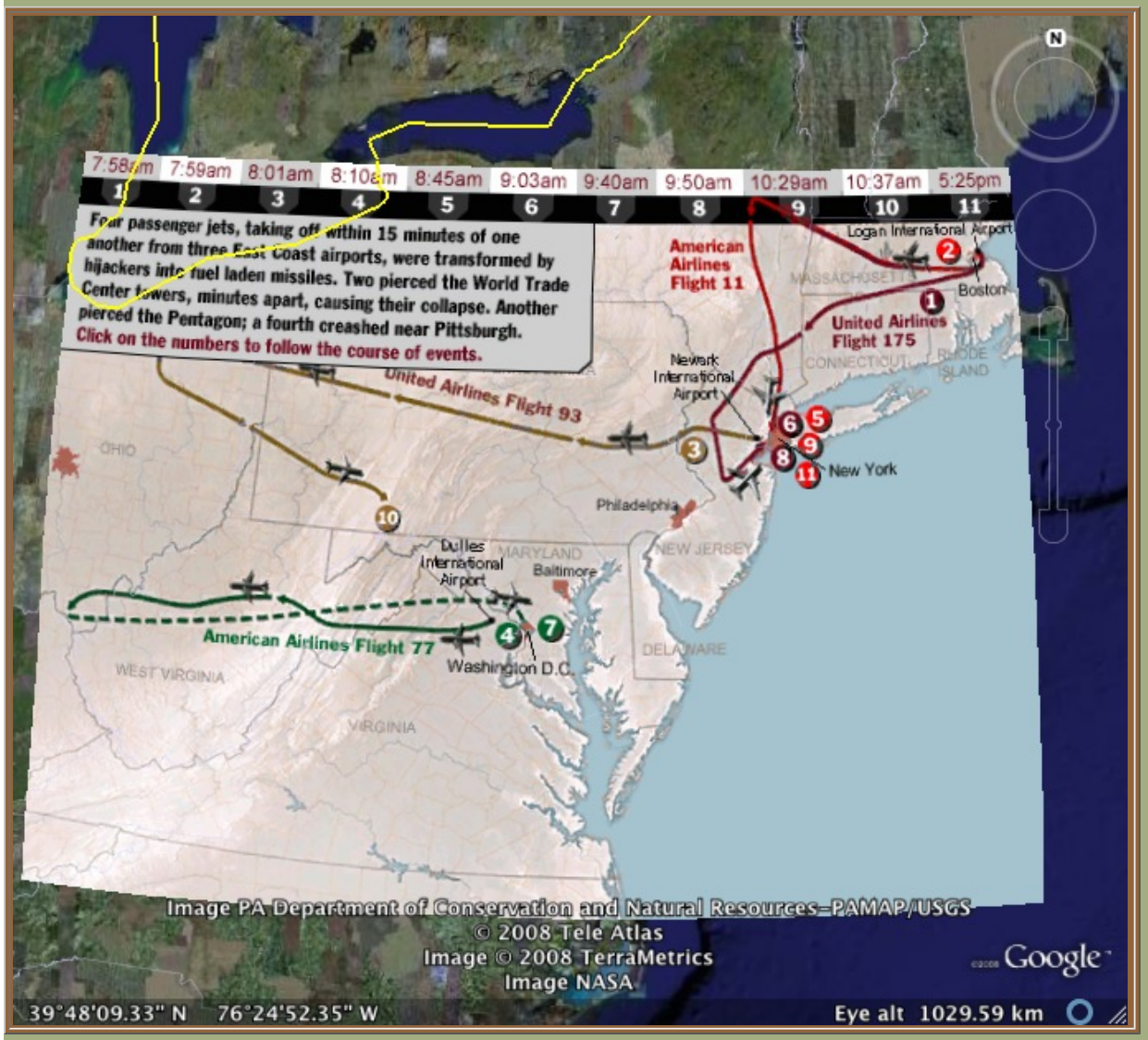
CBS News article on al Qaeda's use of the USS Cole bombing in recruiting tapes - A Claim for the Cole

Sources:

1. "*Osama bin Laden*," GlobalSecurity.org. December 10, 2008, <http://www.globalsecurity.org/security/profiles/osama_bin_laden.htm>.
2. "*Tawfiq bin Attash*," GlobalSecurity.org. December 10, 2008, <http://www.globalsecurity.org/security/profiles/tawfiq_bin_attash.htm>.
3. "*Jamal al Badawi*," GlobalSecurity.org. December 10, 2008, <http://www.globalsecurity.org/security/profiles/jamal_al_badawi.htm>.
4. "*Saif al-Adel*," GlobalSecurity.org. December 10, 2008, <http://www.globalsecurity.org/security/profiles/saif_al-adel.htm>.
5. "*Fahd al Quso*," GlobalSecurity.org. December 10, 2008, <http://www.globalsecurity.org/security/profiles/fahd_al_quso.htm>.
6. "*Mushin Musa Matwalli Atwah*," GlobalSecurity.org. December 10, 2008, <http://www.globalsecurity.org/security/profiles/mushin_musa_matwalli_atwah.htm>.
7. "*Abd al-Rahim al-Nashiri*," GlobalSecurity.org. December 10, 2008, <http://www.globalsecurity.org/security/profiles/abd_al-rahim_al-nashiri.htm>.
8. "Attacks on US Warships in Port of Aden," GlobalSecurity.org. December 10, 2008, <http://www.globalsecurity.org/security/ops/cole.htm>.
9. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 361.

September 11 Attacks on the United States

September 11, 2001



Time.com

Summary of Events

The largest scale international terrorist attack ever—involving four separate but coordinated aircraft hijackings—occurred in the United States on September 11, 2001. The 19 hijackers belonged to the al-Qaida terrorist network. According to investigators and records of cellular phone calls made by passengers aboard the planes, the hijackers used knives and boxcutters to kill or wound passengers and the pilots, and then commandeer the aircraft, which the hijackers used to destroy preselected targets. The attacks were the fruition of years of planning by Islamic militants declaring allegiance to al-Qaeda and Usama Bin Ladin. (28)

A Clash of Civilizations?

The political theory of a "clash of civilizations" was first presented in September 1990, by Bernard Lewis in his article "*The Roots of Muslim Rage*." Samuel Huntington then expanded on the theory, proposing a new era of post-Cold War international relations, in which "the principal conflicts of global politics will occur between nations and groups of different civilizations." In his 1993 essay "*The Clash of Civilizations*," Huntington emphasizes the clash between the West and Confucian-Islamic societies. In the aftermath of the September 11 attacks, Edward Said countered Huntington's claim on the basis that Islam and the West are not monoliths, but dynamic, complex, plural societies. He derides Huntington and Lewis for ignoring the dynamics of each civilization.

The table below presents excerpts of Huntington's and Said's articles. Though edited, all information comes directly from the articles.

YES	NO
The Clash of Civilizations by Samuel Huntington World politics is entering a new phase, and intellectuals have not hesitated to proliferate visions of what it will be -- the end of history, the return of traditional rivalries between nation states, and the decline of the nation state from the conflicting pulls of tribalism and globalism, among others. Each of these visions catches aspects of the emerging reality. Yet they all miss a crucial, indeed a central, aspect of what global politics is likely to be in the coming years. (1) It is my hypothesis that the fundamental source of conflict in this new world will not be primarily ideological or primarily economic. The great divisions among humankind and the dominating source of conflict will be cultural. Nation states will remain the most powerful actors in world affairs, but the principal conflicts of global politics will occur between nations and groups of different civilizations. The clash of civilizations will be the battle lines of the future. ... (1) ...With the end of the Cold War, international politics moves out of its Western phase, and its center-piece becomes the interaction between the West and non-Western civilizations and among non-Western civilizations. In the politics of civilizations, the people and governments of non-Western civilizations no longer remain the objects of history as targets of Western colonialism but join the West as movers and shapers of history. ... (1) What do we mean when we talk of a civilization? A civilization is a cultural entity. Villages, regions, ethnic groups, nationalities, religious groups, all have distinct cultures at different levels of cultural heterogeneity. The culture of a village in southern Italy may be different from that of a village in northern Italy, but both will share in a common Italian culture that distinguishes them	**The Clash of Ignorance** by Edward Said Samuel Huntington's...argument...relied on a vague notion of something Huntington called "civilization identity" and "the interactions among seven or eight [sic] major civilizations," of which the conflict between two of them, Islam and the West, gets the lion's share of his attention. In this belligerent kind of thought, he relies heavily on a 1990 article by the veteran Orientalist Bernard Lewis, whose ideological colors are manifest in its title, "The Roots of Muslim Rage." In both articles, the personification of enormous entities called "the West" and "Islam" is recklessly affirmed, as if hugely complicated matters like identity and culture existed in a cartoonlike world where Popeye and Bluto bash each other mercilessly, with one always more virtuous pugilist getting the upper hand over his adversary. Certainly neither Huntington nor Lewis has much time to spare for the internal dynamics and plurality of every civilization, or for the fact that the major contest in most modern cultures concerns the definition or interpretation of each culture, or for the unattractive possibility that a great deal of demagogy and downright ignorance is involved in presuming to speak for a whole religion or civilization. No, the West is the West, and Islam Islam. (2) ...In fact, Huntington is an ideologist, someone who wants to make "civilizations" and "identities" into what they are not: shut-down, sealed-off entities that have been purged of the myriad currents and countercurrents that animate human history, and that over centuries have made it possible for that history not only to contain wars of religion and imperial conquest but also to be one of exchange, cross-fertilization and sharing. This far less visible history is ignored in the rush to highlight the ludicrously compressed and constricted warfare that "the clash of civilizations" argues is the reality. ... (2)

from German villages. European communities, in turn, will share cultural features that distinguish them from Arab or Chinese communities. Arabs, Chinese and Westerners, however, are not part of any broader cultural entity. They constitute civilizations. A civilization is thus the highest cultural grouping of people and the broadest level of cultural identity people have short of that which distinguishes humans from other species. It is defined both by common objective elements, such as language, history, religion, customs, institutions, and by the subjective self-identification of people. People have levels of identity: a resident of Rome may define himself with varying degrees of intensity as a Roman, an Italian, a Catholic, a Christian, a European, a Westerner. The civilization to which he belongs is the broadest level of identification with which he intensely identifies. People can and do redefine their identities and, as a result, the composition and boundaries of civilizations change. ... (1)

Conflict along the fault line between Western and Islamic civilizations has been going on for 1,300 years. After the founding of Islam, the Arab and Moorish surge west and north only ended at Tours in 732. From the eleventh to the thirteenth century the Crusaders attempted with temporary success to bring Christianity and Christian rule to the Holy Land. From the fourteenth to the seventeenth century, the Ottoman Turks reversed the balance, extended their sway over the Middle East and the Balkans, captured Constantinople, and twice laid siege to Vienna. In the nineteenth and early twentieth centuries at Ottoman power declined Britain, France, and Italy established Western control over most of North Africa and the Middle East. (1)

After World War II, the West, in turn, began to retreat; the colonial empires disappeared; first Arab nationalism and then Islamic fundamentalism manifested themselves; the West became heavily dependent on the Persian Gulf countries for its energy; the oil-rich Muslim countries became money-rich and, when they wished to, weapons-rich. Several wars occurred between Arabs and Israel (created by the West). France fought a bloody and ruthless war in Algeria for most of the 1950s; British and French forces invaded Egypt in 1956; American forces returned to Lebanon, attacked Libya, and engaged in various military encounters with Iran; Arab and Islamic terrorists, supported by at least three Middle Eastern governments, employed the weapon of the weak and bombed Western planes and installations and seized Western hostages. This warfare between Arabs and the West culminated in 1990, when the United States sent a massive army to the Persian Gulf to defend some Arab countries against aggression by another. In its aftermath NATO planning is increasingly directed to potential threats and instability along its "southern tier." (1)

This centuries-old military interaction between the West and Islam is unlikely to decline. It could become more virulent. The Gulf War left some Arabs feeling proud that Saddam Hussein had attacked Israel and stood up to the West. It also left many feeling humiliated and resentful of the West's military presence in the Persian Gulf, the West's overwhelming military dominance, and their apparent inability to shape their own destiny. Many Arab countries, in addition to the oil exporters, are reaching levels of economic and social development where autocratic forms of government become inappropriate and efforts to introduce democracy become stronger. Some openings in Arab political systems have already occurred. The principal beneficiaries of these openings have been Islamist movements. In the Arab world, in short, Western democracy strengthens anti-Western political forces. This may be a passing phenomenon, but it surely complicates relations between Islamic countries and the West. (1)

Those relations are also complicated by demography. The spectacular population growth in Arab countries, particularly in North Africa, has led to increased migration to Western Europe. The movement within Western Europe toward minimizing internal boundaries has sharpened political sensitivities with respect to this development. In Italy, France and Germany, racism is increasingly open, and political reactions and violence against Arab and Turkish migrants have

The basic paradigm of West versus the rest (the cold war opposition reformulated) remained untouched, and this is what has persisted, often insidiously and implicitly, in discussion since the terrible events of September 11. The carefully planned and horrendous, pathologically motivated suicide attack and mass slaughter by a small group of deranged militants has been turned into proof of Huntington's thesis. Instead of seeing it for what it is--the capture of big ideas (I use the word loosely) by a tiny band of crazed fanatics for criminal purposes--international luminaries from former Pakistani Prime Minister Benazir Bhutto to Italian Prime Minister Silvio Berlusconi have pontificated about Islam's troubles, and in the latter's case have used Huntington's ideas to rant on about the West's superiority, how "we" have Mozart and Michelangelo and they don't. (Berlusconi has since made a halfhearted apology for his insult to "Islam.") (2)

But why not instead see parallels, admittedly less spectacular in their destructiveness, for Osama bin Laden and his followers in cults like the Branch Davidians or the disciples of the Rev. Jim Jones at Guyana or the Japanese Aum Shinrikyo? Even the normally sober British weekly The Economist, in its issue of September 22-28, can't resist reaching for the vast generalization, praising Huntington extravagantly for his "cruel and sweeping, but nonetheless acute" observations about Islam. "Today," the journal says with unseemly solemnity, Huntington writes that "the world's billion or so Muslims are 'convinced of the superiority of their culture, and obsessed with the inferiority of their power.'" ... (2)

Uncountable are the editorials in every American and European newspaper and magazine of note adding to this vocabulary of gigantism and apocalypse, each use of which is plainly designed not to edify but to inflame the reader's indignant passion as a member of the "West," and what we need to do. Churchillian rhetoric is used inappropriately by self-appointed combatants in the West's, and especially America's, war against its haters, despoilers, destroyers, with scant attention to complex histories that defy such reductiveness and have seeped from one territory into another, in the process overriding the boundaries that are supposed to separate us all into divided armed camps. (2)

This is the problem with unedifying labels like Islam and the West: They mislead and confuse the mind, which is trying to make sense of a disorderly reality that won't be pigeonholed or strapped down as easily as all that. I remember interrupting a man who, after a lecture I had given at a West Bank university in 1994, rose from the audience and started to attack my ideas as "Western," as opposed to the strict Islamic ones he espoused. "Why are you wearing a suit and tie?" was the first retort that came to mind. "They're Western too." He sat down with an embarrassed smile on his face, but I recalled the incident when information on the September 11 terrorists started to come in: how they had mastered all the technical details required to inflict their homicidal evil on the World Trade Center, the Pentagon and the aircraft they had commandeered. Where does one draw the line between "Western" technology and, as Berlusconi declared, "Islam's" inability to be a part of "modernity"? (2)

One cannot easily do so, of course. How finally inadequate are the labels, generalizations and cultural assertions. At some level, for instance, primitive passions and sophisticated know-how converge in ways that give the lie to a fortified boundary not only between "West" and "Islam" but also between past and present, us and them, to say nothing of the very concepts of identity and nationality about which there is unending disagreement and debate. A unilateral decision made to draw lines in the sand, to undertake crusades, to oppose their evil with our good, to extirpate terrorism and, in Paul Wolfowitz's nihilistic vocabulary, to end nations entirely, doesn't make the supposed entities any easier to see; rather, it speaks to how much simpler it is to make bellicose statements for the purpose of mobilizing collective passions than to reflect, examine, sort out what it is we are dealing with in reality, the interconnectedness of innumerable lives,

become more intense and more widespread since 1990. (1)

On both sides the interaction between Islam and the West is seen as a clash of civilizations. The West's "next confrontation," observes M. J. Akbar, an Indian Muslim author, "is definitely going to come from the Muslim world. It is in the sweep of the Islamic nations from the Meghreb to Pakistan that the struggle for a new world order will begin." Bernard Lewis comes to a regular conclusion: (1)

> "We are facing a need and a movement far transcending the level of issues and policies and the governments that pursue them. This is no less than a clash of civilizations -- the perhaps irrational but surely historic reaction of an ancient rival against our Judeo-Christian heritage, our secular present, and the worldwide expansion of both. ... (1)

The interactions between civilizations vary greatly in the extent to which they are likely to be characterized by violence. Economic competition clearly predominates between the American and European subcivilizations of the West and between both of them and Japan. On the Eurasian continent, however, the proliferation of ethnic conflict, epitomized at the extreme in "ethnic cleansing," has not been totally random. It has been most frequent and most violent between groups belonging to different civilizations. In Eurasia the great historic fault lines between civilizations are once more aflame. This is particularly true along the boundaries of the crescent-shaped Islamic bloc of nations from the bulge of Africa to central Asia. Violence also occurs between Muslims, on the one hand, and Orthodox Serbs in the Balkans, Jews in Israel, Hindus in India, Buddhists in Burma and Catholics in the Philippines. Islam has bloody borders. ... (1)

"ours" as well as "theirs." (2)

In a remarkable series of three articles published between January and March 1999 in Dawn, Pakistan's most respected weekly, the late Eqbal Ahmad, writing for a Muslim audience, analyzed what he called the roots of the religious right, coming down very harshly on the mutilations of Islam by absolutists and fanatical tyrants whose obsession with regulating personal behavior promotes "an Islamic order reduced to a penal code, stripped of its humanism, aesthetics, intellectual quests, and spiritual devotion." And this "entails an absolute assertion of one, generally de-contextualized, aspect of religion and a total disregard of another. The phenomenon distorts religion, debases tradition, and twists the political process wherever it unfolds." As a timely instance of this debasement, Ahmad proceeds first to present the rich, complex, pluralist meaning of the word jihad and then goes on to show that in the word's current confinement to indiscriminate war against presumed enemies, it is impossible "to recognize the Islamic--religion, society, culture, history or politics--as lived and experienced by Muslims through the ages." The modern Islamists, Ahmad concludes, are "concerned with power, not with the soul; with the mobilization of people for political purposes rather than with sharing and alleviating their sufferings and aspirations. Theirs is a very limited and time-bound political agenda." What has made matters worse is that similar distortions and zealotry occur in the "Jewish" and "Christian" universes of discourse. (2)

It was Conrad, more powerfully than any of his readers at the end of the nineteenth century could have imagined, who understood that the distinctions between civilized London and "the heart of darkness" quickly collapsed in extreme situations, and that the heights of European civilization could instantaneously fall into the most barbarous practices without preparation or transition. And it was Conrad also, in The Secret Agent (1907), who described terrorism's affinity for abstractions like "pure science" (and by extension for "Islam" or "the West"), as well as the terrorist's ultimate moral degradation. (2)

For there are closer ties between apparently warring civilizations than most of us would like to believe; both Freud and Nietzsche showed how the traffic across carefully maintained, even policed boundaries moves with often terrifying ease. But then such fluid ideas, full of ambiguity and skepticism about notions that we hold on to, scarcely furnish us with suitable, practical guidelines for situations such as the one we face now. Hence the altogether more reassuring battle orders (a crusade, good versus evil, freedom against fear, etc.) drawn out of Huntington's alleged opposition between Islam and the West, from which official discourse drew its vocabulary in the first days after the September 11 attacks. There's since been a noticeable de-escalation in that discourse, but to judge from the steady amount of hate speech and actions, plus reports of law enforcement efforts directed against Arabs, Muslims and Indians all over the country, the paradigm stays on. (2)

One further reason for its persistence is the increased presence of Muslims all over Europe and the United States. Think of the populations today of France, Italy, Germany, Spain, Britain, America, even Sweden, and you must concede that Islam is no longer on the fringes of the West but at its center. But what is so threatening about that presence? Buried in the collective culture are memories of the first great Arab-Islamic conquests, which began in the seventh century and which, as the celebrated Belgian historian Henri Pirenne wrote in his landmark book Mohammed and Charlemagne (1939), shattered once and for all the ancient unity of the Mediterranean, destroyed the Christian-Roman synthesis and gave rise to a new civilization dominated by northern powers (Germany and Carolingian France) whose mission, he seemed to be saying, is to resume defense of the "West" against its historical-cultural enemies. What Pirenne left out, alas, is that in the creation of this new line of defense the West drew on the humanism, science, philosophy, sociology and historiography of Islam, which had already interposed itself between

Charlemagne's world and classical antiquity. Islam is inside from the start, as even Dante, great enemy of Mohammed, had to concede when he placed the Prophet at the very heart of his Inferno. (2)

Then there is the persisting legacy of monotheism itself, the Abrahamic religions, as Louis Massignon aptly called them. Beginning with Judaism and Christianity, each is a successor haunted by what came before; for Muslims, Islam fulfills and ends the line of prophecy. There is still no decent history or demystification of the many-sided contest among these three followers--not one of them by any means a monolithic, unified camp--of the most jealous of all gods, even though the bloody modern convergence on Palestine furnishes a rich secular instance of what has been so tragically irreconcilable about them. Not surprisingly, then, Muslims and Christians speak readily of crusades and jihads, both of them eliding the Judaic presence with often sublime insouciance. Such an agenda, says Eqbal Ahmad, is "very reassuring to the men and women who are stranded in the middle of the ford, between the deep waters of tradition and modernity." (2)

But we are all swimming in those waters, Westerners and Muslims and others alike. And since the waters are part of the ocean of history, trying to plow or divide them with barriers is futile. These are tense times, but it is better to think in terms of powerful and powerless communities, the secular politics of reason and ignorance, and universal principles of justice and injustice, than to wander off in search of vast abstractions that may give momentary satisfaction but little self-knowledge or informed analysis. "The Clash of Civilizations" thesis is a gimmick like "The War of the Worlds," better for reinforcing defensive self-pride than for critical understanding of the bewildering interdependence of our time. (2)

Additional Readings

- Samuel Huntington's "*If Not Civilizations, What? Samuel Huntington Responds to His Critics*"
- Bernard Lewis' "*The Roots of Muslim Rage*"
- Andrej Tusicisny's "*Civilizational Conflicts: More Frequent, Longer, and Bloodier?*"
- Dominique Mosi's "*The Global Clash of Emotions*"

Additional Readings

- Bruce M. Russett, John R. Oneal and Michaelene Cox's "*Clash of Civilizations, or Realism and Liberalism DÃ©jÃ Vu? Some Evidence*"
- Dr. Hans Kochler's "*The 'Clash of Civilizations': Perception and Reality in the Context of Globalization and International Power Politics*"
- Hatim Salih's "*Beyond the Clash of Ignorance*"

Possible Purposes of the Attacks

To Affect U.S. Policy	To Strain U.S.-Saudi Relations	To Incent the U.S. to Invade Afghanistan	To Destroy the U.S.

According the Khaled Sheikh Mohammed, the purpose of the attack on the Twin Towers was to "wake the American people up." He said that if the target would have been strictly military or government, the American people would not focus on the atrocities that America is committing by supporting Israel against the Palestinian people and America's self-serving foreign policy that corrupts Arab governments and leads to further exploitation of the Arab/ Muslim peoples. (17)	Osama bin Laden told a top Qaeda operative to recruit Saudis for the September 2001 hijackings in an effort to strain relations between the United States and the kingdom, a Saudi official said today. (24) Mr. bin Laden made his comments in a conversation with Khalid Shaikh Mohammed, the Qaeda operations chief captured earlier this year, said the official, who added that Mr. bin Laden's statements were related to American interrogators by Mr. Mohammed. (24) The official said Mr. bin Laden and Mr. Mohammed were fully aware that a Saudi-dominated hijacking plot would place a strain on the relationship between the United States and Saudi Arabia and turn public opinion against that country. (24) Most American experts have reached a somewhat different conclusion, saying Mr. bin Laden and other plotters turned to Saudis because the country's restive young people provided fertile ground for recruitment. (24) According to Khaled Sheikh Mohammed, Saudis were primarily chosen for the attacks in the United States because they could easily travel there. (21)	It seems Osama bin Laden had a long-term strategy. He told me personally that he can't go and fight the Americans and their country. But if he manages to provoke them and bring them to the Middle East and to their Muslim worlds, where he can find them or fight them on his own turf, he will actually teach them a lesson. (27)	Their goal was not only to inflict symbolic damage. Bin Laden imagined that America - as a political entity - could actually be destroyed. "America is a great power possess of tremendous military might and a wide-ranging economy," he later conceded, "but all this is built upon an unstable foundation which can be targeted, with special attention to its obvious weak spots. If it is hit in one hundredth of those spots, God willing, it will stumble, wither away and relinquish world leadership." Inevitably, he believed, the confederation of states that made up America would dissolve. (26)

Human Actors

Osama bin Laden	The following biographical information was found at GlobalSecurity.org: Osama bin Laden is the 17th of 57 children of Yemeni-Saudi Muhammed bin Laden, a construction magnate who rose from poverty to become one of the wealthiest non-royals in Saudi Arabia before his death in 1968. While most of his family eschewed politics, bin Laden became very religious and interested in the fate of Muslims throughout the Islamic world. (5) His influences include Sayyid Qutb, an anti-Western Egyptian writer who was executed by the Egyptian government in 1996; Abdullah Azzam, the ideological founder of al-Qaeda; and Ayman al-Zawahiri, his chief deputy after the Sept. 11 attacks. (5) In 1980, he left his lavish upbringing behind and opted for a life of warfare, first in Afghanistan. In 1984 he and Azzam founded Maktab al-Khidamat, or the "Services Office," which funneled money and volunteers to the mujahideen. This organization can be thought of as the pre-cursor to al-Qaeda. (5) Once victory over the Soviet Union was secured, bin Laden, Azzam and their comrades conceived of a way to continue the jihad: al-Qaeda, the base, as in a military base. Azzam, however, was killed in a car bombing in 1989, leaving bin Laden the



AP Photo

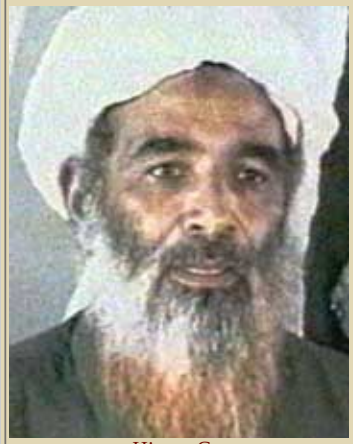
sole leader of the extremist movement, which was then based in Peshawar, Pakistan. (5)

He became a staunch critic of the ruling Saudi monarchy for allowing the United States to station troops on Saudi soil. (5)

Within hours of the Sept. 11, 2001, attacks, the U.S. intelligence community was certain of bin Laden's complicity. America bombed bin Laden's camps and his Taliban allies in Afghanistan, and the U.S.-backed Northern Alliance removed the Taliban from power. (5)

Osama bin Laden's appeal is in blaming the United States for the problems of the Muslim world: its corrupt leadership, its squalor, its moderate view of Islam. Islam's many violent borders -- in Africa, southeast Asia, India, Russia, Israel and Europe -- are to be blamed on the United States and its allies. (5)

Mohammed Atef



HistoryCommons.org

The following biographical information was found at GlobalSecurity.org:

Atef served as al-Qaeda's miltitary chief until he was tracked and killed by American forces shortly after Sept. 11. Atef and Ayman al-Zawahiri served as Osama bin Laden's two closest advisers until his death. He is considered one of the founders of al-Qaeda. He sat on the maljis al shura, or consultation council, of the organization. (8)

The former Egyptian policeman joined Egyptian Islamic Jihad and became a leader in the organization, ultimately supporting the group's merger with al-Qaeda in 1998. (8)

He oversaw training for al-Qaeda recruits. (8)

He played an organizing role in the 1993 attacks on U.S. troops in Somalia, the 1998 East Africa embassy bombings, and the Sept. 11 attacks. (8)

His death was the first major U.S. victory against al-Qaeda during the war in Afghanistan. (8)

Ayman Al-Zawahiri



Leader of al-Jihad and the ideological leader of al-Qaeda. Born in Cairo on June 19, 1951, Zawahiri started a cell to overthrow the Egyptian government when he was fifteen years old. Imprisoned after Sadat's assassination in 1981 and convicted of dealing in weapons, he was released three years later. He fled to Saudi Arabia in 1985, and the following year moved to Peshawar, where he and Dr. Fadl rebuilt al-Jihad. After the end of the war against the Soviet occupation, Zawahiri relocated his movement to Sudan, where he waged a campaign against the Egyptian government, resulting in the near total destruction of his organization. In 1996 he moved to Afghanistan and engineered a merger of al-Jihad with al-Qaeda. (7)

The following additional biographical information was found at GlobalSecurity.org:

Ayman al-Zawahiri is at times described as the "brains" behind al-Qaeda. He led his Egyptian Islamic Jihad's merger with the organization, and the death of al-Qaeda military chief Mohammed Atef in late 2001 cemented his position as second-in-command of the organization. (6)

He frequently issues statements and tapes; these are clear-spoken and direct, compared to bin Laden's often poetic, symbol-driven statements. (6)

Al-Zawahiri assisted in the formation of al-Qaeda at the end of the Afghan-Soviet war and led Egyptian Islamic Jihad from

1993 onward. Around 1998, much of the group merged with al-Qaeda. (6)

Khaled Sheikh Mohammed



AP

The following biographical information was found on GlobalSecurity.org:

Khalid Shaikh Mohammed is al-Qaeda's most successful terrorist operator, having planned and executed the Sept. 11 attacks in the United States. Raised in Kuwait to a family from the Baluchi region of Pakistan, Mohammed was cousin or uncle to Ramzi Yousef. He said his willingness to attack the United States is a result of U.S. support of Israel. (4)

He graduated from North Carolina A&T University with a degree in mechanical engineering in 1986, and afterwards went to Afghanistan to fight the Soviets there. (4)

He wired $660 to one of Yousef's co-conspirators in 1992 in support of the first World Trade Center bombing. With Yousef, he took part in the aborted Project Bojinka and was indicted in the United States for his role, but he was not detained. In 1996, he went to Osama bin Laden and proposed what would become the 9-11 plot. Bin Laden approved the plan in late 1998 or early 1999, and Mohammed was in the al-Qaeda fold. He also took over the network's media committee. (4)

He was reportedly quite popular among al-Qaeda members, who described him as "an intelligent, efficient, and even-tempered manager who approached his projects with a single-minded dedication that he expected his colleagues to share." During interrogations, Abu Zubaydah and Abd al-Rahim al-Nashiri were more reserved in their praise, suggesting he was less creative or hands-on but served as more a synthesist of ideas from others. (4)

The CIA had minimal information connecting him to al-Qaeda before 9-11, and he was generally regarded as a wanted but freelance terrorist before then. What information it did have was divided between a number of aliases that were not connected to him until July and August 2001. After the attacks and death of al-Qaeda's military chief Mohammed Atef, Khalid Shaikh Mohammed was regarded as the group's terrorist operations chief. At the time of his capture in 2003, he was plotting attacks against the United States and United Kingdom. He was one of 14 key al-Qaeda operatives and associates transferred from CIA custody to the U.S. military prison at Guantanamo Bay, Cuba, in 2006. (4)

He claims to have joined the Muslim Brotherhood at age 16. He was radicalized at desert youth camps. (4)

Captured in Pakistan in 2003, he is now being held by American authorities at Guantanamo Bay. (4)

Ramzi bin al-Shibh



National Review Online

The following biographical information was found on GlobalSecurity.org:

Ramzi Binalshibh was a key 9-11 facilitator who tried and failed to obtain a visa to enter the United States to take part in the attacks as a pilot-hijacker. At the time of his arrest he was plotting to hijack and crash aircraft into Heathrow Airport in London. He has identified four al-Qaeda operatives, possibly Saudi, who were to take part in the operation. (3)

He came from an unremarkable background and fought in Yemen civil war in 1994. He worked as a bank clerk until 1995, when he moved to Germany. He was apparently radicalized there, when he began to speak of a worldwide Jewish conspiracy. But he had a reputation of being outgoing and polite. He met Osama bin Laden in Afghanistan in 1999. (3)

During prepartions for 9-11, he served as the link between the operatives in the United States and al-Qaeda's leaders in Afghanistan and Pakistan. (3)

Information provided by Abu Zubaydah played a role in his capture. Information Binalshibh provided played a role in Khalid Shaikh Mohammed's capture. (3)

He was one of 14 key al-Qaeda operatives and associates transferred from CIA custody to the U.S. military prison at Guantanamo Bay, Cuba, in 2006. (3)

Abu Turab al-Urduni	The following biographical information was found on GlobalSecurity.org: Trainer at al-Matar training complex, trained many or all of the 13 "muscle" hijackers on 9-11 in late 2000 and early 2001, according to Khalid Shaikh Mohammed. He taught the future hijackers how to conduct hijackings, disarm air marshals and handle explosives. He taught them basic English and bodybuilding. At one point, he had them butcher a sheep and a camel with a knife to prepare them to use knives during the hijackings. They were taught to storm the cockpit quickly during the flight. They were also taught truck bombing and other terrorist techniques to prevent them from knowing precisely what their operation was to be. (22) He was one of the few al-Qaeda operatives who was aware of the full detains of the Sept. 11 attacks. (22) He is the son-in-law of Ayman al-Zawahiri. (22)
Hijackers	Click here for information on the hijackers.

Non-Human Actors

The Targets

During a series of meeting in the spring of 1999 at the al Matar complex near Kandhar, Osama bin Laden, Mohammed Atef and Khaled Sheikh Mohammed developed an initial list of targets. These included the White House, the U.S. Capitol, the Pentagon, and the World Trade Center. According to Khaled Sheikh Mohammed, bin Laden wanted to destroy the White House and the Pentagon, Khaled Sheikh Mohammed wanted to strike the World Trade Center, and all of them wanted to hit the Capitol. (10)

Bin Laden indicated that he wanted to hit a military, political, and economic target. (18)

Sheikh Mohammed said that before he departed from Afghanistan, bin Laden presented him with a list of targets, which he conveyed to Atta. Atta then compiled a list of preliminary target. Bin Laden told Atta that Atta must hit both towers of the World Trade Center, the Pentagon, and the U.S. Capitol, but that additional targets from which Atta could choose included the White House, the Sears Tower, and a foreign embassy in Washington. Sheikh Mohammed said that the plane that crashed into the field in Pennsylvania was targeted at the Capitol building. (19)

Generally speaking, Sheikh Mohammed said that large buildings in the United States were considered to be especially vulnerable to attack and easy to hit. (19)

It appears that the targets of the attacks were chosen based on symbolism. At one point during the planning process, Mohammed Atta considered adding a nuclear facility to the list of targets. The idea was dismissed for pragmatic purposes, but also because it lacked the symbolic value that targets such as the World Trade Center, the White House, and the U.S. Capitol had. (13)

The World Trade Center



Britannica.com

Khaled Sheikh Mohammed reasoned he could best influence U.S. policy by targeting the country's economy. New York, which Khaled Sheikh Mohammed considered the economic capital of the United States, therefore became the primary target. (9)

The most attractive targets were high buildings, both for their relative ease of targeting, as well as for the symbolic impact. (20)

He maintains that he and Ramzi Yousef began thinking about using aircraft as weapons while working on the Manial air/Bojinka plot, and speculated about striking the World Trade Center and CIA headquarters as early as 1995. (9)

Bin Laden told Atta that Atta must hit both towers of the World Trade Center. (19)

More information about the World Trade Center:

A list of tenants on September 11, 2001

Information about the lessor, a New York real estate titan

Information about the owner, the Port Authority of New York and New Jersey

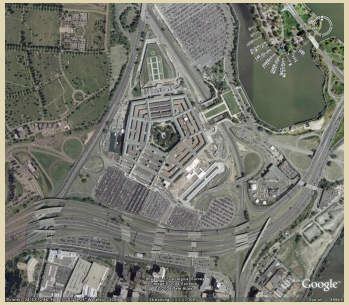
The Pentagon



Department of Defense

Bin Laden indicated that he wanted to hit a military, political, and economic target. (18) He told Atta that Atta must hit the Pentagon. (19)

This Google Earth image, from 5000 feet, illustrates the ease of recognizing the Pentagon from a higher altitude, making it a fairly easy target to strike with an airliner.



The White House



VisitingDC.com

According to Ramzi bin al-Shibh, although bin Laden badly wanted to strike the White House, Mohammed Atta thought this target too difficult, but asked some of the pilots to evaluate its feasibility. (12)

In August, bin al-Shibh and Atta again discussed the White House. Atta again cautioned that this would be difficult. When bin al-Shibh persisted, Atta agreed to include the White House but suggested they keep the Capitol as an alternate target in case the White House proved too difficult. (14)

This Google Earth image, from 2500 feet, illustrates the potential difficulty of targeting the White House using an airliner, as it is difficult to distinguish from the air.



The U.S. Capitol  Britannica	Sheikh Mohammed said that the plane that crashed into the field in Pennsylvania was targeted at the Capitol building. (19) This Google Earth image, from 2500 feet, illustrates the relative ease with which the capitol building could be identified from an airliner. 
Miscellaneous Non-Human Actors	
Airliners and Flights	Khaled Sheikh Mohammed claims that the earlier bombing of the World Trade Center taught him that bombs and explosives could be problematic, and that he needed to graduate to a more novel form of attack. He maintains that he and Ramzi Yousef began thinking about using aircraft as weapons while working on the Manial air/Bojinka plot, and speculated about striking the World Trade Center and CIA headquarters as early as 1995. (9) Mohammed Atta told Ramzi bin al-Shibh he wanted to select planes departing on long flights because they would be full of fuel, and that he wanted to hijack Boeing aircraft because he believed them easier to fly than Airbus aircraft, which he understood had an autopilot feature that did not allow them to be crashed into the ground. (13) In choosing the flights, al Qaeda picked a plane that was making a nonstop flight, departing early on a Tuesday morning, a week after the Labor Day holiday - factors that almost guaranteed fewer passengers and, more important, less opposition. (25)
The Time of the Attacks	In choosing the flights, al Qaeda picked a plane that was making a nonstop flight, departing early on a Tuesday morning, a week after the Labor Day holiday - factors that almost guaranteed fewer passengers and, more important, less opposition. (25)

The Date

According to the 9/11 Commission Report, Ramzi bin al-Shibh met with Khaled Sheikh Mohammed near Quetta, Pakistan, in late May 2001. During the meeting, Khaled Sheikh Mohammed instructed bin al-Shibh to ask Mohammed Atta to select a date for the attack. According to bin al-Shibh, he told Atta that bin Laden wanted the attacks carried out as soon as possible. Atta replied that he needed five or six weeks before he could set an attack date. (11)

In August 2001, bin al-Shibh and Atta again discussed the date of the attacks. Atta suggested that the attacks would not happen until after the first week in September, when Congress reconvened. (14)

Between August 25 and September 5, all the hijackers purchased plane tickets for September 11. Bin al-Shibh comfirms that this was when the date of the attack was selected. He claims Atta called him with the date in mid-August. (15)

According to testimony given by Khaled Sheikh Mohammed, bin Laden wanted to attack on May 12, 2001, exactly seven months after the bombing of the U.S.S. Cole in Yemen. The second time was in either June or July 2001 because bin Laden had learned from media reports that Ariel Sharon would be visiting the White House. On both occastion, Sheikh Mohammed was able to withstand bin Laden's pressure by asserting that his hijacking team was not ready yet. (23)

Although it is unknown why Atta settled on September 11 as the date for the attacks, it is a date on which many important events related to the Middle East have occurred, including the following, leaving open the possibility that the date was selected for symbolic purposes, much like the targets of the attack were:

1990 - U.S. President George H. W. Bush delivers a nationally televised speech in which he threatens the use of force to remove Iraqi soldiers from Kuwait, which Iraq had recently invaded. He mentions the term "New World Order" in this speech for the first time, which is also named "Towards a New World Order." (16)

1982 - The international forces that were guaranteeing the safety of Palestinian refugees following Israel's 1982 Invasion of Lebanon leave Beirut. Five days later, several thousand refugees are massacred in the Sabra and Shatila refugee camps. (16)

1978 - U.S. President Jimmy Carter, President Anwar Sadat of Egypt, and Prime Minister Menachem Begin of Israel meet at Camp David and agree on a framework for peace between Israel and Egypt and a comprehensive peace in the Middle East. (16)

1973 - A CIA backed coup in Chile headed by General Augusto Pinochet topples the democratically elected President Salvador Allende. Pinochet remains in power for almost 17 years. (16)

1971 - The Egyptian Constitution becomes official. (16)

1970 - 88 of the hostages from the Dawson's Field hijackings are released. The remaining hostages, mostly Jews and Israeli citizens, are held until September 25. (16)

1948 - Muhammad Ali Jinnah, founder of Pakistan, dies (b. 1876). (16)

1922 - The British Mandate of Palestine begins. (16)

1921 - Nahalal, the first moshav in Israel, is settled. (16)

1906 - Mahatma Gandhi coins the term "Satyagraha" to characterize the Non-Violence movement in South Africa. (16)

1891 - The Jewish Colonization Association is established by Baron Maurice de Hirsch. (16)

Documents, Documentaries and Additional Readings

Lawrence Wright talk on the past, present and future of Al Qaeda - Al Qaeda

The 9/11 Commission Report

9/11 Commission Report on terrorist travel into and within the U.S. - 9/11 and Terrorist Travel

Congressional report on the September 11 attacks - Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001

U.S. State Department report on the September 11 attacks - The Network of Terrorism

Khaled Sheikh Mohammed's testimony concerning the September 11 attacks

Congressional Research Service report saudi terrorist financing- Saudi Arabia: Terrorist Financing Issues

Army report on Islamic rule of warfare - Islamic Rulings on Warfare

Wall Street Journal article on the history of Ayman al Zawahiri and his ties to al Qaeda - Saga of Dr. Zawahri Sheds Light On the Roots of al Qaeda Terror

Congressional Research Services report on the economic impact of the September 11 attacks - The Economic Effects of 9/11: A Retrospective Assessment

David Plotz article published in Slate on September 14, 2001, discussing bin Laden's desires - What Does Osama Bin Laden Want?

Steve Coll article published in the New Yorker on Osama bin Laden's childhood - Young Osama

Time article published on September 30, 2001, discussing Mohammed Atta's life - Atta's Odyssey

Times Online article about Ayman al Zawahiri's life - The Man They Call Osama bin Laden's Brain

Article about Ayman al Zawahiri's ideology - Ayman Al-Zawahiri's Knights under the Prophet's Banner: the al-Qaeda Manifesto

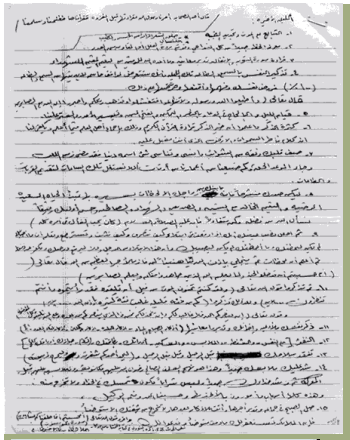
Article published in the Guardian on torture of Islamists in Egypt and its role in causing the September 11 attacks - Torture Trail to September 11

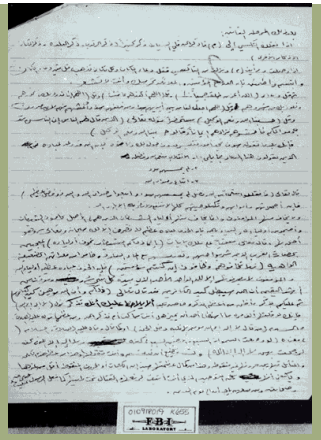
Article published in the Atlantic on conditions on the Afghanistan-Pakistan border - The Lawless Frontier

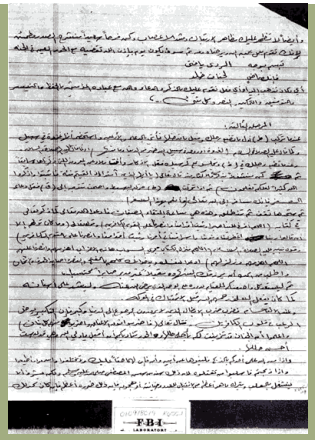
Link to George Washington University site containing documents related to the hijacked planes' flight path studies and air traffic control recording transcripts

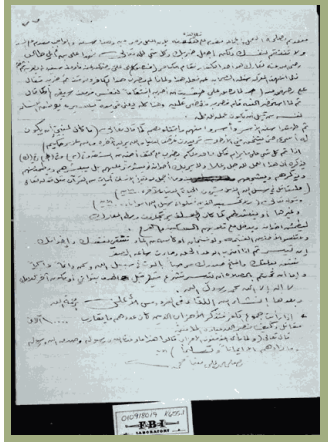
Link to the Al Qaeda Training Manual

Translation of the suicide letter Mohammed Atta left in his luggage (the letter is included in images below) - Instructions for the Last Night









Sources:

1. Hunington, Samuel P., "***The Clash of Civilizations,*** " Foreign Affairs, Summer 1993. November 16, 2008, <http://history.club.fatih.edu.tr/103%20Huntington%20Clash%20of%20Civilizations%20full%20text.htm>.
2. Said, Edward W., "***The Clash of Ignorance,"*** The Nation, October 22, 2001. November 16, 2008, <http://www.thenation.com/doc/20011022/said>.
3. "***Ramzi Binalshibh*** ," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/ramzi_binalshibh.htm>.
4. "*Khalid Shaikh Mohammed*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/khalid_shaikh_mohammed.htm>.
5. "*Osama bin Laden*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/osama_bin_laden.htm>.
6. "*Ayman al-Zawahiri*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/ayman_al-zawahiri.htm>.
7. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 432.
8. "*Mohammed Atef*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/mohammed_atef.htm>.
9. National Commission on Terrorist Attacks Upon the United States, "*The 9/11 Commission Report*," W.W. Norton & Company, Inc., New York, page 153.
10. National Commission on Terrorist Attacks Upon the United States, "*The 9/11 Commission Report*," W.W. Norton & Company, Inc., New York, page 155.
11. National Commission on Terrorist Attacks Upon the United States, "*The 9/11 Commission Report*," W.W. Norton & Company, Inc., New York, pages 243-244.

12. National Commission on Terrorist Attacks Upon the United States, "*The 9/11 Commission Report*," W.W. Norton & Company, Inc., New York, page 244.
13. National Commission on Terrorist Attacks Upon the United States, "*The 9/11 Commission Report*," W.W. Norton & Company, Inc., New York, page 245.
14. National Commission on Terrorist Attacks Upon the United States, "*The 9/11 Commission Report*," W.W. Norton & Company, Inc., New York, page 248.
15. National Commission on Terrorist Attacks Upon the United States, "*The 9/11 Commission Report*," W.W. Norton & Company, Inc., New York, page 249.
16. "*September 11*," Wikipedia.org. December 8, 2008, <http://en.wikipedia.org/wiki/September_11>.
17. "*Substitution for the Testimony of Khaled Sheikh Mohammed*," page 11. December 9, 2008, <http://www.rcfp.org/moussaoui/pdf/DX-0941.pdf>.
18. "*Substitution for the Testimony of Khaled Sheikh Mohammed*," page 12. December 9, 2008, <http://www.rcfp.org/moussaoui/pdf/DX-0941.pdf>.
19. "*Substitution for the Testimony of Khaled Sheikh Mohammed*," page 12-13. December 9, 2008, <http://www.rcfp.org/moussaoui/pdf/DX-0941.pdf>.
20. "*Substitution for the Testimony of Khaled Sheikh Mohammed*," page 14. December 9, 2008, <http://www.rcfp.org/moussaoui/pdf/DX-0941.pdf>.
21. "*Substitution for the Testimony of Khaled Sheikh Mohammed*," page 6. December 9, 2008, <http://www.rcfp.org/moussaoui/pdf/DX-0941.pdf>.
22. "*Abu Turab al Urdani*," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/profiles/abu_turab_al_urdani.htm>.
23. "*Substitution for the Testimony of Khaled Sheikh Mohammed*," page 31-32. December 9, 2008, <http://www.rcfp.org/moussaoui/pdf/DX-0941.pdf>.
24. David Johnston, "*Two Years Later: 9/11 Tactics; Official Says Qaeda Recruited Saudi Hijackers to Strain Ties*," The New York Times, September 9, 2003. December 9, 2008, <http://query.nytimes.com/gst/fullpage.html?res=9803E4DD143BF93AA3575AC0A9659C8B63>.
25. The United States Department of State, "*The Network of Terrorism*." December 9, 2008, <http://permanent.access.gpo.gov/lps16769/www.usinfo.state.gov/download/terror/binladen2.pdf>.
26. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 348.
27. Tony Jones, "*Bin Laden wanted US to invade Iraq, author says*," Australian Broadcasting Corporation, August 24, 2007. December 9, 2008, <http://www.abc.net.au/news/stories/2007/08/24/2013753.htm>.
28. "*World Trade Center and Pentagon Attacks*," GlobalSecurity.org. December 9, 2008, <http://www.globalsecurity.org/security/ops/911.htm>.

Frontline Documentary on Saudi Arabia

























Operation Ajax - Iran and the CIA Coup





The Iranian Revolution

1979

Summary of Events



In 1979, a political revolution occurred in Iran and had significant consequences throughout the Muslim world. The revolution was able to draw on deep reserves of sympathy among opponents of authoritarian regimes throughout the Muslim world. The revolution demonstrated that a movement springing froma broad spectrum of society could bring down a power government, even one closely connected to the United States. (1)

At dawn on November 20, 1979 - the first day of the Muslim fifteenth century - the Great Mosque at Mecca was stormed by several hundred Saudi dissidents, who were dislodged only after a ferocious two-week siege. Nothing suggests that the attackers, who belonged to an extreme Saudi Wahhabite sect, had been in contact with Tehran, though Iran probably had something to do with the less serious Shiite uprising that took place in Hasa, Saudi Arabia's oil-rich eastern province, while the Mecca siege was under way. Still, for the Saudi leader, the balance they had so carefully constructed over the last decade was under serious threat. Their Islamic legitimacy had been spectacularly called into question in their own territory, and their ability to maintain order in Islam's holiest places had been found wanting. (2)

In the Arab Middle East, the revolutionary enthusiasm of the Khomeinists found its principal expression in the gradual Islamization of the conflicts in Palestine and Lebanon. Each in its own way had embodied the cause of Arab nationalism, and neither had been particularly affected by religious ideology prior to the revolution. (3)

Documentary

History Channel documentary on Ayatollah Khomeini - Declassified: Ayatollah Khomeini

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Sources:

1. Gilles Kepel, "Jihad: The Trail of Political Islam," The Belknap Press of Harvard University Press, Cambridge, Massachusetts, 2002, page 118.
2. Gilles Kepel, "Jihad: The Trail of Political Islam," The Belknap Press of Harvard University Press, Cambridge, Massachusetts, 2002, page 119.
3. Gilles Kepel, "Jihad: The Trail of Political Islam," The Belknap Press of Harvard University Press, Cambridge, Massachusetts, 2002, page 121.

U.S. Embassies in Muslim World Destroyed

November and December of 1979



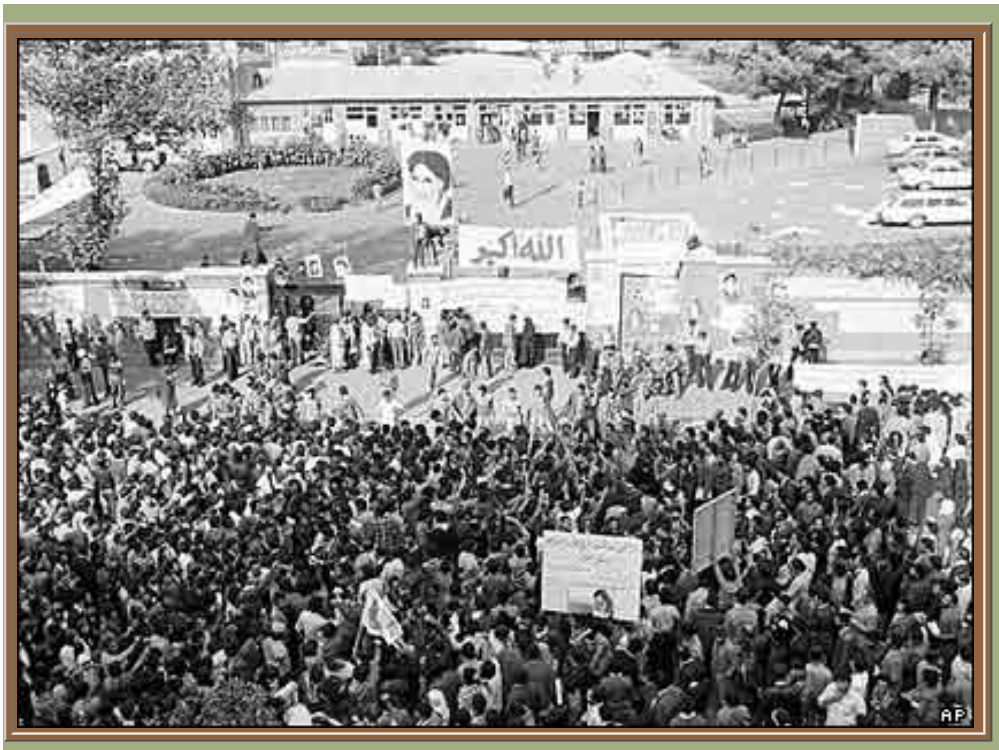
Map Overlay from GlobalResearch.ca



Map Overlay from the University of Texas Map Library

U.S. Embassy in Tehran, Iran

November 4, 1979



The BBC

The following summary of events comes from an article on the History Channel:

> Student followers of the Ayatollah Khomeini send shock waves across America when they storm the U.S. embassy in Tehran. The radical Islamic fundamentalists took 90 hostages. The students were enraged that the deposed Shah had been allowed to enter the United States for medical treatment and they threatened to murder hostages if any rescue was attempted. Days later, Iran's provincial leader resigned, and the Ayatollah Khomeini, the leader of Iran's fundamentalist revolutionaries, took full control of the country--and the fate of the hostages. (3)
>
> Two weeks after the storming of the embassy, the Ayatollah began to release all non-U.S. captives, and all female and minority Americans, citing these groups as among the people oppressed by the United States government. The remaining 52 captives were left at the mercy of the Ayatollah for the next 14 months. (3)
>
> President Jimmy Carter was unable to diplomatically resolve the crisis, and on April 24, 1980, he ordered a disastrous rescue mission in which eight U.S. military personnel were killed and no hostages rescued. Three months later, the former shah died of cancer in Egypt, but the crisis continued. In November 1980, Carter lost the presidential election to Republican Ronald Reagan. Soon after, with the assistance of Algerian intermediaries, successful negotiations finally began between the United States and Iran. (3)
>
> On January 20, 1981--the day of Reagan's inauguration--the United States freed almost $3 billion in frozen Iranian assets and promised $5 billion more in financial aid. Minutes after Reagan was sworn in, the hostages flew out of Iran on an Algerian airliner, ending their 444-day ordeal. The next day, Jimmy Carter flew to West Germany to greet them on their way home. (3)

The full article can be found here.

Copy of the Algiers Accords, which ended the hostage crisis, can be found here.

U.S. Embassy in Islamabad, Pakistan

November 21, 1979



The Washington Post

The following was taken from a story by the BBC the day after the embassy was attacked:

> A mob in the Pakistani capital, Islamabad, has burned the US Embassy to the ground, killing a US marine. The five-hour siege began as an organised student protest outside the locked gates of the embassy compound. But the demonstration grew violent as protesters pulled down part of the outer wall and broke into the compound itself. Gunfire broke out, and the marine, who was standing on the roof of the building, was shot. (1)
>
> The attacks are believed to have been triggered by a radio report from the Iranian leader, Ayatollah Khomeini, saying Americans were behind the occupation of Islam's holiest site, the Great Mosque in Mecca, Saudi Arabia, yesterday. The US State Department has described the broadcast as "irresponsible, outright, knowing lies". The Saudi Arabian authorities have also issued statements saying the Mecca incident was the work of Muslim fundamentalists and no Westerners were involved. (1)
>
> General Zia ordered the Pakistan Army to rescue the trapped Americans, and soldiers brought the situation under control at about 1800 local time (1300 GMT), about five and a half hours after the attack began. Several other American institutions in Pakistan were also targeted in what appears to have been an orchestrated day of anti-American violence. (1)

The complete article can be found here.

U.S. Embassy in Tripoli, Libya

December 2, 1979

A mob in Tripoli sets fire to the United States Embassy in support of the Iranians who took over the American Embassy in Teheran, taking staff members hostage. (2)

Sources:

1. "*Mob destroys US embassy in Pakistan*," The BBC, November 21, 1979. November 30, 2008, <http://news.bbc.co.uk/onthisday/hi/dates/stories/november/21/newsid_4187000/4187184.stm>.
2. Reuters, "*Attacks and Accusations: The U.S.-Libya Bitterness*," The New York Times, January 5, 1989. November 30, 2008, <http://query.nytimes.com/gst/fullpage.html?res=950DE7D91131F936A35752C0A96F948260>.
3. "*Iranians Storm U.S. Embassy*," The History Channel. December 1, 2008, <http://www.history.com/this-day-in-history.do?id=7071&action=tdihArticleCategory>.

Seizure of the Holy Mosque at Mecca

November 20-24, 1979





Random House

The New Statesman

Summary of Events

On the eve of Islam's 15th century, the Masjid al-Haram (Sacred Mosque) in Mecca was overflowing with worshippers from all over the world. The atmosphere was joyous, and there was much talk in the Holy City and site of pilgrimage of resurgence and a new dawn. Many of Mecca's inhabitants, who normally avoid going to the Sacred Mosque during festivals, so as to avoid overcrowding, also joined the congregation on this special occasion. Most stayed up all night to read the Quran and then joined the early-morning prayers. As soon as the prayers finished, gunshots rang out. A group of heavily armed men took over the mosque. They announced that "the Mahdi" (redeemer) had arrived to purify Islam and bolted all 39 doors to the mosque, trapping more than 100,000 worshippers inside. Thus began, on the morning of 20 November 1979, the siege of the Sacred Mosque. (2)

After two weeks of fighting, the siege ended, leaving 27 Saudi soldiers and more than 100 rebels dead. Sixty-three more rebels are later publicly beheaded. (1)

In portions of a booklet written by the attackers and later published in a Kuwaiti newspaper, it is revealed that they are part of an Islamic fundamentalist group that, among other things, call for the rejection of allowing

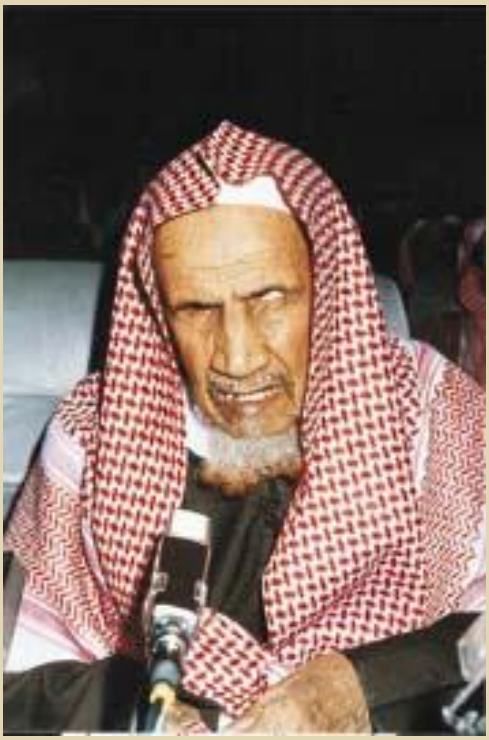
Christians to open embassies in Islamic lands. (4)

A map of the Holy Mosque is available here.

A photo gallery of the siege is available here.

Human Actors

Juhayman bin Seif al-Uteybi	Bedouin preacher who led the insurgents. (2) Former corporal in the Saudi National Guard, which is charged with protecting the royal family. Was imprisoned with Qahtani for sedition and during this time dreamed that Qahtani was the Mahdi. (5) Sunni, was from one of the foremost families of Najd. His grandfather had ridden with Abd al Aziz in the early decades of the century, and other family members were among the foremost of the Ikhwan. Juhaiman said that his justification was that the Al Saud had lost its legitimacy through corruption, ostentation, and mindless imitation of the West--virtually an echo of his grandfather's charge in 1921 against Abd al Aziz. (3)
Mohammed Abdullah al-Qahtani  WordPress	Brother-in-law of Juhayman bin Seif al-Uteybi and the alleged Mahdi. (2) Married Uteybi's sister after the two were released from prison. (5) Described in a November 21, 1979, State Department cable as "a Saudi religious fanatic" and a member of the Utayba tribe." The cable noted that he had approximately 300 well-armed persons with him. The full cable can be read here.

Sheikh Abdul Aziz Bin Baz  Wordpress	Wahhabist religious figure who the insurgents followed. Bin Baz, a major architect of the contemporary Saudi Wahhabi brand of Islam, later became Grand Mufti of Saudi Arabia. He had been a dean at Medina University, where he indoctrinated thousands of students with his firebrand puritanism. More devout followers were invited to desert retreats for special attention - Juhayman being one of them. (2) Leader of the ulema. An eminent religious scholar but a man who was suspicious of science and hostile to modernity. After a meeting with King Khaled, issued a fatwa authorizing the use of lethal force in the retaking of the Holy Mosque. (8)
King Khalid  GlobalSecurity.org	Saudi King during the siege at Mecca. After his meeting with Sheikh Abdul Aziz Bin Baz, the government obtained a fatwa to use lethal force to retake the Holy Mosque. (8)
Prince Sultan	After the government received the fatwa allowing the use of lethal force, Prince Sultan ordered an artillery barrage followed by frontal assaults on three of the main gates. The assault failed. (8) After ordering another failed assault, he was relieved of his duties in favor of Prince Turki al Faisal. (9)



The BBC

Prince Turki al Faisal



Getty Images

Chief of Saudi General Intelligence Directorate during the siege at Mecca.

Was in Tunis with Crown Prince Fahd, attending the Arab Summit on November 20, 1979. (7) Returned to Jeddah at nine o'clock that night and drove his own car to Mecca. (6)

After two failed attempts directed by Prince Sultan to recapture the mosque, Prince Turki al Faisal was put in charge of the operation by the King. He worked out a strategy that would minimize casulaties and damage to the holy shrine. Relied on the bin Ladens for intelligence, including maps and electrical layouts. (9)

Salem bin Laden  HistoryCommons.org	Head of the Bin Laden construction company, which was in the process of renovating Mecca at the time of the siege. Brother of Osama bin Laden. Just before the insurgents cut the telephone lines, an employee of the bin Laden organization called the company headquarters and reported what had happened; then a representative of the company notified King Khaled. (6)

Documents

The documents listed below have been compiled from a collection of documents compiled by Yaroslav Trofimov and listed at Random House's webiste.

Document One	Declassified State Department cable from the American embassy in Jiddah dated November 20, 1979, describing the seige of Mecca and noting that the phone service outside of Saudi Arabia had been cut to prevent the story from being reported prior to the retaking of the Holy Mosque. The document also indicates that the U.S. government initially suspected Iranian involvement.
Document Two	Declassified State Department cable from the American embassy in Jiddah dated November 21, 1979, describing the Saudi government's sealing off of Mecca and willingness to use force to expel insurgents from the Holy Mosque. It notes that the embassy had tightened its own security. The cable also notes that, while the occupiers had yet to be identified, the embassy had received reports that they could be Iranian or Yemeni, though some Saudi sources had reported that the occupiers were Saudi tribesmen supporting an unidentified group of Islamic fundamentalists. It also notes stories emerging from those within the Mosque at the time of the seizure, the first gun battle between Saudi officials and the occupiers, and reports from American helicopter pilots who had performed inspections of the Mosque.

Document Three	Declassified State Department cable from the American embassy in Jiddah dated November 21, 1979, noting that there are few signs that the Saudis are preparing to use military force at the Holy Mosque. It also notes that security in Jiddah had increased and that the city seemed quiet. It further notes that the Saudi Interior Ministry had released the following statement: > A group of renegades against Islam carrying arms and ammunition infiltrated into the Holy Mosque in Mecca at dawn prayer yesterday. They presented one of the number to the worshippers claiming he is the expected Mahdi and called on them, at gunpoint, to recognize him as such. The Saudi authorities have asked the religious leaders for their opinion about measures to be taken to protect Muslims in the Mosque. Another statement will be issued later explaining what new developments occur in this incident. The cable also notes that hospitals in the areas had been put on alert and told to expect a large number of casualties that afternoon or evening. The cable states that helicopter pilots that had been performing aerial observation flights with Saudi officers had been told that the occupiers had smuggled in weapons aboard trucks disguised as supplies and equipment being used in the ongoing renovation of the Holy Mosque, which was being performed by the Bin Laden Construction Company. Finally, it noted that there had been a simultaneous incident in Medina, but that the incident there had been put down quickly.
Document Four	Declassified State Department cable from the American embassy in Jiddah dated November 21, 1979, that names the leader of the occupiers as Muhammad Abdallah, a 26-year-old religious fanatic and member of the Utayba tribe. It states that he had approximately 300 well-armed persons with him, 13 of whom had been captured by Saudi authorities. It also states that there is no reported direct relationship with Iran and that Muhammad and his followers deny any Khomeini influence in their actions.
Document Five	Declassified State Department cable from the American embassy in Jiddah dated November 22, 1979, that summarizes the American attempt to get the Saudis to release a statement denying U.S. involvement in the seizure of Mecca. Iranian Ayatollha Khomeini had made a statement implicating the U.S.
Document Six	Declassified State Department cable from the American embassy in Damascus dated November 23, 1979, concerning Syrian accusations that the U.S. and Israel were responsible for the seige at Mecca.
Document Seven	Declassified State Department cable from the American embassy in Jiddah dated November 24, 1979, concerning the Saudi government's retaking of the Holy Mosque.

Document Eight	Declassified State Department cable from the American embassy in Jiddah dated November 25, 1979, updating information previously reported on the retaking of the Holy Mosque by the Saudi government. The cable notes publication of a November 24 fatwa in the November 25 edition of the Al-Riyadh newspaper. The fatwa called upon the government to use all measures necessary to regain control of the Holy Mosque.
Document Nine	Declassified State Department cable from the American embassy in Jiddah dated November 27, 1979, updating information previously reported on the retaking of the Holy Mosque by the Saudi government. The cable notes the struggle between the Saudi government and Iranian Ayatollah Khomeini for role as chief defender of the Islamic faith. It provides the example of the government's request for a fatwa before ordering the assault on the Holy Mosque as evidence that the Saudi government's sensitivity to the religious element of its legitimacy. It concluded that, as this occurred at a time when the Saudis were facing a challenge for Khomeini to the self-proclaimed role as chief defender of the faith, the Saudi government could be expected to seek further ways to reassert its Islamic legitimacy.
Document Ten	Declassified State Department cable from the American embassy in Jiddah dated November 28, 1979, documenting the interrogation of captured militants. The source of the information, whose name has been redacted, stated that the results of the interrogations indicated an amazing similarity of answers, all having to do with return to religious fundamentals. He stated that because of the sameness of the responses, there was a feeling in the Saudi government that there had been intensive brainwashing and that the Saudis had not ruled out the possibility of covert Russian influence in the occupation of the Holy Mosque, though there was no evidence to prove this. The source also stated that the real brains behind the operation was Juhaiman al-Otaibi along with Mohammed Abdullah, who pictured himself as the Madhi.
Document Eleven	Declassified State Department cable from the American embassy in Jiddah dated November 28, 1979, updating information previously reported on the retaking of the Holy Mosque by the Saudi government.
Document Twelve	Declassified State Department cable from the American embassy in Kuwait dated November 29, 1979, concerning the beliefs of the occupiers of the Holy Mosque. Portions of a booklet published by the group were printed in a Kuwaiti newspaper. The booklet is said to consist of letters and other writings by Juhaiman bin Mohammed bin Seif al Otaiba, one of the leaders of the attack. The booklet calls for the rejection of education, portraiture, wages, and allowing Christians to open embassies in their lands. Other parts of the booklet refer to a series of apocalyptic events culmunating with the emergence of Jesus Christ after the devil has been killed.

Document Thirteen	Declassified State Department cable from the American embassy in Jiddah dated December 1, 1979, updating information previously reported on the retaking of the Holy Mosque by the Saudi government.
Document Fourteen	Declassified State Department cable from the American embassy in Jiddah dated December 4, 1979, noting that the Saudis believed Juhayman bin Seif al-Uteybi, one of the leaders of the attack, had escaped the Holy Mosque.
Document Fifteen	Declassified State Department cable from the American embassy in Jiddah dated December 6, 1979, summarizing a conversation between Saudi Prince Abdullah and Ambassador West concerning the occupation of the Holy Mosque.
Document Sixteen	Declassified State Department cable from the American embassy in Jiddah dated December 6, 1979, summarizing the final recovery of the Holy Mosque. It states that the body of Juhayman bin Seif al-Uteybi, one of the leaders of the attack who was thought to have escaped, had been recovered at the Holy Mosque.

Sources:

1. "***Global Connections: The Middle East***," PBS.org. October 29, 2008, <http://www.pbs.org/wgbh/globalconnections/mideast/timeline/flash/treligion.html>.
2. Sardar, Ziauddin, "***The Battle at Islam's Heart***," NewStatesman.com. November 23, 2008, <http://www.newstatesman.com/books/2007/11/sacred-mosque-saudi-islam>.
3. "***Mecca***," GlobalSecurity.org. November 23, 2008, <http://www.globalsecurity.org/military/world/gulf/mecca.htm>.
4. State Department Cable dated November 29, 1979 and issued by the American embassy in Kuwait. December 1, 2008, <http://www.randomhouse.com/doubleday/siegeofmecca/pdf/5422_29Nov1979.pdf>.
5. Lawrence Wright, "***The Looming Tower: Al-Qaeda and the Road to 9/11***," Vintage Books (New York), 2007, page 102.
6. Lawrence Wright, "***The Looming Tower: Al-Qaeda and the Road to 9/11***," Vintage Books (New York), 2007, page 103.
7. Lawrence Wright, "***The Looming Tower: Al-Qaeda and the Road to 9/11***," Vintage Books (New York), 2007, page 101.
8. Lawrence Wright, "***The Looming Tower: Al-Qaeda and the Road to 9/11***," Vintage Books (New York), 2007, page 104.
9. Lawrence Wright, "***The Looming Tower: Al-Qaeda and the Road to 9/11***," Vintage Books (New York), 2007, page 105.

Declassified: The Taliban









Ghost Wars

Steve Coll on U.S. Involvement in Afghanistan from the Soviet Invasion to September 10, 2001







Soldiers of God: Cold War











Seconds from Disaster: American Embassy Bombing













September 11 Hijackers

Mohammed Atta



Getty Images

The Egyptian leader of the 9/11 hijacking team; pilot of American Airlines Flight #11 that struck the World Trade Center. (1)

The following additional biographical information was found at GlobalSecurity.org:

> Mohamed Atta was born to a middle-class family in Egypt; his father is an attorney. He was educated as an urban planner in Egypt and, later, Germany. (4)
>
> He was radicalized in Germany in the mid-1990s. Toward his friends there, he was charismatic, intelligent, and intolerant of dissent. Towards others, he was described as abrasive. (4)
>
> In 1995, he tried to organize a Muslim student association in Hamburg; in the fall of 1997 he joined a working group at Quds mosque there, aimed at bridging the gap between Muslims and Christians. (4)
>
> He became anti-Semitic and anti-American, claiming a global Jewish movement in New York City controlled world finance and media. He would also claim Saddam Hussein was a U.S. stooge set up to give the United States the pretext of invading the Middle East. (4)
>
> He joined the 9-11 plot when he traveled to Afghanistan in 1999. (4)

Satam M. A. Al Suqami



FBI.gov

Hijacker who died in the crash of American Airlines Flight 11 when it struck the North Tower of the World Trade Center on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> One of the muscle hijackers on board American Airlines Flight 11, which crashed into the North Tower of the World Trade Center on Sept. 11. (5)
>
> Trained Khalden camp near Kabul. (5)
>
> Had very little education. Described as not very religious, drank alcohol, and had a minor criminal offense record in Saudi Arabia. (5)

Waleed M. Alshehri



FBI.gov

Hijacker who died in the crash of American Airlines Flight 11 when it struck the North Tower of the World Trade Center on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> One of the "muscle" hijackers on American Airlines Flight 11, which crashed into the North Tower of the World Trade Center on Sept. 11, 2001. His brother, Wail, was also one of the hijackers on the flight. The Shehri brothers' father is a leader in the Shehri tribe in Saudi Arabia. (6)
>
> He was the only muscle hijacker to take what may have been a cross-country surveillance flight. He was one of the first two muscle hijackers to arrive in the United States, on April 23, 2001. (6)
>
> Had begun university studies when he joined the plot. (6)
>
> Had a family member in the Saudi passport office who helped him and Wail obtain new, clean passports, presumably to conceal their travel to Pakistan and/or Afghanistan. (6)

Wail M. Alshehri



FBI.gov

Hijacker who died in the crash of American Airlines Flight 11 when it struck the North Tower of the World Trade Center on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> One of the "muscle" hijackers on American Airlines Flight 11, which crashed into the North Tower of the World Trade Center on Sept. 11. His brother, Waleed, was also one of the hijackers on the flight. The Shehri brothers' father is a leader in the Shehri tribe in Saudi Arabia. (7)
>
> Had begun university studies in Saudi Arabia when he joined the plot. He was employed as a physical education teacher. (7)
>
> Had a family member in the Saudi passport office who assisted him and his brother in obtaining clean passports that presumably concealed their travel to Pakistan and/or Afghanistan. Entered United States on June 8, 2001. (7)

Abdulaziz Alomari

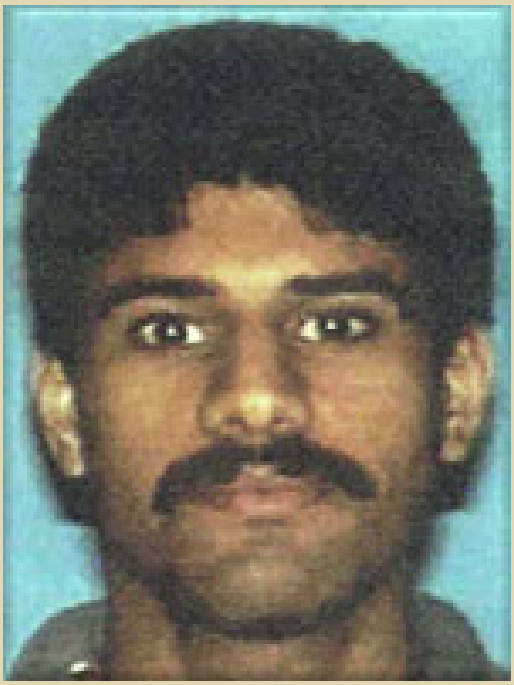


FBI.gov

Hijacker who died in the crash of American Airlines Flight 11 when it struck the North Tower of the World Trade Center on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> One of the "muscle" hijackers on American Airlines Flight 11, which crashed into the North Tower of the World Trade Center on Sept. 11, 2001. (8)
>
> For an unknown reason, he and Mohamed Atta traveled to Portland, Maine the night of Sept. 10, and they boarded a flight to Boston at 6 a.m. on Sept. 11, connecting to the plane they would ultimately hijack. (8)
>
> Omari had graduated with honors from high school, obtained a degree from the Imam Muhammad Ibn Saud Islamic University, was married, and had a daughter. He often served as an imam at his Saudi mosque. (8)
>
> He is believed to have been a student of radical cleric

	Sulayman al Alwan in Saudi Arabia's ultraconservative Qassim province. (8)
Nawaf al-Hazmi  FBI.gov	9/11 hijacker who died at the age of twenty-five on American Airlines Flight 77, which crashed into the Pentagon. A wealthy Saudi who grew up in Mecca, Hazmi trained in al Qaeda camps in Afghanistan and fought in Bosnia and Chechnya before becoming a part of the 9/11 plot. He entered the United States on January 15, 2001. (2) The following additional biographical information was found at GlobalSecurity.org: Nawaf al-Hazmi was considered second-in-command to Mohamed Atta among the 19 suicide hijackers on Sept. 11. Along with his friend Khalid al-Mihdhar, he was considered one of two veteran al-Qaeda operatives among the 19. (9) He was aboard American Airlines Flight 77 when it crashed into the Pentagon on Sept. 11. (9)
Khaled al-Mihdhar  FBI.gov	A member of a distinguished family from the Hadramout that traces its lineage back to the Prophet Mohammed, Mihdhar grew up in Mecca. Mihdhar came to the United States in January 2000; he left for a period of time, presumably to shepherd the remaining 9/11 hijackers coming from Saudi Arabia; then he returned to the United States on July 4, 2001. He died in the crash of American Airlines Flight 77 when it struck the Pentagon on September 11, 2001. He was twenty-six years old. (3) The following additional biographical information was found at GlobalSecurity.org: Assisted in hijacking American Airlines Flight 77, a Boeing 757 bound from Washington Dulles International Airport, Virginia, to Los Angeles, on Sept. 11, 2001. It crashed into the Pentagon. (10) Along with his friend Nawaf al-Hazmi, he was one of two veteran al-Qaeda operatives among the 19 suicide hijackers. (10) Khalid al-Mihdhar was probably al-Qaeda's weakest link in the 9-11 plot. After arriving in the United States in January

	2000, he left later that year to see his family in Yemen. The CIA had by then connected him to al-Qaeda, but the information wasn't shared around the U.S. government, and he was allowed to re-enter in July 2001. (10) On Aug. 28, 2001, the FBI began looking for him, based on his connection to the Kuala Lumpur meeting and USS Cole bombing facilitator Tawfiq bin Attash. Few resources were assigned to the effort, and he was not located. (10)
Majed Moqed  FBI.gov	Hijacker who died in the crash of American Airlines Flight 77 when it struck the Pentagon on September 11, 2001. The following additional biographical information was found at GlobalSecurity.org: "Muscle" hijacker who assisted in the takeover of American Airlines Flight 77 before it crashed into the Pentagon on Sept. 11, 2001. Arrived in United States at Dulles, Virginia, on May 2, 2001. Reported carrying more than $10,000 in cash when he entered the country. (11) Dropped out of university, probably radicalized in 1999. (11)
Salem Alhazmi	Hijacker who died in the crash of American Airlines Flight 77 when it struck the Pentagon on September 11, 2001. The following additional biographical information was found at GlobalSecurity.org: One of the "muscle" hijackers who assisted in the takeover of American Airlines Flight 77 before it crashed into the Pentagon. (12) He was the younger brother of fellow 77 hijacker Nawaf al-Hazmi, who probably recruited him into the plot. His family described him as a "quarrelsome teenager." He was not terribly pious and drank alcohol until about three months before he broke with his family. He had a minor criminal record in Saudi Arabia, apparently involving petty



FBI.gov

theft. (12)

U.S. intelligence, through intercepted communications, learned of his possible connection to extremists as early as 1999, but he was not placed on any watchlists. (12)

Hani Hanjour



FBI.gov

Hijacker who died in the crash of American Airlines Flight 77 when it struck the Pentagon on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

Pilot-hijacker of American Airlines Flight 77, bound from Virginia to Los Angeles, which crashed into the Pentagon. (13)

Hanjour's background distinguishes him from the other 9-11 plotters; he had been to the United States before and already had flight experience. (13)

He was brought into the plot later than the other five key plotters -- pilots Mohamed Atta, Marwan al-Shehhi, Ziad Jarrah and veteran al-Qaeda operatives Nawaf al-Hazmi and Khalid al-Mihdhar. He was added after Hazmi and Mihdhar were unable to be trained as pilots, and Ramzi Binalshibh, Tawfiq bin Attash, Abu Bara al-Yemeni were unable to obtain U.S. visas, and Zacarias Moussaoui had training problems of his own. (13)

Marwan Al-Shehhi



FBI.gov

Hijacker who died in the crash of United Airlines Flight 175 when it struck the South Tower of the World Trade Center on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> Son of a prayer leader in a local mosque in the UAE. He graduated from high school in 1995, and joined the Emirati military. He served as a sergeant in the army and was admitted to a military scholarship program that funded his continued study in Germany. (14)
>
> He moved to Germany in April 1996; he wore Western clothes, rented cars for trips around Europe, and was regarded as outgoing. He was a steadfast Muslim, praying to Mecca five times daily, but a poor student. (14)
>
> He grew steadily more religious, eschewing restaurants that used or served alcohol, and ultimately foregoing any semblance of a comfortable lifestyle in the late 1990s. (14)

Fayez Rashid Ahmed Hassan Al Qadi Banihammad



FBI.gov

Hijacker who died in the crash of United Airlines Flight 175 when it struck the South Tower of the World Trade Center on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> One of the muscle hijackers who took over United Airlines Flight 175 and crashed it into the South Tower of the World Trade Center on Sept. 11, 2001. (15)
>
> Also involved in some of the financial transfers as the hijackers returned excess money to al-Qaeda financiers. (15)

Ahmed Alghamdi



FBI.gov

Hijacker who died in the crash of United Airlines Flight 175 when it struck the South Tower of the World Trade Center on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> Hijacked United Airlines Flight 175, bound from Boston to Los Angeles, and crashed it into the South Tower of the World Trade Center in New York. One of the "muscle" hijackers. (16)
>
> Muscle hijackers Ahmed al-Ghamdi, Saeed al-Ghamdi, Hamza al-Ghamdi and Ahmed al-Haznawi all came from a cluster of three towns in the isolated al Bahah region of Saudi Arabia, and they shared a tribal affiliation. (16)
>
> Attended prayer services regularly. (16)

Hamza Alghamdi



FBI.gov

Hijacker who died in the crash of United Airlines Flight 175 when it struck the South Tower of the World Trade Center on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

"Muscle" hijacker aboard United Airlines Flight 175, bound from Boston to Los Angeles, who helped crash it into the South Tower of the World Trade Center. (17)

Muscle hijackers Ahmed al-Ghamdi, Saeed al-Ghamdi, Hamza al-Ghamdi and Ahmed al-Haznawi all came from a cluster of three towns in the isolated al Bahah region of Saudi Arabia, and they shared a tribal affiliation. (17)

Devout Muslim, attended prayer services regularly. (17)

Mohand Alshehri



FBI.gov

Hijacker who died in the crash of United Airlines Flight 175 when it struck the South Tower of the World Trade Center on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> One of the "muscle" hijackers aboard United Airlines Flight 175, which crashed into the South Tower of the World Trade Center on Sept. 11, 2001. (18)
>
> Spent time in ultraconservative Qassim Province in Saudi Arabia before breaking with his family. His frequent visits to Qassim resulting him in failing at university in Riyadh. (18)
>
> Arrived in United States in Miami on May 28, 2001. (18)

Saeed Alghamdi



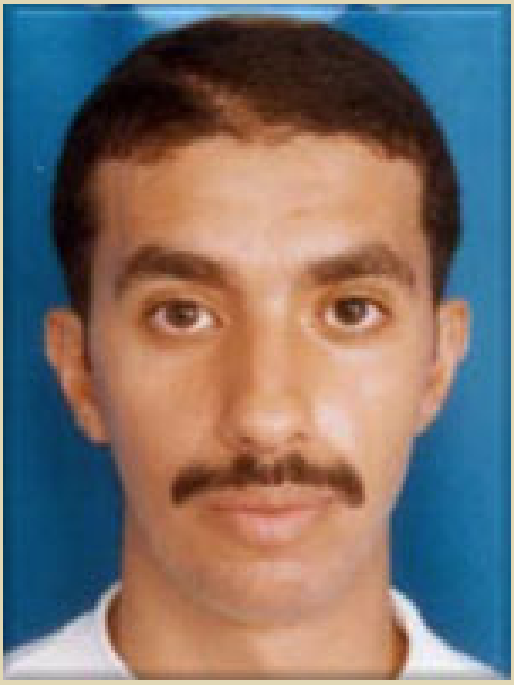
FBI.gov

Hijacker who died in the crash of United Airlines Flight 93 when it crashed in Stoney Creek Township, Pennsylvania, on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> "Muscle" hijacker who assisted in the takeover of United Airlines Flight 93, which crashed into a field in Pennsylivania after its passengers fought back against the hijackers. (19)
>
> Muscle hijackers Ahmed al-Ghamdi, Saeed al-Ghamdi, Hamza al-Ghamdi and Ahmed al-Haznawi all came from a cluster of three towns in the isolated al Bahah region of Saudi Arabia, and they shared a tribal affiliation. (19)
>
> Spent time in Saudi Arabi's al-Qassim province, the heart of strict Wahabism in Saudi Arabia, and dropped out of university and broke with his family. Regarded as devout Muslim. (19)
>
> He told his family he was going to fight in Chechnya. (19)

Ahmad Ibrahim A. Al Haznawi



FBI.gov

Hijacker who died in the crash of United Airlines Flight 93 when it crashed in Stoney Creek Township, Pennsylvania, on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> "Muscle" hijacker who assisted in the takeover of United Airlines Flight 93, bound from Newark to Los Angeles, which crashed into a field in Pennsylivania after its passengers fought back against the hijackers. (20)
>
> Muscle hijackers Ahmed al-Ghamdi, Saeed al-Ghamdi, Hamza al-Ghamdi and Ahmed al-Haznawi all came from a cluster of three towns in the isolated al Bahah region of Saudi Arabia, and they shared a tribal affiliation. (20)
>
> He was the only Saudi known to have maintained contact with his family during mid-2001, when he called his aunt to inquire about his sick mother. (20)
>
> Associated with Saeed "Jihad" al-Ghamdi, another "20th hijacker" who was not allowed into the United States. (20)
>
> Arrived in United States on June 8, 2001. (20)

Ahmed Alnami



FBI.gov

Hijacker who died in the crash of United Airlines Flight 93 when it crashed in Stoney Creek Township, Pennsylvania, on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> "Muscle" hijacker who assisted in the takeover of United Airlines Flight 93, bound from Newark to Los Angeles, which crashed into a field in Pennsylivania after its passengers fought back against the hijackers. (21)

Ziad Samir Jarrah



FBI.gov

Hijacker who died in the crash of United Airlines Flight 93 when it crashed in Stoney Creek Township, Pennsylvania, on September 11, 2001.

The following additional biographical information was found at GlobalSecurity.org:

> Pilot-hijacker of United Airlines Flight 93, which crashed in a field in Pennsylvania after passengers rose up against the hijackers. (22)
>
> He came from an affluent family in Lebanon and attended private Christian schools. He moved to Germany in 1996 and found a girlfriend, Aysel Senguen. He lived a secular lifestyle before growing more devout in late 1996 and thereafter. He was fully radicalized by 1999 and joined the other Hamburg plotters around then. (22)
>
> But his behavior differed somewhat from the other hijackers in the Hamburg cell. He remained in touch with his family, which tried to dissaude him from his course, and his girlfriend. (22)

Sources:

1. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 424.
2. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 427.
3. Lawrence Wright, "*The Looming Tower: Al-Qaeda and the Road to 9/11*," Vintage Books, New York, 2007, page 428.
4. "*Mohamed Atta*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/mohamed_atta.htm>.
5. "*Satam al Suqami*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/satam_al_suqami.htm>.
6. "*Waleed al-Shehri*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/waleed_al-shehri.htm>.
7. "*Wail al-Shehri*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/wail_al-shehri.htm>.
8. "*Abdul Aziz al Omari*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/abdul_aziz_al_omari.htm>.
9. "*Nawaf al-Hazmi*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/nawaf_al-hazmi.htm>.
10. "*Khalid al-Mihdhar*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/khalid_al-mihdhar.htm>.
11. "*Majed Moqed*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/

majed_moqed.htm>.
12. "*Salem al-Hazmi*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/salem_al-hazmi.htm>.
13. "*Hani Hanjour*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/hani_hanjour.htm>.
14. "*Marwan al-Shehhi*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/marwan_al-shehhi.htm>.
15. "*Fayez Bannihammad*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/fayez_bannihammad.htm>.
16. "*Ahmed al-Ghamdi*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/ahmed_al-ghamdi.htm>.
17. "*Hamza al-Ghamdi*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/hamza_al-ghamdi.htm>.
18. "*Mohand al-Shehri*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/mohand_al-shehri.htm>.
19. "*Saeed al-Ghamdi*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/saeed_al-ghamdi.htm>.
20. "*Ahmed al-Haznawi*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/ahmed_al-haznawi.htm>.
21. "*Ahmed al-Nami*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/ahmed_al-nami.htm>.
22. "*Ziad Jarrah*," GlobalSecurity.org. December 8, 2008, <http://www.globalsecurity.org/security/profiles/ziad_jarrah.htm>.

An Aerial Image of the Pentagon at 5000 Feet





Google Earth

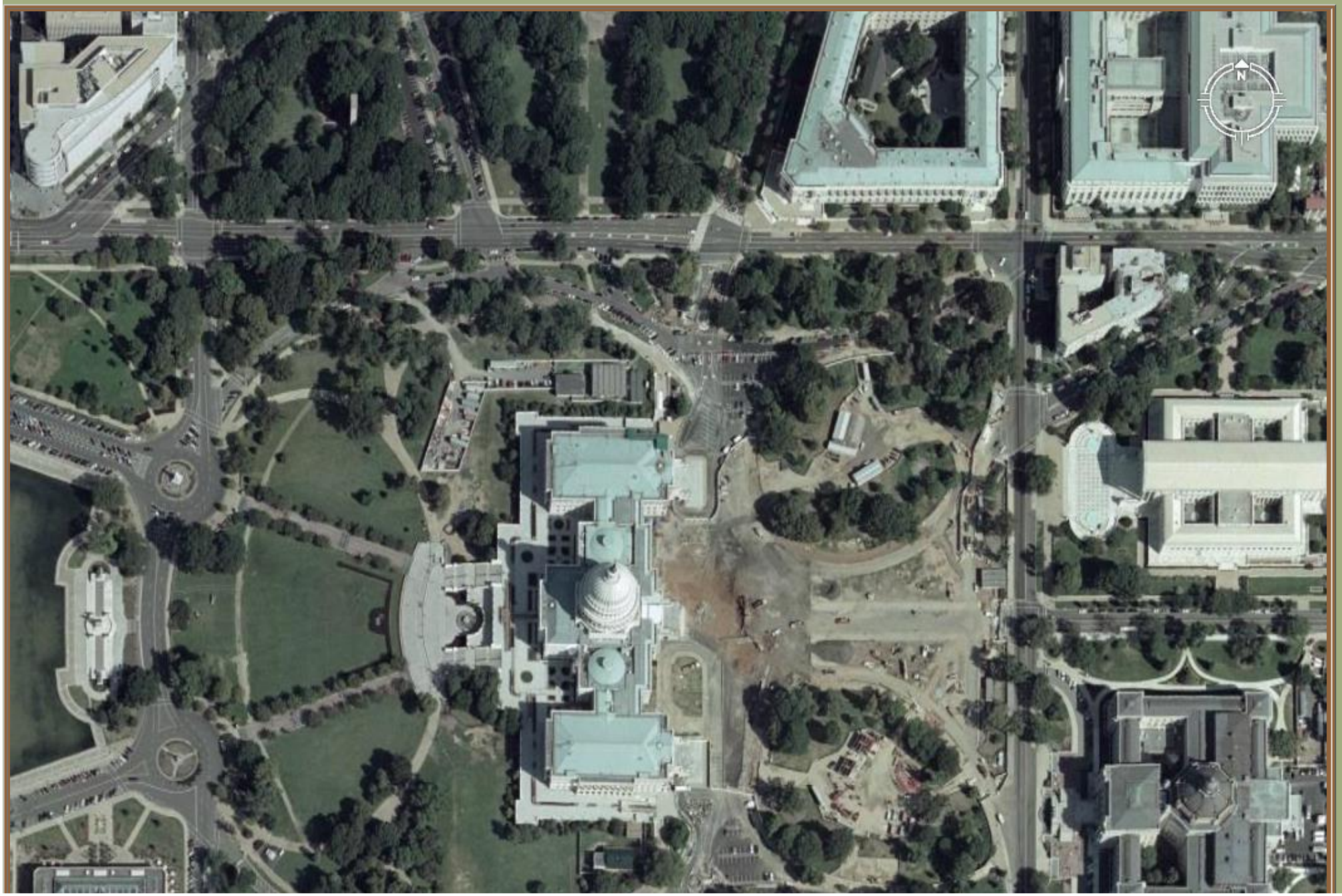
An Aerial Image of the White House at 2500 Feet





Google Earth

An Aerial Image of the U.S. Capitol at 2500 Feet





Google Earth

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The file ***http://www-personal.umich.edu/%7Elindsecy/911Report.pdf*** is a secure document that has been embedded in this document. Double click the pushpin to view.



9/11

AND

TERRORIST TRAVEL

Staff Report of the National Commission on Terrorist Attacks Upon the United States



9/11 AND TERRORIST TRAVEL

Staff Report of the National Commission on Terrorist Attacks Upon the United States

By

Thomas R. Eldridge
Susan Ginsburg
Walter T. Hempel II
Janice L. Kephart
Kelly Moore

and

Joanne M. Accolla, Staff Assistant
Alice Falk, Editor

Note from the Executive Director

The Commission staff organized its work around specialized studies, or monographs, prepared by each of the teams. We used some of the evolving draft material for these studies in preparing the seventeen staff statements delivered in conjunction with the Commission's 2004 public hearings. We used more of this material in preparing draft sections of the Commission's final report. Some of the specialized staff work, while not appropriate for inclusion in the report, nonetheless offered substantial information or analysis that was not well represented in the Commission's report. In a few cases this supplemental work could be prepared to a publishable standard, either in an unclassified or classified form, before the Commission expired.

This study is on immigration, border security and terrorist travel issues. It was prepared principally by Thomas Eldridge, Susan Ginsburg, Walter T. Hempel II, Janice Kephart, and Kelly Moore, with assistance from Joanne Accolla, and editing assistance from Alice Falk. As in all staff studies, they often relied on work done by their colleagues.

This is a study by Commission staff. While the Commissioners have been briefed on the work and have had the opportunity to review earlier drafts of some of this work, they have not approved this text and it does not necessarily reflect their views.

Philip Zelikow

9/11 and Terrorist Travel
Staff Report, August 21, 2004

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Preface

It is perhaps obvious to state that terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country. Yet prior to September 11, while there were efforts to enhance border security, no agency of the U.S. government thought of border security as a tool in the counterterrorism arsenal. Indeed, even after 19 hijackers demonstrated the relative ease of obtaining a U.S. visa and gaining admission into the United States, border security still is not considered a cornerstone of national security policy. We believe, for reasons we discuss in the following pages, that it must be made one.

Congress gave the Commission the mandate to study, evaluate, and report on "immigration, nonimmigrant visas and border security" as these areas relate to the events of 9/11. This staff report represents 14 months of such research. It is based on thousands of pages of documents we reviewed from the State Department, the Immigration and Naturalization Service, the Department of Homeland Security, the Department of Justice, the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Defense, approximately 25 briefings on various border security topics, and more than 200 interviews. We are grateful to all who assisted and supported us along the way.

The story begins with "A Factual Overview of the September 11 Border Story." This introduction summarizes many of the key facts of the hijackers' entry into the United States. In it, we endeavor to dispel the myth that their entry into the United States was "clean and legal." It was not. Three hijackers carried passports with indicators of Islamic extremism linked to al Qaeda; two others carried passports manipulated in a fraudulent manner. It is likely that several more hijackers carried passports with similar fraudulent manipulation. Two hijackers lied on their visa applications. Once in the United States, two hijackers violated the terms of their visas. One overstayed his visa. And all but one obtained some form of state identification. We know that six of the hijackers used these state issued identifications to check in for their flights on September 11. Three of them were fraudulently obtained.

The chronology that follows in chapter 2, "The September 11 Travel Operation," is a detailed account of how each hijacker acquired a visa and entered the United States. In all, they had 25 contacts with consular officers and 43 contacts with immigration and customs authorities. They began acquiring their visas in April 1999 and began entering the country in December 2000. They successfully entered the United States 33 times over 21 months, through nine airports of entry, most of which were on the East Coast. Neither the consular officers who adjudicated their visas nor the immigration inspectors who admitted them into the country had any knowledge of fraudulent al Qaeda documents.

The next chapter, "Terrorist Entry and Embedding Tactics, 1993 to 2001," explores the topic of fraudulent documents, which terrorists have long used to support their international travel. Indeed, the CIA studied these documents and published their commonalities as far back as the 1980s. They even made a training video for border inspectors to help them detect such fraud. This effort was abandoned in the early 1990s,

just as the United States experienced the first attack on the World Trade Center in 1993. We reviewed information available on terrorist travel practices in the 1990s and identified numerous entry and embedding tactics, unknown at the time of these earlier attacks in the United States owing to the lack of analysis. No government agency systematically would analyze terrorists' travel patterns until after 9/11, thus missing critical opportunities to disrupt their plans.

Chapter 4, "Immigration and Border Security Evolve, 1993 to 2001," provides an overview of counterterrorism activities as they relate to border security in the Intelligence Community, the State Department, and the Immigration and Naturalization Service. Here we explore the evolution of the terrorist watchlist and explain the process of applying for a visa and for gaining entry into the United States. The reader is introduced to the Bureau of Consular Affairs in the State Department and visa policy in general. The various INS units working on counterterrorism are discussed, along with enforcement of immigration law and the immigration benefits system.

Chapter 5, "Planning and Executing Entry for the 9/11 Plot," discusses visa issuance and admission into the United States as it specifically applied to the hijackers. Thus, visa policy in Berlin, the United Arab Emirates, and Saudi Arabia, where the hijackers received their visas, is explored in depth. Similarly, we review aspects of the admission of the hijackers in detail, noting the immigration violations they committed. On both topics, visas and entry, we include excerpts of interviews with consular, immigration, and customs officials involved in the admission of the hijackers. We conclude with an assessment of how well the State Department and the INS performed in the period prior to 9/11.

"Crisis Management and Response Post–September 11," chapter 6, reports on actions taken by the intelligence community, the departments of State and Justice, and the INS following the attacks, up to the establishment of the Department of Homeland Security. Particular attention is paid to programs implemented by the Justice Department, in some cases as part of the interagency process, including the Interview Project, Visa Condor, the Absconder Apprehension Initiative, and NSEERS, the National Security Exit and Entry Registration System.

Appendix A contains graphics relevant to the 9/11 plot. In Appendix B, "The Saudi Flights," we examine the facts and circumstances surrounding the departure of Saudi nationals from the United States in the days after the 9/11 attack. The procedure followed for each flight, including the inspection of passengers and their belongings, is covered in detail. Finally, in Appendix C, we describe the immigration histories of certain terrorists.

1
Introduction: Factual Overview of the September 11 Border Story

Terrorists travel for many reasons, including to train, communicate with other terrorists, collect funds, escape capture and interrogation, engage in surveillance of potential targets, and commit terrorist attacks.[1]

To avoid detection of their activities and objectives while engaging in travel that necessitates using a passport, terrorists devote extensive resources to acquiring and manipulating passports, entry and exit stamps, and visas. The al Qaeda terrorist organization was no exception. High-level members of al Qaeda were expert document forgers who taught other terrorists, including Mohamed Atta, the 9/11 ringleader, their tradecraft.[2]

The entry of the hijackers into the United States therefore represented the culmination of years of practice and experience in penetrating international borders. We introduce our monograph with a retelling of the September 11 events from the perspective of border security as we understand it today.

The conspirators

Twenty-six al Qaeda terrorist conspirators—eighteen Saudis, two Emiratis, one Egyptian, one Lebanese, one Moroccan, one Pakistani, and two Yemenis—sought to enter the United States and carry out a suicide mission.[3] The first of them began to acquire the means to enter two years and five months before the 9/11 attack.

Intelligence about terrorist travel

Three hijackers were known or knowable by intelligence authorities as al Qaeda terrorists in early 2000, but their biographical information was not fully developed and communicated to border authorities for watchlisting at U.S. consulates abroad (by the State Department) and at the border (by immigration and customs border inspectors). The travel plans of all three also were known or knowable in 2000, in part because of cooperation from Arab and Asian country intelligence services and border authorities.

The 19 hijackers used 364 aliases, including different spellings of their names and noms de guerre.[4] As they passed through various countries, their names were recorded by governments and their intelligence and border authorities.

Three were carrying Saudi passports containing a possible extremist indicator present in the passports of many al Qaeda and other terrorists entering the United States as early as the first World Trade Center attack in 1993. This indicator had not been analyzed by the CIA, FBI, or our border authorities for its significance. Indeed, passports seized by the FBI in terrorist investigations were not routinely made available to the CIA for analysis.

Two hijackers were carrying passports that had been manipulated in a fraudulent manner. They contained fraudulent entry-exit stamps (or cachets) probably inserted by al Qaeda travel document forgers to hide travel to Afghanistan for terrorist training. Our analysis of their travel patterns suggests that several more hijackers whose passports did not survive the attacks were likely to have had similar false stamps in their passports. The existence and significance of these stamps was not known to border authorities.

Two Saudis were carrying passports that might have been provided to them by a family member working in the Saudi passport ministry. The Saudi passport authority was rife with patronage and security weaknesses known by then to the State Department and CIA, but they were not the subject of intelligence analysis, diplomatic or security policy, or countermeasures.

Visas

The 19 hijackers applied for 23 visas and obtained 22. Five other conspirators were denied U.S. visas. Two more obtained visas but did not participate in the attack for various reasons.

They began attempting to acquire U.S. visas in April 1999, two years and five months before the attack. Consular officers were unaware of the potential significance of an indicator of potential extremism present in some al Qaeda passports, had no information about fraudulent travel stamps that are associated with al Qaeda, and were not trained in terrorist travel tactics generally.

Two Yemenis were denied visas in Yemen for reasons of U.S. immigration law unrelated to terrorism. At the same time, two Saudi hijackers obtained visas in Saudi Arabia. When these two Saudis later showed up in Afghanistan, they were selected for the mission in part because they already had U.S. visas. Later, most of the operatives selected were Saudis, who had little difficulty obtaining visas.

In early 2000, four conspirators sought U.S. visas to learn how to become pilots in the plot. An Egyptian and a Lebanese obtained visas easily in Berlin, because they had established ties to Germany and so did not look like intending immigrants. Both presented new passports. A Yemeni who wanted to be a pilot was repeatedly turned down for a visa because he did not have strong ties to Germany, failed to complete the necessary paperwork, and looked like an intending immigrant.

Thirteen of the hijackers presented passports less than three weeks old when they applied for their visas, but the new passports caused no heightened scrutiny of their visa applications.

Two hijackers lied on their visa applications in detectable ways, but were not further questioned about those lies.

Two hijackers were interviewed for reasons unrelated to terrorism. Most simply had their applications approved and their passports stamped with a U.S. visa. Consular officers were not trained to detect terrorists in a visa interview. Terrorism concerns were handled through the watchlist, and all the conspirators' names were checked against the terrorist watchlist without producing a match.

One Saudi, one Moroccan, and one Pakistani were each denied visas for reasons unrelated to terrorism. The last conspirator, the Pakistani, was denied on August 27, 2001, in the United Arab Emirates.

The mastermind of the operation, Khalid Sheikh Mohammed, used a travel facilitator to acquire a visa on July 23, 2001, in Jeddah, Saudi Arabia, using an alias.

Ports of entry

Once the operation was under way, the conspirators attempted to enter the United States 34 times over 21 months, through nine airports. They succeeded all but once. Border inspectors at U.S. airports were unaware of the potential significance of indicators of possible terrorist affiliation in conspirators' passports and had no information about fraudulent travel stamps possibly associated with al Qaeda. No inspectors or agents were trained in terrorist travel intelligence and document practices. The culture at the airports was one of travel facilitation and lax enforcement, with the exception of programs to interdict drug couriers and known criminals.

When they began to arrive at the U.S. airports in January 2000, the pilots traveled alone. With the exception of two of the hijackers, the "muscle" operatives arrived between late April and late June 2001. They came in groups of two or three, and in four cases were screened by the same inspector.

All but one of the hijackers presented visitor visas that immigration inspectors used to decide whether to admit them as tourists or on business. All but two of the nonpilots were admitted as tourists and were granted automatic six-month stays. This allowed them to maintain a legal immigration status through the end of the operation. One of the two nonpilots admitted on business was granted a one-month stay; he, along with another of the nonpilot operatives, was in violation of immigration law for months before the attack.

The one pilot who came in on a student visa never showed up for school, thereby violating the terms of his U.S. visa. Another of the pilots came in on a tourist visa yet began flight school immediately, also violating the terms of his U.S. visa. This pilot came in a total of seven times on a tourist visa while in school. In both cases, the pilots violated the law after their entry into the United States.

Five hijackers attempting entry were referred by primary inspectors for a more intensive review by secondary inspectors. One pilot was referred at two entries, in one case by a customs inspector trained to look for drug couriers, and in the other by an immigration inspector thinking the pilot might be an intending immigrant. One pilot was referred for having the wrong visa and one nonpilot hijacker for failing to have a visa. Two others were referred for failing to complete their arrival and customs forms and for being unable to communicate with the inspectors. No lookouts or visa revocations were posted alerting border authorities to the terrorist association of two of the hijackers until after each has entered the United States for the last time.

Four hijackers were admitted after the secondary inspectors who interviewed them were unable to, or did not, verify information supplied by the operative, misunderstood the law, or failed to follow procedures. One was interviewed at length by a border inspector. The inspector concluded, on the basis of his hostile and arrogant behavior and contradictory statements, that he was unlikely to comply with U.S. immigration law and posed a risk. He was denied entry. The inspector was backed up by his superior, but acted in the face of a general expectation of leniency toward Saudi citizens at that airport.

These entries occurred during a period when approximately 20 million people applied for visas, and more than 10 million people came into the United States through 220 airports of entry.

In the United States

Three hijackers filed applications for change of status to extend their stays in the United States and stayed in compliance with U.S. immigration laws through September 2001. These were among nearly 600,000 new applications received in September 2000 and were added to a backlog of 3 million others. Two pilots attached the same supporting financial documents to their immigration benefit applications and were adjudicated by the same official in the summer of 2001.

The pending but unadjudicated benefits applications assisted two hijackers in persuading border inspectors to admit them during secondary inspections when they tried to reenter the United States. The adjudications were premised on the validity of their attendance at flight school, but in fact this school should not have been certified to accept foreign nationals. Another hijacker's application allowed him to stay in the United States legally for an extra six months.

While the applications were pending, one hijacker appeared at an Immigration and Naturalization Service (INS) office in Florida and requested a longer length of stay for a companion—possibly another hijacker—that would have enabled the other man to remain through September, when his own visa expired. The inspector refused that request, and realizing that the length of stay granted this hijacker during his secondary inspection was too long, rolled it back to midsummer 2001. The hijacker departed the United States in July and returned again ten days later, thereby acquiring a new length of stay that extended beyond September 11, 2001.

On August 23, 2001, the CIA provided biographical identification information about two of the hijackers to border and law enforcement authorities. The CIA and FBI considered the case important, but there was no way of knowing whether either hijacker was still in the country, because a border exit system Congress authorized in 1996 was never implemented.

One of the two overstayed his visa by less than six months. Without an exit system in place at the border tied to law enforcement databases, there was no way to establish with certainty that he remained in the United States. Thus, there was no risk that his immigration law violations would be visible to law enforcement, and there was no risk of immigration enforcement action of any kind.

Immediate response to the attacks

Immediately after the 9/11 attacks, immigration and customs leadership jointly put in place their agencies' most stringent security precautions, in the process nearly shutting down our borders; the backed-up traffic at the land borders caused a commercial crisis. Because resources were already strained, thousands of other enforcement officials in the National Guard, Border Patrol, and state and local police were needed to help border authorities reduce wait times for those seeking U.S. entry for tourism or business.

Under Justice Department direction, the FBI and the INS initiated a series of counterterrorism-related security programs using immigration law violations as a predicate to interview, detain, and in many cases deport aliens from countries with possible ties to al Qaeda. Also at the urging of the Justice Department, the State

Department, together with the FBI, initiated a series of programs to heighten scrutiny of visa applicants from countries with an al Qaeda presence.

In the weeks after September 11, after the national airspace reopened, at least ten flights of Saudi nationals departed the United States. One flight sponsored by the Saudi government carried relatives of Saudi fugitive Usama Bin Ladin. Passengers on the flights were screened by the FBI prior to their departure, but allegations of high-level government involvement spurred theories that passengers received special treatment.

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[1] Intelligence report, interrogation of a detainee, Oct. 23, 2002. After Ramzi Binalshibh failed to obtain a U.S. visa in May 2001, Usama Bin Ladin (UBL) asked Binalshibh to act as a contact between himself and Mohamed Atta to relay operational details that were too sensitive to trust to telephone or email. His travel in this capacity illustrates the importance of "courier" travel to al Qaeda planning and operations. To facilitate his travel, KSM provided Binalshibh with a genuine Saudi passport in the name of Hasan Ali al Assiri and a round-trip ticket to Kuala Lumpur, Malaysia, where he was supposed to meet Atta. While in Kuala Lumpur, Binalshibh applied for a Yemeni passport. When Atta was delayed, Binalshibh went to Bangkok. Because Atta was still unable to meet him, Binalshibh traveled to Amsterdam on his Yemeni passport, took a train to Hamburg, and bought a ticket to Spain to meet Atta. Intelligence report, interrogation of a detainee, Oct. 1, 2002. Binalshibh finally met up with Atta in early July 2001 in Spain to discuss sensitive operational aspects of the 9/11 plot. Specifically, Binalshibh told Atta that UBL's instructions were to attack the U.S. Congress, the World Trade Center, and the Pentagon, the "symbols of America." Atta told Binalshibh, who passed the information to UBL through KSM, that planning had been completed with no problems and it could be operational in five to six weeks.

[2] CIA analytic report, Analysis of Passports, Nov. 20, 2002, p. 1, 3. Atta, who reportedly learned these techniques in Afghanistan, cleaned Ramzi Binalshibh's passport of its Pakistani visa and travel cachets.

[3] In addition to the 19 hijackers, the seven other conspirators who sought visas were Mohamed al Kahtani (a Saudi), Saeed al Ghamdi (a Saudi, not the hijacker), Mushabib al Hamlan (a Saudi), Zakariya Essabar (a Moroccan), Ali Abdul Aziz Ali (a Pakistani), Ramzi Binalshibh (a Yemeni), and Tawfiq bin Attash (a Yemeni, also known as Khallad). An eighth individual who was a possible pilot in the 9/11 operation, Zacarias Moussaoui, entered under the Visa Waiver Program.

[4] CIA analytic report, "Name Variants and Aliases of 11 September Hijackers and Associates," Mar.2004.

The 9/11 HIJACKERS AND CONSPIRATORS

American Airlines Flight 11—North Tower of the World Trade Center

Mohamed Atta	Hijacker (Pilot)
Abdul Aziz al Omari	Hijacker
Waleed al Shehri	Hijacker
Satam al Suqami	Hijacker
Wail al Shehri	Hijacker

American Airlines Flight 77—Pentagon

Hani Hanjour	Hijacker (Pilot)
Khalid al Mihdhar	Hijacker
Majed Moqed	Hijacker
Nawaf al Hazmi	Hijacker
Salem al Hazmi	Hijacker

United Airlines Flight 93—Pennsylvania

Ziad Samir Jarrah	Hijacker (Pilot)
Saeed al Ghamdi	Hijacker
Ahmed al Nami	Hijacker
Ahmad al Haznawi	Hijacker

United Airlines Flight 175—South Tower of the World Trade Center

Marwan al Shehhi	Hijacker (Pilot)
Mohand al Shehri	Hijacker
Hamza al Ghamdi	Hijacker
Fayez Banihammad	Hijacker
Ahmed al Ghamdi	Hijacker

Other Conspirators Involved with the Visa Process

Khalid Sheikh Mohammed	Mastermind
Tawfiq bin Attash (Khallad)	Potential Pilot
Ramzi Binalshibh	Potential Pilot
Zakariya Essabar	Potential Pilot/Hijacker
Saeed “Jihad” al Ghamdi	Potential Hijacker
Mushabib al Hamlan	Potential Hijacker
Ali Abdul Aziz Ali	Financial Facilitator and Potential Hijacker

Other Conspirator Involved with the Visa and Port of Entry Process

Mohamed al Kahtani	Potential Hijacker

2

The September 11 Travel Operation

The success of the September 11 plot depended on the ability of the hijackers to obtain visas and pass an immigration and customs inspection in order to enter the United States. It also depended on their ability to remain here undetected while they worked out the operational details of the attack. If they had failed on either count—entering and becoming embedded—the plot could not have been executed.

Here we present the facts and circumstances of the hijackers' travel operation, including their 25 contacts with consular officers and their 43 contacts with immigration and customs authorities. We also discuss the 12 contacts with border authorities by other September 11 conspirators who applied for a visa. The narrative is chronological, retracing the hijackers' steps from their initial applications for U.S. visas, through their entry into the United States, to their applications for immigration benefits, and up through their acquisition of state identifications that helped them board the planes. Along the way, we note relevant actions by U.S. government authorities to combat terrorism. There were a few lucky breaks for U.S. border authorities in this story. Mostly, though, it is a story of how 19 hijackers easily penetrated U.S. border security.

Overview of the hijacker's visas

The 9/11 hijackers submitted 23 visa applications during the course of the plot, and 22 of these applications were approved. The hijackers applied for visas at five U.S. consulates or embassies overseas; two of them were interviewed. One consular officer issued visas to 11 of the 19 hijackers. Of the eight other conspirators in the plot who sought visas, three succeeded, but only one of the three later sought to use the visa to enter the United States.

Hijackers Nawaf al Hazmi and Khalid al Mihdhar were the first to submit visa applications because they were originally slated to be pilots. The four hijackers who did become pilots applied for visas in 2000. The remaining "muscle" hijackers applied in the fall of 2000 through the spring and summer of 2001, three applying twice.

Most of the hijackers applied with new passports, possibly to hide travel to Afghanistan recorded in their old ones. It is likely that many of the hijackers' passports contained indicators of extremism or showed ties to al Qaeda. However, this intelligence was not developed prior to 9/11, and thus State Department personnel reviewing visa applications were not trained to spot these indicators of a terrorist connection. Visa decisions for the hijackers and conspirators were consistent with a system that focused on excluding intending immigrants and depended on checking a database of names to search for criminals and terrorists.

Overview of the hijackers' entries

The hijackers successfully entered the United States 33 of 34 times, with the first arriving on January 15, 2000, at Los Angeles International Airport. All others entered through

airports on the East Coast, including 11 entries through New York area airports and 12 through Florida airports.

The four pilots passed through immigration and customs inspections a total of 17 times from May 29, 2000, to August 5, 2001. Ziad Jarrah was the most frequent border crosser, entering the United States seven times. Mohamed Atta and Marwan al Shehhi came in three times each, entering for the last time on May 2 and July 19, 2001, respectively. Hani Hanjour was the only hijacker to enter on an academic visa, arriving on December 8, 2000. He had already attended both English and flight training schools in the United States during three stays in the 1990s. Hanjour was also the only pilot who already had a commercial pilot's license prior to entry, having acquired it in 1999 in Arizona.[1]

Though Khalid al Mihdhar and Nawaf al Hazmi came to the United States as early as January 2000, the remaining muscle entered between April 23, 2001, and June 29, 2001. They arrived in six pairs and one trio. Four pairs were processed by the same immigration inspector. Only three of the muscle were referred to a secondary inspection for further scrutiny. Of these, only one, Mohamed al Kahtani, was refused entry to the United States.

Entering the United States as tourists was important to the hijackers, since immigration regulations automatically guaranteed tourists six months of stay. Thus the 14 muscle hijackers who entered the United States in the spring and early summer of 2001 were able to remain in the country legally through September 11. The six-month tourist stays also assured the hijackers of sufficient time to make such preparations for their operation as obtaining the identifications some of them used to board the planes on September 11. Fourteen of 15 operatives and all of the pilots acquired one or multiple forms of U.S. state-issued identification. Only Satam al Suqami did not, possibly because he was the only hijacker who knew he was out of immigration status: his length of stay end date of May 20, 2000, was clearly inserted in his passport.

Note: Per an agreement with the Department of State, we have protected the identities of individual consular officers involved with the adjudication of visas to the hijackers. Throughout the chronology, each is referred to as "he," regardless of the person's actual gender. For similar reasons, we have chosen not to include the names of border inspectors in this report.

The Entry of the Hijackers: Acquiring Visas

November 1998. Upon the indictment of Usama Bin Ladin on November 4, a threat advisory was immediately sent by the headquarters of the Immigration and Naturalization Service (INS) to all immigration inspectors at ports of entry. Warning of possible infiltration into the United States by radical Islamic fundamentalists sympathetic to UBL, the advisory called for "hard" inspections of certain visitors from Middle Eastern countries, but only if they were referred to a secondary immigration inspection. This instruction applied to the countries of origin of all of the hijackers.[2]

April 1999

On April 3, Nawaf al Hazmi applied for a B-1/B-2 (tourist/business) visa in Jeddah, Saudi Arabia, submitting a written visa application, his passport, and a photograph. Hazmi was a Saudi citizen born August 9, 1976.[3] Hazmi's passport was new--issued on March 21, 1999, and it contained an indicator of extremism that has been associated with al Qaeda.[4]

Also on **April 3**, 1999, the same day that Nawaf al Hazmi was applying for his visa in Jeddah, another of the 9/11 conspirators, **Khallad,** attempted to get a visa in Sanaa, Yemen, using the alias Salah Saeed Mohammed Bin Yousaf. He submitted a written application, a photograph, and a Yemeni passport, issued March 18, 1999, shortly before he applied for this visa. On his application, he listed his date of birth as January 1, 1974, and his nationality as "Yemeni."[5]

Khallad listed his address in the United States as "Bothell W.A.," and gave "Medical Treatment" as the purpose of his visit. Injured while fighting in Afghanistan, he had an artificial right leg. He indicated that he intended to arrive in the United States in April 1999 and stay for a period of "aprox two months."[6]

Khallad was interviewed, apparently by a consular officer, who took notes of their conversation on the visa application. As best as we can tell from the copy we have obtained, the officer wrote "Family in Shobanah and Br (unintelligible)—1 kid—has shops w/family—artificial leg—needs all med info." He denied the application under Immigration and Nationality Act (INA) section 221(g), the provision used to cover denials for incomplete applications or other unspecified reasons, seemingly out of concern that Khallad needed to present more information about his medical condition before he could secure a visa. In general, Yemenis had greater difficulty than wealthier Saudis convincing consular officers they were not intending immigrants.[7]

This is the only visa application we have located for Khallad, though he claims to have applied for one previously.[8]

April 7. Khalid al Mihdhar applied for a B-1/B-2 (tourist/business) visa in Jeddah, Saudi Arabia, submitting a written application, his new passport, and a photograph. Mihdhar was a Saudi citizen born May 16, 1975.[9] Mihdhar's passport was issued on April 6, 1999.[10] Mihdhar's passport contained the same indicator of extremism as Nawaf al Hazmi's. But because this indicator of extremism was unknown at the time to U.S. intelligence officials, the consular officer adjudicating their visas had not been warned to watch for it.

Both Hazmi and Mihdhar's visa applications were destroyed before September 11, according to routine State Department document destruction practices in place in Jeddah, so we could not review them. The electronic records of their applications, their photographs, and information about the visas issued to them still exist, however, and are

maintained in the State Department's Consular Consolidated Database (CCD), and we have reviewed this material.

It is not possible to state with certainty whether either Hazmi or Mihdhar were interviewed by a consular officer in connection with their visa applications.[11] The consular officer who approved Hazmi's visa stated, "I do not remember these specific applications."[12] State Department computer records did not provide any help in this regard, because they do not indicate whether the applicant has been interviewed.[13]

If either of these two were interviewed, they must have convinced the officer they had good reasons to be going to the United States: both were issued visas after CLASS record checks showed no derogatory information about them. Hazmi's visa was issued on April 3, 1999. Mihdhar's visa was issued on April 7, 1999. Both were one-year, multiple-entry visas.

January 2000

January 15. **Nawaf al Hazmi** and **Khalid al Mihdhar** arrived together at Los Angeles International Airport from Bangkok, Thailand. The two Saudis were admitted as tourists for six-month stays by the same primary immigration inspector, who was unaware of the indicators of extremism likely present in their passports.[14]

Neither Hazmi nor Mihdhar was on the watchlists available to border inspectors. However, Mihdhar was a known al Qaeda operative at the time, and a copy of his passport was available to the intelligence community.[15]

January 18. **Marwan al Shehhi**, an Emirati, was issued a ten-year B-1/B-2 (tourist/ business) visa in Dubai, United Arab Emirates.[16] Shehhi submitted a new passport with his visa application. Although his application was destroyed prior to September 11, 2001, pursuant to routine document handling policies, an electronic record was maintained by State.[17] The consular officer who issued the visa said Shehhi probably was not interviewed, explaining that UAE nationals were not interviewed in connection with their visa applications unless—as did not happen in this case—there was a watchlist "hit."[18] UAE nationals were considered good visa risks both on economic and on security grounds.[19]

April 2000

April 2. **Nawaf al Hazmi's** visa expired,[20] but that expiration had no bearing on his legal status in the United States. Any visitor who enters the country with a valid visa may remain through the length of stay granted by an immigration inspector upon arrival.

April 5. Mihdhar and **Nawaf al Hazmi** acquired California driver's licenses.[21]

May 2000

May 17. **Mohammed Atta**, an Egyptian, applied for and on the next day received a five-year B-1/B-2 (tourist/business) visa from the U.S. embassy in Berlin, Germany.[22] The consular officer who adjudicated this visa said Atta "definitely" was not interviewed.

According to the officer, because he was a third-country national who had long been resident in Germany (approximately five years), the visa interview requirement was waived, and Atta was "basically treated like" a German citizen. German citizens do not need visas, as they participate in a "visa waiver" program. Another factor in his favor was Atta's strong record as a student in Germany.[23] Atta's visa application was destroyed prior to 9/11 pursuant to State Department policy then in effect, so we were able to review only the electronic record of his application.

Also on **May 17**, **Ramzi Binalshibh**, another Yemeni, applied for a B-1/B-2 (tourist/visa) visa in Berlin. He listed Agus Budiman in Washington, D.C., as the person he would be visiting in the United States. Although his application was denied, Binalshibh did not give up on trying to get a visa to the United States, as we will soon see.[24]

May 25. **Ziad Jarrah**, a native of Lebanon, applied for and received a five-year B-1/B-2 (tourist/business) visa in Berlin.[25] The consular officer who issued the visa could not recall whether he interviewed Jarrah. However, our review of Berlin visa policy for third-country nationals suggests that Jarrah was a strong visa candidate, given his long residence in Germany (approximately four years), academic involvement in Germany (at two universities), and Lebanese nationality. Third-country nationals with more than two years of residency in Germany met a threshold for visa approval. The officer who adjudicated his visa has stated that wealthy Lebanese families often sent their children to school in Germany as a way to keep them out of the Middle East's turmoil, and that Jarrah looked like one of those wealthy expatriates.[26]

May 29. Shehhi arrived in the United States for the first time from Brussels, Belgium, landing at Newark International Airport in New Jersey. He was admitted by immigration authorities as a tourist for six months. However, he was pulled aside by a "roving" Customs inspector who conducted a secondary inspection. He was admitted after this two-minute examination, during which his bags were x-rayed but he was not personally searched and was admitted. The Customs inspector was trained to look for drug couriers, not terrorists.[27]

June 2000

June 3. Atta arrived from Prague, Czech Republic, at Newark Airport as a tourist. He was given a customary six-month stay, valid until December 2, 2000.[28]

June 5. Binalshibh's May application was denied under INA section 221(g).[29] This section was routinely invoked by the U.S. embassy in Berlin, without conducting an interview, to deny a visa application that was incomplete or weak.[30] In such cases, the embassy would send a letter explaining the denial and inviting the submission of further documentation in support of the application.[31] Under the law, such additional information can become part of the original application.[32] The applicant then had six months to have the original denial reversed.[33]

June 10. Mihdhar left the United States against the wishes of the operational organizer of the plot, Khalid Sheikh Mohammed. He traveled to Yemen.[34]

June 15. **Binalshibh** attempted a second time to obtain a B-1/B-2 (tourist/business) visa in Berlin.

June 27. Jarrah entered the United States for the first time on a tourist visa.[35] He immediately violated his immigration status by going from the airport straight to full-time flight school. He studied at the Florida Flight Training Center in Venice, Florida, until January 31, 2001.[36] Jarrah never filed an application to change his status from tourist to student. This failure to maintain a legal immigration status provided a solid legal basis to deny him entry on each of the six subsequent occasions in which he reentered the United States. But because there was no student tracking system in place and because neither Jarrah nor the school complied with the law's notification requirements, immigration inspectors could not know he was out of status.

June 27. Binalshibh's second visa application was again denied under 221(g), apparently without his being interviewed by a consular officer.

July 2000

July 3. Shehhi and **Atta** enrolled at Huffman Aviation to take flight lessons.[37] Neither violated his immigration status: attending flight school was permitted as long as their entrance to the United States was legal and they sought to change their status before the expiration of their length of stay in late November and early December. As required by Huffman, both began training as private pilots.[38]

July 12. Nawaf al Hazmi filed to extend his stay in the United States, which was due to expire on July 14, 2000.[39] Yet another opportunity to spot the suspicious indicator of extremism in his passport.

July 18. A consular officer in Berlin interviewed **Binalshibh** in connection with his two visa applications submitted on May 17 and June 15, 2000. This time, a consular officer denied his application under INA Section 214(b), after concluding that Binalshibh had failed to prove that he was not an intending immigrant to the United States.[40] Under this provision, discussed more fully in Chapter 5, the nonimmigrant visa applicant bears the burden of establishing to the satisfaction of the consular officer that they are entitled to nonimmigrant status. The consular officer noted on the application that Binalshibh had a poor academic record at German universities, attending only sporadically. The officer also noted that Binalshibh had no apparent source of income, no apparent job, and was traveling back and forth to the Middle East. All these factors led the officer to consider Binalshibh a bad visa risk. There is no evidence that the officer denied Binalshibh because of concerns about terrorism.

August 2000

August 14. **Atta** and **Shehhi** passed their private pilot airplane test at Huffman Aviation. Atta received a score of 97 (out of 100) in 69 minutes. Shehhi received a score of 83 in 73 minutes.[41]

September 2000

September 3. **Ahmed al Ghamdi,** a Saudi, applied for and received a two-year B-1/B-2 (tourist/business) visa in Jeddah, Saudi Arabia. He presented a new Saudi passport only 13 days old. There is no evidence that he was interviewed.[42]

September 10. **Hani Hanjour** again applied for a B-1/B- (tourist/business) visa in Jeddah, Saudi Arabia, submitting a new passport issued on July 24, 2000. His statement on the application that he would like to stay for three years in the United States raised concerns among the consular staff that he was at risk of becoming an immigrant to the United States. A consular employee who screened Hanjour's application forwarded him to a consular officer for an interview. Hanjour told this officer that he was going to attend flight training school in the United States and wanted to change his status to "student" from "tourist" once he arrived in the United States.[43] "Look, you have spent enough time in the States" to know what you want to do there, the officer told Hanjour. His prior travel to the United States, the officer said to him, disqualified Hanjour from receiving a tourist visa in order to go to the United States and find a school "because he had been in the States long enough to decide what he wanted."[44] For these reasons, the officer denied Hanjour's application under INA section 221(g), a general denial that, as noted above, allowed the applicant to return with additional information in support of his application.

September 15. Huffman Aviation's Student Coordinator assisted **Atta** in filling out the student school form I-20M, required by the INS to demonstrate school enrollment.[45] **Shehhi** also received an I-20M signed by this coordinator. Both Atta's and Shehhi's I-539 applications to change their immigration status from tourist (B-1/B-2) to vocational student (M1) were mailed to the INS. Both applications requested that their status be maintained until September 1, 2001. The contents of the applications are substantially the same, including the same financial statement of support, bank statement, and lease.[46] Also in September, the two took flying lessons at Jones Aviation in nearby Sarasota, Florida. They spent a few hours a day flying at Jones, struggling as students because of their poor English. They were aggressive, even trying to take over control of the aircraft from the instructor on occasion. They failed their instrument rating tests there, and returned to Huffman.[47]

September 16. Binalshibh's third visa application was denied in Sanaa,Yemen, under INA section 214(b), the intending immigrant provision.[48] There is no evidence that concerns about terrorism played a role in this denial. The consular officer wrote on the application "no ties" and "previous refusals in Berlin."

September 19. Atta and **Shehhi's** I-539 applications were received by the INS.

September 25. **Hanjour** returned to the Jeddah consulate and, apparently having listened to what the consular officer told him, submitted another application for a student visa. This time, Hanjour stated a desire to attend the ELS Language Center in Oakland, California. A consular official—probably the intake screener—wrote a note on his application indicating that Hanjour had been denied a visa under section 221(g) on

September 10. The same consular officer who had interviewed Hanjour in connection with his September 10 application also processed this one. He recalled to us that Hanjour or someone acting on his behalf submitted an INS school enrollment form, or I-20—required to qualify for a student visa—to the consulate late on September 25, 2000.[49] "It came to me, you know, at the end of the day to look at it. I saw he had an I-20, and it [his visa] was issued."[50]

State Department electronic records indicate that this approval allowed Hanjour to "overcome" his September 10 visa denial, another indication that multiple applications can be considered "one case." State Department records erroneously recorded the visa issued to Hanjour as a B-1/B-2 (business/tourist) visa when, in fact, it was an F (student) visa that was printed and put in Hanjour's passport.[51] In addition, Hanjour had already received an approved change of status to attend this same English language school in 1996. But that approval was granted by the INS in the United States, and the State Department had no record of it. The consular officer told us that if he had known this information, he might have refused Hanjour the visa.

October 2000

October 17. **Hamza al Ghamdi**, a Saudi, applied for and received a two-year B-1/B-2 (tourist/business) visa in Riyadh, Saudi Arabia. His application was incomplete.[52] Al Ghamdi listed his occupation as "student" but left blank the question asking the street address of his school. Ghamdi's travel patterns indicated that he may have presented a passport containing fraudulent travel stamps associated with al Qaeda when he applied for this visa.[53] The consular officer who adjudicated his case was not familiar with this kind of manipulation; in addition, he told us that because of the workload in Jeddah, he rarely had time to thumb through passports. Ghamdi was not interviewed, because nothing in his application raised concerns in the mind of the consular officer who adjudicated it and there was no hit in the CLASS system.[54] His visa application was granted.

October 23. **Mohand al Shehri**, a Saudi, applied for and received a two-year B-1/B-2 (tourist/business) visa in Riyadh, Saudi Arabia. His application was incomplete. Al Shehri listed his occupation as "student," but listed the street address of his school as "Riyadh K.S.A." He claimed he was a 21-year-old student who would be supporting himself in the United States.[55] He was not interviewed, according to the officer who issued this visa, because "We only interviewed Saudis if there was a previous denial of a visa application or if there was something wrong with the application."[56] Shehri apparently raised no such concerns. The officer noted that the lack of handwritten notes on the application was a further indication that he had not interviewed Shehri.[57]

October 25. **Binalshibh** applied for a visa again in Berlin, Germany, this time for a student (F) visa to attend aviation school in Florida. He accurately indicated on his application form that he had been denied visas previously in Berlin and Sanaa.

October 28. **Ahmed al Nami**, a Saudi, applied for and received a two-year B-1/B-2 (tourist/business) visa in Jeddah, Saudi Arabia. Nami's application was incomplete.[58] He

listed his occupations as "student" but did not provide a complete address for his school. He listed his intending address in the United States as "in Los Angeles." Nami's passport may have contained fraudulent travel stamps associated with al Qaeda.[59] However, his passport did not survive, so we can not be sure. On his application, Nami indicated that "My friend Moshabab" would be traveling with him.

On the same day, **Mushabib al Hamlan**, a Saudi and a friend of 9/11 hijacker Ahmed al Nami, acquired a two-year B1/B2 (tourist/business) visa in Jeddah, Saudi Arabia.[60] Hamlan was selected to participate in the plot but backed out after obtaining his visa, perhaps at the urging of his family.

October 29. Jarrah arrived back in the United States, entering in Tampa, Florida, from Frankfurt, Germany, on a tourist visa. He received a six-month length of stay in the United States. He was still in flight school.[61]

November 2000

November 1. **Binalshibh** was denied in Berlin yet again under 221(g) for lack of adequate documentation and failure to show sufficient ties to Germany. His application was incomplete, and his prior denials in Berlin and Sanaa provided powerful grounds for this denial. Consular officials wrote on this application, "Incomplete [application], refused in Sanaa and here, bad case." Once again, there was no evidence that officials were concerned about terrorism. A citizen of a poor, developing country, with tenuous ties to Germany, Binalshibh was considered an intending immigrant and a bad visa risk.

November 6. Atta and **Shehhi** took their instrument rating airplane test at Huffman Aviation. Atta received a score of 90 in 122 minutes and Shehhi received a score of 75 in 89 minutes.[62] After passing this test, Atta and Shehhi were able to sign out planes. They did so on a number of occasions, often returning at 2:00 and 3:00 A.M. after logging four or five hours of flying time.[63]

November 12. **Ahmad al Haznawi,** a 20-year-old Saudi national, applied for and received a two-year B-1/B-2 (tourist/business) visa in Jeddah, Saudi Arabia.[64] There is evidence that Haznawi may have presented a passport with fraudulent travel stamps associated with al Qaeda.[65] Haznawi listed his occupation as "student" but left blank the line on which he was asked to supply the street address of his present school. He stated that he would provide financial support for his visit. He was not interviewed.

Also on **November 12**, **Saeed al Ghamdi**, a Saudi national, sometimes known as "Jihad" al Ghamdi—not to be confused with the 9/11 hijacker of the same name—applied for a B-1/B-2 (tourist/business) visa in Jeddah. Ghamdi's application was denied after he was interviewed by a consular officer who believed he was intending to immigrate to the United States. Ghamdi wrote on his application that he intended to stay in the United States for "12 months," a red flag because the usual period of admission for tourists granted by INS inspectors at ports of entry was six months. Contemporaneous notes by consular staff, probably taken during his interview, state: "To stay one year . . . no job . . .

graduated from H.S. last year . . . he has SR [Saudi rials] 10,000 only and staying one year! . . . Not working." Ghamdi was denied under INA section 214(b), the intending immigrant provision. There is no evidence that terrorism concerns played a role in this denial.[66]

November 20. **Majed Moqed,** a Saudi**,** applied for and received a two-year B-1/B-2 (tourist/business) visa in Riyadh, Saudi Arabia. His application was incomplete. He claimed to be a "student" but left blank the line on which he was asked to supply the street address of his present school.[67] The officer who adjudicated his visa said they did not interview Moqed: "I would have written some notes on the application form[] if I had."[68] He was not interviewed because, according to the officer who issued the visa, "We only interviewed Saudis if there was a previous denial of a visa application or if there was something wrong with the application."[69] Incompleteness by itself evidently did not trigger an interview.

November 21. **Satam al Suqami**, a Saudi**,** applied for and received a two-year B-1/B-2 (tourist/business) visa in Riyadh, Saudi Arabia.[70] There is very strong evidence that the passport Suqami submitted with this application had fraudulent travel stamps now associated with al Qaeda.[71] Suqami left blank the line on which he was asked to supply the name and street address of his present employer. The consular officer who issued the visa said he interviewed Suqami because he described his present occupation as "dealer," the word Saudis often put on their applications when they meant "businessman." The officer testified that he asked Suqami a number of questions, including, he believes, who was paying for the trip.[72] Although the officer stated that notes were always taken during interviews,[73] none were written on Suqami's application, raising the possibility that the officer's memory of having conducted an interview was false. In any case, Suqami evidently raised no suspicions and his application was approved.

November 25. Jarrah rented a private plane for a one-day trip from Miami to Nassau, Bahamas, with a couple of companions. There is no immigration departure record, but there is a record of his reentry into the country. At the general aviation terminal where Jarrah arrived, he was subjected to both an immigration and customs check, including an inspection of the plane by customs for the presence of drugs, contraband, and currency. Nothing unusual was found and Jarrah was once again admitted as a tourist for six months. Again, he was still in school despite having a B-1/B-2 visa.[74]

December 2000

December 8. Hanjour entered the United States for the final time at the Cincinnati/Northern Kentucky International Airport, six months after the entry of the other pilots. He never attended the ELS Language Center in Oakland, California, the stated destination on his second visa application of September 25, 2000. His records do not indicate the length of stay the primary immigration inspector gave him.[75]

December 12. **Zakariya Essabar**, a Moroccan who intended to participate in the plot, submitted the first of two visa applications in Berlin. He indicated that he intended to arrive in the United States on February 15, 2001.[76]

December 19. Atta and **Shehhi** took their commercial pilot license tests at Huffman Aviation, completing their schooling. Atta received a score of 93 in 116 minutes and Shehhi received a score of 73 in 99 minutes.[77]

2001

January 2001

January 4. Atta departed the United States for the first time, having overstayed his tourist visa by one month. Although his application for a change of his immigration status was still pending, once he departed the country the application was considered abandoned.[78]

January 5. Jarrah returned from Dusseldorf, Germany, landing at Newark, New Jersey, and flying onward to Tampa, Florida. He was admitted as a tourist for six months. His flight school education continued.[79]

January 10. **Essabar** was interviewed and was denied a visa under INA section 221(g), on the grounds that he provided no evidence of a job in or other ties to Germany. Essabar applied for a visa again on January 28, 2001, but there is no record of the State Department's ever having acted on this second application. On the same day, **Atta** returned from Madrid to Miami. The primary immigration inspector who screened him told the Commission that he had been working as a primary inspector for less than a year when Atta presented himself. He said he knew that if he took more time than 45 seconds to determine a visitor's admissibility or if he made too many referrals to secondary inspection, he could receive a poor performance appraisal. During an interview with the Department of Justice, Office of the Inspector General (DOJ OIG), in November 2001, the primary inspector recalled some of his encounter with Atta. He told the interviewer that Atta presented an Egyptian passport with a tourist/business visa and an INS student/school form indicating that he was attending school. The inspector determined that Atta needed either an F-1 visa to attend an academic school or an M-1 visa to attend a vocational school, and had neither. The official's "inspection results report" recorded Atta's statement that he had "turned in" a student/school form to the INS in an attempt to change his status, but that he "has not had a response [from the INS], meanwhile he's attending flight training school, already in school for 5/6 months."[80]
The inspector, however, had already begun to process Atta for admission into the United States before noticing the visa problem. The I-94 arrival record, which was stamped and stapled into Atta's passport, indicated that the primary inspector initially approved a one-month stay as a B-1 business visitor.[81]

The second red ink admission stamp (located on the top of Atta's passport in the figure) was that of a B-1 visitor, but the length of stay was left blank. We know this was the work of the primary inspector, as the stamp bears his assigned number. The inspector told us that the blank length of stay on the admission stamp indicated that while he was almost

finished processing Atta, he stopped, realizing that Atta needed more scrutiny.[82] He sent him to a secondary immigration inspection for closer examination.

The immigration inspectors the Commission interviewed understood that INS policy permitted a commercial pilot coming to the United States for ongoing training to be admitted as a business visitor for the time necessary to complete his training. However, an alien wishing to pursue such training needed a vocational student visa.[83] The primary inspector initially thought that Atta was already a pilot who was seeking continuing education, and then decided that Atta was studying to become a pilot and had the wrong visa.

The ten-year veteran immigration inspector who conducted Atta's secondary examination admitted him as a tourist for eight months, though Atta had said he was still attending school and though as a tourist his stay should be legally limited to six months. This inspector initially recalled some aspects of this inspection in late 2001, when he was interviewed by the DOJ OIG; he said then that Atta was referred to secondary inspection as a possible overstay on a B1/B2 tourist visa. However, he told the Commission he no longer had any memory of this inspection and could not recall whether he asked Atta for his I-20 student/school form, checked the school/student system to verify Atta's information, or asked Atta whether he was a part-time or full-time student, was attending flight school, or was still in school. The same inspector told the DOJ OIG that he had checked INS computer databases for information on Atta and learned that the Egyptian had filed for a change of immigration status from tourist to student. He told the Commission that because the student tracking system at that time was "garbage"—full of information that was no longer valid and lacking updates—he would not have checked it to verify Atta's story that he was still in school.[84]

Yet the inspector told the DOJ OIG that he knew Atta had filed a change of immigration status from a computer check of his records. The inspector seems to have concluded that this application was still pending and that Atta was admissible. But under INS policy, Atta abandoned his application when he left the country. Other inspectors we interviewed were aware of this policy. Thus, Atta's entry into the United States with the wrong visa should have been grounds for his removal.[85]

The Commission sought to understand whether the secondary inspector's understanding of Atta's pending application affected the decision to admit him. In a subsequent 2002 interview with DOJ OIG, the inspector stated that if an alien departed the United States prior to his or her application for change of status being granted, then that application is considered abandoned. If that alien then seeks to reenter the United States as a student, he or she must obtain the correct student visa. Thus, according to the secondary inspector, Atta should not have been admitted. However, in response to a Commission staff question the inspector said that he thought the applicant in such a case "would still be in status; a gray area."[86]

In fact, this was not a gray area. Other inspectors we interviewed, including the primary inspector in this case, said that leaving the United States while an application for change of status was still pending made it necessary for the alien to get a new visa overseas. Indeed, the DOJ OIG concluded that the issue of the pending application was a red

herring: all that mattered was whether Atta had the correct visa to enter the United States at the time he applied for entry.[87]

The secondary inspector admitted Atta as a B-2 tourist, which automatically set the length of stay at six months. Only a supervisor could vary this period, allowing a tourist to stay up to one year in the country. Every inspector we interviewed verified this. However, this inspector gave Atta eight months, until September 8, 2001, without supervisory approval. Thus, both Atta's admission as a tourist and his length of stay were improper.[88]

In addition, Atta had overstayed his previous visa by one month when he departed the United States on January 4, 2001.[89] That overstay should have been obvious to a secondary inspector tasked with giving a thorough look at Atta, for his passport would have contained an entry stamp into a foreign country from the week before, and an original U.S. admission stamp dated seven months earlier. Though the overstay did not make Atta automatically inadmissible, it could have been considered. But there is no indication that the secondary inspector who adjudicated Atta's admission took his overstay into account.[90] In contrast, other inspectors have told us that overstays are a typical travel pattern of an intending immigrant, and are normally a red flag for those attempting reentry.[91]

The secondary inspector also could have admitted Atta into the United States for 30 days for a fee of $170, requiring Atta to present paperwork from his school to prove his current student status within 30 days. However, the inspector told us he had not considered the option of a deferred inspection.[92] Such an inspection would have placed Atta in a difficult position: because he was already finished with school, he would have been unable to present paperwork indicating that he was still legally a student.

January 18. **Shehhi** arrived at JFK Airport in New York on Royal Moroccan Air from Casablanca.[93] He was screened by a ten-year veteran of immigration inspections at airports and the New York City seaport.[94] When Shehhi came up to the primary inspection counter, the "room was full, with numerous flights coming in at the same time." The inspector told the Commission that she was suspicious that Shehhi might be an intending immigrant, noting from the stamps in his passport that he had left the United States just a week earlier after a six-month stay. She typed into the computer record: "Sub left one week ago after entry in May. Has extension and now returning for a few more months." She referred Shehhi to a secondary immigration inspection for closer examination.[95]

The secondary inspector told the Commission that Shehhi wore conventional Western clothing, had glasses and facial hair, and "did not look like he had just come from boot camp." Though he had behaved badly in primary inspection, where his refusal to comply with the inspector's instruction to go to the secondary inspection room made an escort necessary, once there Shehhi waited until he was called and was not aggressive. About a dozen other visitors were called into secondary inspection in the ten minutes before Shehhi's referral.[96]

The secondary immigration inspector said that Shehhi had completed the required arrival and customs forms, adding that Shehhi spoke English well during the course of the 10–12 minute interview. "I had the impression Shehhi had money," the inspector said. "I

remember looking at his passport, and it showed he had been in and out of the United States and there were other travel stamps. I remember asking how much money he had—he had a substantial amount, three credit cards and more than $2,000."[97]

Shehhi also mentioned applying for an extension of stay in the United States to remain until September 8, 2001; after waiting months for an answer and not getting one, he had finally left. To the inspector, "that seemed reasonable." The inspector told the Commission he was not aware that leaving the country while an immigration benefit application was pending amounted to abandoning that application.[98]

The inspector asked Shehhi the purpose of his trip to the United States, trying to determine if he intended to remain permanently, as the primary inspector suspected. Shehhi told the inspector that he was coming back to the United States for continued flight training, that he had previously attended Huffman Aviation School, and that he was finished with flight school but wanted to log more hours in the sky. The inspector thought Shehhi was seeking private flying lessons, but did not ask Shehhi for supporting documentation.[99]

The inspector did not recall whether Shehhi showed him any papers to verify his previous flight school attendance at Huffman Aviation, nor whether he had asked for such paperwork. "I didn't have any doubt he did go to school, and I didn't think he was trying to use his change of status application to remain here in the United States for illegitimate reasons. My belief was that he was coming back to log flight hours with a private instructor." Under this inspector's understanding of INS guidelines, a pilot here for a form of continuing education, such as private flight lessons, may be admitted as a business visitor. Although the baseline time at JFK International for business visitors was three months, Shehhi asked for four and got it.[100]

The inspection results tell a somewhat different story; they read: "Was in U.S. gaining flight hours to become a pilot. Admitted for four months." They thus suggest that the inspector actually may have considered Shehhi a student, not already a pilot.

The difference between Shehhi being a student seeking to become a pilot or already was a pilot was not an insignificant nuance. According to immigration law applied at ports of entry, if Shehhi was already a pilot, the B-1 business entry he was granted was arguably legitimate. However, if Shehhi was a full-time student, his admission as a business visitor was erroneous. And because Shehhi, like Atta, had left the country while his application for a change of immigration status was still pending, this application should have been considered "abandoned." In other words, Shehhi needed to obtain the proper student visa overseas in order to reenter the United States. The facts of this adjudication are simply not clear enough to reach a conclusion about the appropriateness of this entry.

January 26. Jarrah departed the United States for the fourth time.[101]

February 2001

February 25. Jarrah enters for the fifth time at Newark as a business visitor, but still receives a six-month stay. This was unusual, as most inspectors told us that standard operating procedures were to give business visitors a stay of one or three months, depending on the port, and six months only when the visitor could document the purpose of the stay.[102]

March 2001

March 30. Jarrah departed for the fifth time.[103]

April 2001

April 12. Shehhi obtained a Florida driver's license.[104]

April 13. Jarrah entered at Atlanta from Amsterdam and was granted a three and a half month stay on business.[105]

April 21. **Ahmed al Nami** acquired a new Saudi passport, #C505363, replacing the one (#C115007) he had used to acquire a visa on October 28, 2000, in Jeddah, a visa he never used. He may have acquired this new passport because there was evidence of travel to Afghanistan in his previous one.[106]

April 23. Nami applied for and received a B-1/B-2 (tourist/business) visa in Jeddah with his new passport. There is evidence from a handwritten note on his application that Nami was interviewed briefly, either by a consular officer or by a consular staff member, to clarify an entry on his application. The words "My friend Mosh" are crossed out under the question asking the "names and relationships of people traveling with you." This is probably a reference to Mushabib al Hamlan, another potential 9/11 hijacker who applied for a visa with Nami on October 28, 2000. Nami also crossed out a box checked "no" under the question asking if he had ever applied for a U.S. visa previously, changing his answer to "yes." It is not clear what prompted this change—possibly his brief interaction with a consular official—but it is accurate. However, he failed to complete his response and state where and when he had previously applied for a U.S. visa. Doing so would have revealed that he was applying for a new visa long before the expiration of the two-year visa he acquired the previous October. Nami's action could have raised questions, had it been coupled with the fact that he was applying with a new passport. But it would not have been noticed by the consular officer who issued the visa, because Saudis were not required to fill in their applications fully, Saudis were rarely interviewed, and State's name check system did not automatically call up prior visa issuances; it called up only prior refusals.[107]

April 23. Waleed al Shehri and **Satam al Suqami**, both Saudis, entered together at Orlando from Dubai, United Arab Emirates. Suqami was the only Saudi muscle hijacker admitted on business, and only for one month. Shehri was admitted as a tourist for a six-month stay. Both were admitted by the same primary immigration inspector.[108] Suqami's passport survived the attack: a passerby picked it up from the World Trade Center and handed to a New York Police Department detective shortly before the towers collapsed.[109] Later analysis showed that it contained what are now believed to be fraudulent travel stamps associated with al Qaeda.[110] Upon reviewing color copies of the document, the inspector who admitted Suqami told the Commission he did not note any such fraud.[111] Indeed, he could not have been expected to identify the fraud at the time of Suqami's admission—it was not discovered by the intelligence community until after the attacks.

May 2001

May 2. **Majed Moqed** and **Ahmed al Ghamdi** arrived together at Dulles International Airport in Washington, D.C. Both Saudis were admitted as tourists for six months by different immigration inspectors. Ghamdi's Customs declaration indicated that he had more than $10,000 with him upon entry, but the Customs inspector who processed him did not fill out the required additional electronic forms when money in excess of $10,000 is brought into the United States.[112]

Also on this day, **Shehhi** arrived in Miami and was granted a six-month tourist stay.[113] Meanwhile, **Atta** and, we believe, **Jarrah** were attempting to extend Jarrah's length of stay to September 2001.

Atta's walk-in inspection at the Miami Immigration District Office

On May 2, 2001, Atta and two companions stood in a long line at the Miami District Immigration Office. INS district offices adjudicate all types of immigration benefits inspections, including naturalization interviews, applications for permanent residency based on marriage to a U.S. citizen, and deferred inspections for students lacking the proper paperwork upon entry. But Atta had something else in mind. He wanted his companion, who was likely Jarrah, to obtain the same eight-month length of stay that he had (wrongfully) received in January.[114]

By late morning, Atta finally made it to the inspection desk. An inspector from Miami International Airport was getting ready to take a break for lunch at about 11:30 A.M. when three men approached her at the counter. This inspector had worked primary and secondary inspections at airports, as well as of ship crews, since 1988 in Fort Lauderdale and Miami. However, because she had never before worked at this district office, she recalled the encounter with Atta vividly.[115]

One of Atta's companions, proficient in English, spoke first. He told the inspector, "My friends have a question about their I-94 arrival records." When she asked, "Do you need to see immigration?" he said no. The inspector then instructed him to go sit down and that she would help him with his friends, and he complied. She told them that the person needing help should write his name on the sign-in sheet. In large capital letters, he wrote, "ATTA."[116]

Atta told the inspector that he wanted his friend to receive an eight-month length of stay as he had. The inspector recalled taking both passports to see if they had genuine visas. She also looked at the I-94 arrival records in the passports. Atta's companion had received a six-month stay as a tourist, with an end date of September 8, 2001. She also noticed that Atta had been admitted as a tourist for eight months. During this time, Atta was quiet. She told Atta, "Someone gave you the wrong admission and I'm not giving your friend eight months."[117]

The inspector then went to her supervisor, informed him that Atta had been granted an incorrect length of stay, and asked permission to roll it back to six months. The supervisor agreed. The inspector then tore the I-94 record out of Atta's passport, and

created a new I-94 for six months, which allowed Atta to remain in the United States until July 9, 2001. On the record she wrote: "I-94 issued in error at MIA [Miami International Airport]. New I-94 issued." The inspector then took a red-inked admission stamp, rolled the date back to January 10, and stamped Atta as a B-2 tourist. She wrote in a length of stay until July 9, 2001, and handed Atta back his passport and new I-94 record. Atta took the documents, said thank you, and left with his companions.[118]

May 2. Atta and **Jarrah** acquired Florida driver's licenses.[119]

May 4. Waleed al Shehri obtained a Florida driver's license.[120]

May 5. Waleed al Shehri acquired a duplicate Florida driver's license, this time with a different address.[121]

May 16. **Waleed al Shehri** and **Suqami** again traveled together, this time out of the country to the Bahamas, where they reserved three nights at the Bahamas Princess Resort.[122] They turned in their arrival record, which was now acting as an exit record, boarded the plane, and arrived in Freeport.[123] The trip was intended to extend Suqami's legal length of stay in the United States.[124] Bahamian immigration refused the two entry, however, because neither had a Bahamian visa.[125] They therefore had to return to their starting point, in this case Fort Lauderdale. Because they never entered the Bahamas, under U.S. immigration law they had never left the United States. After being refused entry by the Bahamian INS at Freeport, they were sent through U.S. "pre-clearance" before boarding the plane back to Miami. By making possible immigration inspections of U.S.-bound travelers prior to their arrival, preclearance helped ease the burden of admission at busy U.S. airports. These stations also prevented travelers deemed inadmissible from boarding U.S.-bound planes.[126] In this preclearance process, immigration waived them through but customs stopped Shehri. The inspection lasted one minute; Shehri was not personally searched, nor was his luggage x-rayed. They boarded a plane and returned to Miami.[127]

May 20. Suqami joined the millions of overstays in the United States after failing to file for an extension of stay with the INS after he returned from the Bahamas. Had he been allowed into the Bahamas, upon his return to the United States he would have likely been granted an additional length of stay in the country as a tourist. As it was, he remained in illegal status until September 11.

May 24. Jarrah obtained a duplicate Florida driver's license.[128]

May 28. **Hamza al Ghamdi, Mohand al Shehri**, and **Ahmed al Nami** arrived together at Miami from Dubai, United Arab Emirates.[129] The three Saudis were admitted as tourists for six months by different primary inspectors.[130]

June 2001

June 1. The Visa Express Program was introduced for all Saudi citizens applying for visas in Saudi Arabia in an effort to make the consular workload more manageable and to reduce the size of the crowds outside of the embassy. The concept was simple. Instead of going to the U.S. consulate to apply for a visa, the applicant filled out the form at one of ten approved travel agencies. After collecting the application, the visa application fee,

and the applicant's passport, the travel agency delivered these documents to the embassy in Riyadh or to the consulate in Jeddah, and picked up the package of documents the next day. If the application was approved, then the agency was responsible for returning the passport (now containing the visa) to the applicant. If the consular officials determined that an interview was necessary, then the travel agency was responsible for so notifying the applicant by providing him or her with a letter from the consular section. Applicants were rejected only after an in-person interview.[131] (Visa Express will be discussed in further detail in chapter 5.)

June 8. **Ahmad al Haznawi** and **Wail al Shehri** arrived together at Miami from Dubai, United Arab Emirates. Both Saudis were admitted as tourists for six months by the same primary inspector.[132]

June 10. **Saeed al Ghamdi** acquired a new Saudi passport, #C573895, replacing the one (#B516222) he used to acquire a visa on September 4, 2000, in Jeddah. He may have acquired this new passport because there was evidence of travel to Afghanistan in his previous passport.[133]

June 12. Just like Nami (who applied April 23), **Saeed al Ghamdi** acquired a second two-year B-1/B-2 (tourist/business) visa in Jeddah. His application was incomplete and he was not interviewed. Ghamdi's visa application indicated that he had never applied for a U.S. visa before, a curious similarity to Nami's application.[134] This was not true, since he had applied for and acquired a visa on September 4, 2000. However, the State Department computer system was not set up to catch this false statement; as noted above, it called up only prior refusals. Ghamdi's application was submitted by Minhal Travel and processed through the Visa Express program.[135] We considered the possibility that the false answer reflected a mistake by the travel agency personnel, but the same signature appears on both visa applications, and State records indicate that the September application was submitted in person. Thus, it appears that Ghamdi was directly involved in preparing the June visa application containing the false statement. He may have omitted information about his prior visa in order not to raise suspicion about his new visa application in his new passport—without the travel to Pakistan and Afghanistan—when his old visa, which was multiple entry, was still valid.

June 13. **Mihdhar** applied for and received his second B-1/B-2 (tourist/business) visa in Jeddah. Mihdhar's passport had been issued only 13 days earlier and, like up two other hijackers, it contained an indicator of possible terrorist affiliation still unknown at that time to U.S. intelligence officials. His application was incomplete. For example, he listed his occupation as "businessman," but left blank the name and street address of his present employer. Mihdhar's application also indicated that he had not previously applied for a U.S. visa or been to the United States, though he had in fact traveled to the United States on a B-1/B-2 visa issued in April 1999 (also in Jeddah). Thus, his application contained two false statements. However, the State Department's computer system was not set up to catch these false statements by bringing up Mihdhar's prior visa history. Mihdhar's application was processed through the Visa Express program, and his application was submitted by Al Tayyar Travel. It is possible that these questions were answered falsely because of a mistake by the travel agency personnel; and unlike Ghamdi's, Mihdhar's

application was signed only on the line for the "preparer" of the application. It is unclear why Mihdhar or the travel agency would wish to hide the fact of his prior travel. Mihdhar may have feared that it could compromise operational security of the 9/11 plot. He also may not have wanted to highlight that he had obtained a new passport since his previous visa.[136]

Consular officials have told us that evidence of the prior visas or travel to the United States actually would have reduced concern that the applicants were intending to immigrate. Thus, if the officers had learned the truth about these issues—and received an adequate explanation for the mistakes on the applications—they likely would have had no good reason to deny visas to these hijackers. On the other hand, if they had interviewed Mihdhar, Nami, and Ghamdi and received suspicious answers to their questions, the outcome might well have been different.

June 18. The INS belatedly approved **Nawaf al Hazmi's** extension of stay to January 15, 2001. Technically, the application was late, since the INS received it in July 2000, after his length of stay had expired; they therefore should not have adjudicated it. However, even with this late adjudication Hazmi was still an overstay as of January 16, 2001. Hazmi never knew that his extension had been approved—the notice was returned as "undeliverable" on March 25, 2002.

June 18. **Abdul Aziz al Omari,** a Saudi**,** applied for and received a two-year B-1/B-2 (tourist/business) visa in Jeddah, Saudi Arabia. There is strong evidence that Omari presented a passport containing the travel stamps now known to be associated with al Qaeda when he applied for this visa since the fraudulent stamps predate this application. Moreover, his application was incomplete, and he listed his home address as a hotel in Jeddah. He was not interviewed. His application was processed through the Visa Express program and was submitted by Attar Travel.[137]

June 18. **Fayez Banihammad,** an Emirati**,** applied for and received a B-1/B-2 (tourist/business) visa in Abu Dhabi, United Arab Emirates. Banihammad's passport was only five days old. His application was incomplete; a number of sections were left completely blank.[138] The consular officer who adjudicated this visa has stated that interviews were almost never required of UAE nationals in connection with their visa applications, that the UAE was considered a welfare state that took very good care of its citizens, and that the UAE was treated as a de facto visa waiver country.[139] Banihammad, a former immigration officer in the UAE, was not interviewed.[140]

June 19. Marwan al Shehhi acquired a duplicate Florida driver's license.[141]

June 20. **Salem al Hazmi,** a Saudi**,** applied for and received a two-year B-1/B-2 (tourist/business) visa in Jeddah, Saudi Arabia. His application was incomplete, and he listed his occupation as "unemployed." The passport he supplied was four days old and contained an indicator of possible terrorist affiliation. [142] His application, processed through the Visa Express program, was submitted by Ace Travel. According to the consular officer who approved this application, the fact that Hazmi was "unemployed"

was not of concern "because they have a terrible unemployment problem in Saudi Arabia, and a lot of people have money but they don't have jobs."[143] Although unemployment would have been a "big deal" in another country, the officer said, Saudis like Hazmi "weren't looking for jobs even though they were unemployed."[144]

June 25. Nawaf al Hazmi obtained a Florida driver's license.[145]

June 26. Hamza al Ghamdi obtained a Florida identification card.[146]

June 27. **Banihammad** and **Saeed al Ghamdi** arrived at Orlando from Dubai. The two were processed by different primary inspectors. Banihammad was admitted as a tourist for six months.[147] Although he handed in customs and immigration forms using two different names, the anomaly was not noted, because customs and INS inspectors did not review each other's forms. The immigration inspector who admitted Banihammad told the Commission that in the 45 seconds allowed for processing each visitor, it was not possible to fully check the contents of the forms. He said that if he had noticed the two different names forms he would have referred Banihammad to a secondary inspection, suspecting that the Emirati was attempting to hide his true identity.[148]

Saeed al Ghamdi, a Saudi, was admitted as a tourist for six months, but only after a secondary inspection. The Orlando primary inspector who referred him for further examination had worked as an immigration inspector for three years. He said that he insisted that a visitor communicate with him in order to be admitted and that he always asked to see a return ticket. The inspector also told us that he looked closely to see whether the Customs declaration and I-94 arrival form listed a full address of intended destination. Ghamdi met none of these requirements.[149]

Saeed al Ghamdi's June 27 Customs declaration reviewed by the primary inspector during his adjudication.

The inspector's inspection record reads, "Subject speaks very little English. No return ticket, no address listed; please question."[150] His Customs declaration, listing $500 for a stay of one month, was, according to the primary inspector, "pushing it a little bit, along with the fact that he didn't know where he was going." The inspector confirmed that he did not have the discretion to give Ghamdi the one-month stay he sought—the law required a mandatory six-month stay for tourists traveling on a visa. The inspector referred Ghamdi to secondary inspection so an interpreter could attempt to flesh out his purpose in coming to the United States.[151]

In secondary inspection, Ghamdi convinced a different inspector that he was a tourist and admissible. His secondary inspection report reads: "Tourist. Valid docs. Sufficiently financed. B-2, six months." Although the inspector who admitted Ghamdi does not recall the inspection, which lasted ten minutes, he told the Commission that he did not normally consider money a valid criterion for determining admissibility. He told us that Ghamdi must have had credit cards to supplement the $500 in cash he was carrying. The inspector said he was not concerned that Ghamdi's arrival record failed to list an exact address; central Florida is overflowing with hotel rooms and thus a tourist need not have precise lodging to be admissible. Ghamdi's travel documents looked valid to him as well.[152]

June 29. Abdul Aziz al Omari and **Salem al Hazmi** arrived at JFK Airport in New York from Dubai, United Arab Emirates. Both Saudis were admitted as tourists for six months by the same immigration inspector.[153] Omari's passport was doctored, containing what we believe are the same fraudulent travel stamps associated with al Qaeda.[154] The passport survived the attacks on the World Trade Center because Omari's luggage never made it onto the plane when he transferred from his flight from Portland, Maine. Salem al Hazmi's passport contained an indicator of possible terrorist affiliation. We know this because a digital image of Hazmi's passport was found on a hard drive in a safehouse in Pakistan.[155]

Ahmed al Nami obtained a Florida state identification card.[156]

July 2001

July 2. Hamza al Ghamdi obtained a Florida driver's license; **Mohand al Shehri,** a Florida identification card. **Moqed** and **Salem al Hazmi** acquired USA identification cards in July.[157] The Hazmi brothers' identifications were found in the rubble at the Pentagon and appeared genuine upon examination.[158]

July 3. **Wail al Shehri** acquired a Florida identification card.[159]

July 4. **Mihdhar** reentered the United States at JFK Airport.[160] He was on no watchlist, though he should have been watchlisted in January 2000. He was admitted as a business visitor for three months—the standard at JFK for a business entry.[161] His passport contained an indicator or possible terrorist affiliation. [162] Two and a half years later, the inspector who admitted Mihdhar on July 4, 2001, still could not identify the indicator, as the information has yet to be unclassified and disseminated to the field. She did note, however, that Mihdhar's passport, which had been acquired a month earlier, lacked an expiration date; that absence, she told us, could have been a bar to admission had it been noticed.[163]

July 4. **Mohamed al Kahtani,** a Saudi**,** applied for and received a two-year B-1/B-2 (tourist/business) visa in Riyadh, Saudi Arabia. He was processed through Visa Express. There is no evidence that Kahtani was interviewed.[164]

July 5. In the West Wing, the Counterterrorism Security Group of the NSC, headed by Richard Clarke, hosted an emergency CIA briefing for operational agencies, including INS, Customs, U.S. Secret Service, FBI, FAA, and Coast Guard. The INS and Customs sent two people each to the briefing; none were senior managers. Only one of them had heard any threat reporting on al Qaeda prior to this meeting. The attendees said the briefer told them that there was to be no dissemination of the information discussed at the meeting. The discussion focused on the potential of an overseas target, but a domestic attack was not ruled out.[165] An NSC official recalls a somewhat different emphasis, saying that attendees were asked ti take the information back to their home agencies and "do what you can" with it, subject to classification and distribution restrictions.

The midlevel INS intelligence analyst who attended the meeting, who had never been to the White House before, recalled in her interview with us that during the meeting the

briefer discussed the possibility of "Mideastern" terrorists attempting entry into the United States using European passports. This same analyst summarized the meeting in a report, briefed her boss, and called the White House after the meeting to request declassification of the information so that she might develop a threat advisory for the ports of entry. She never received a response. Nor did the acting commissioner of the INS at the time, Kevin Rooney, ever hear about the meeting or a potential threat from al Qaeda. However, the Customs attendee at the meeting, somewhat familiar with the atmosphere of threat at this time, decided that the information was important to get to all inspectors in the field through the shared customs and INS computer system, TECS, and prepared a "Terrorism Advisory—Heightened Threat Environment."[166]

July 6. The threat advisory compiled by the Customs officer contained unclassified information that supported the classified information briefed by the CIA the previous day. The message was received by all immigration and customs personnel at ports of entry, but was addressed only to Customs employees. It did not contain any operational information about persons, places, or travel documents. The alert listed five ongoing U.S. trials of radical Islamic terrorists and warned:

> U.S. Customs personnel are requested to be vigilant during the summer months against potential threats from foreign terrorists against U.S. interests domestically and abroad. Recent terrorist trials and convictions (noted below) have created an environment of heightened animosity towards the U.S. from extremists looking for an opportunity to attack. If you encounter suspicious activity suggesting a potential terrorist attack follow your established security procedures, coordinate with the local office of Investigations and advise Headquarters, Anti-Terrorism Intelligence Section.[167]

July 7. **Atta** departed the country, as the abbreviated length of stay he received from the Miami District Office inspector expired on July 9.[168]

July 10. Haznawi obtained a Florida driver's license with a learner's permit. **Jarrah** acquired a duplicate Florida driver's license.[169] **Saeed al Ghamdi** and **Banihammad** got Florida state identification cards. **Mihdhar, Nawaf al Hazmi,** and **Omari** acquired USA identification cards.[170]

July 17. Atta's application to change his immigration status from tourist to student was approved to September 1, 2001. The application was approved by the same person who adjudicated Shehhi's change of status application in September 2000.[171]

July 19. **Atta** entered the United States for the last time, returning from Madrid on July 19 at Hartsfield Atlanta International Airport. Atta was admitted as a business visitor until November 12, 2001.[172] The primary inspector who screened him did not recall the entry.[173] Because Atta had only been out of the United States for three weeks during the previous 13 months, he should have been flagged as an intending immigrant and was a candidate for a secondary inspection. There was no secondary inspection, however, and Atta was now legally in the United States until the day of the planned attack.

July 23. **Khalid Sheikh Mohamed (KSM)**, a Pakistani and the chief tactical planner and coordinator of the 9/11 attacks, obtained a B-1/B-2 (tourist/business) visa to visit the United States.[174] Although he was not a Saudi citizen and we do not believe he was in Saudi Arabia at the time, he applied for a visa using a Saudi passport under the alias of "Abdulrahman al Ghamdi." On his application, KSM listed his address in the United States as "New York." We believe someone else submitted his application, passport, and a photo to the U.S. embassy in Riyadh through the Visa Express program from the travel agency Minhal Travel,[175] the same agency used by Saeed al Ghamdi for his June 12 application.[176] Because he used an alias, KSM obtained a visa even though he was on the TIPOFF terrorist watchlist since 1996. There is no evidence that KSM ever used this visa under this alias to enter the United States.

Acquisition of Virginia identification cards. Three Salvadoran immigrants living in Virginia, two illegally and one as a lawful permanent resident, were found guilty of helping four September 11 operatives use fraudulent documentation to obtain Virginia identification documents. Two were convicted of helping **Ahmed al Ghamdi** and **Abdul Aziz al Omari** obtain fraudulent residency certificates.[177] Another was convicted of providing false residency information on behalf of **Hanjour** and **Mihdhar** after being solicited by the two hijackers at a 7-Eleven in Falls Church, Virginia. For a fee, the Salvadoran falsely certified his old Virginia address as the residence of the hijackers.[178] These residency certificates were then used to support their applications for Virginia identification cards issued by the Department of Motor Vehicles on August 1 and 2, 2001, respectively.[179] The Salvadoran's address was also recycled by **Moqed** and **Salem al Hazmi** to use on their Virginia identification cards issued on August 2, 2001.[180] **Jarrah** followed suit on August 29, using a fictitious residency address and a certification of that address by Hanjour, who again used the address provided to him on August 1, 2001 to acquire his Virginia identification card.[181] One of the men charged in these cases recognized these hijackers as having been together at the Arlington, Virginia, DMV on August 2, 2001.[182] In all, the five hijackers based their Virginia identification documents on the residency information of one bribed Salvadoran.

August 2001

August 1. Mihdhar and **Hanjour** fraudulently obtained Virginia identification cards in Falls Church. **Ahmed al Ghamdi** and **Moqed** obtained USA identification cards in August as well.[183]

August 2. Ahmed al Ghamdi, Moqed, Salem al Hazmi, and **Omari** acquired Virginia identification cards, with help of Mihdhar and Hanjour. All of these identifications were obtained fraudulently.

August 4. Mohamed al Kahtani, a Saudi, the only operative other than Mihdhar who appears to have attempted a solo entry, arrived on August 4, 2001 at Orlando, Florida. He was also the only operative to be refused entry to the United States.[184] Records indicate that Atta was waiting for him at Orlando International while Kahtani was in secondary immigration inspection. Atta did not leave the Orlando airport until after it was clear that Kahtani was going back home.[185]

Both the primary and secondary inspectors remembered Kahtani well. Records indicate that Kahtani presented a Saudi passport with a two-year U.S. tourist visa. The primary inspector said that she recalled Kahtani for two reasons: he was the first Saudi she had ever encountered in her four years at Orlando that claimed to not speak English and his customs and arrival forms were not filled out. More subjectively, he made the inspector feel uneasy. Because she was unable to adequately communicate with Kahtani, she referred him to secondary inspection.[186] The secondary inspector who refused to admit Kahtani into the United States testified before the Commission on January 26, 2004.[187]

The secondary inspector who recommended and gained approval from his supervisor to deny Kahtani entry developed his interviewing skills as a 26-year veteran of the U.S. Army, through limited INS training, and ten years of experience conducting primary and secondary inspections at Miami and Orlando airports. The inspector noted Kahtani's hostility from the moment he called his name through the hour and a half spent interviewing him with the help of a Department of Justice translator. Kahtani was clean-cut with a military build. He had no return ticket and became threatening when asked where he was going, how long he was going to stay, and who was meeting him. Although he had enough cash for a ticket home, he did not have any credit cards.

Kahtani's answers to questions kept changing. Without a return ticket and limited funds, the secondary inspector sought to exclude him as an intending immigrant. The inspector's real concern, however, was that Kahtani was up to no good. The inspector told the Commission in his written testimony:

> My first question to the subject (through the interpreter) was why he was not in possession of a return airline ticket. The subject became visibly upset and in an arrogant and threatening manner, which included pointing his finger at my face, stated that he did not know where he was going when he departed the United States. What first came to mind at this point was that this subject was a "hit man." When I was in the Recruiting Command, we received extensive training in questioning techniques. A "hit man" doesn't know where he is going because if he is caught, that way he doesn't have any information to bargain with.[188]

This inspector had noted on prior occasions that Saudis coming through Orlando had a reputation for spending a lot of money at Disney World. Denying a Saudi entry was unusual, and inspectors told us they were generally concerned about the repercussions of taking such a step. However, after Kahtani refused to answer any questions under oath, the inspector decided to seek his supervisor's approval to recommend that Kahtani be barred as an "expedited removal," meaning that he could be deported without a hearing. After the inspector was questioned, approval to remove Kahtani was granted. The inspector convinced Kahtani to pay his own way home, saving paperwork and government funds.[189]

Because an "adverse action" was taken against Kahtani, he was required to be digitally photographed and fingerprinted through the INS biometric system. (This action would help to quickly verify Kahtani's identity when he was detained in Afghanistan after 9/11.) His passport was copied, although the inspector noted no fraudulent manipulations. In

fact, Kahtani's passport does contain a stamp listed as fraudulent and associated with al Qaeda.[190] The inspector did not check Kahtani's luggage.

August 9. Shehhi's application to change his immigration status from tourist to student was approved through September 1, 2001.

August 23. The CIA sent a classified electronic message to the State Department, FBI, INS and the Customs Service, recommending that **Mihdhar** and **Hazmi** be added to the watchlist database accessible to the INS and Customs. They were suspected terrorists.[191]

August 24. Both **Hazmi** and **Mihdhar** were entered into separate lookouts. These lookouts are automatically checked when passports are scanned at ports of entry. The lookouts were identical, warning of "possible travel to the U.S." Immigration inspectors were instructed to refer them to secondary immigration inspection and to notify investigations and intelligence divisions at headquarters if they attempted to enter the United States. In addition, their passport numbers and travel itinerary were to be recorded.[192] These lookouts were not used by U.S. airlines to screen passengers seeking to fly on domestic flights.

August 27. **Ali Abdul Aziz Ali**, the nephew of Khalid Sheikh Mohammed, applied for a U.S. visa in Dubai, United Arab Emirates. Ali's application stated that he intended to enter the United States on September 4, 2001, for "one week." As a Pakistani visa applicant in a third country, he would have received close scrutiny from U.S. officials. In any event, it was deemed possible that he intended to immigrate, and accordingly he was denied a visa under section 214(b).[193]

August 27. Hamza al Ghamdi acquired a duplicate Florida driver's license.[194]

August 29. Jarrah obtained a Virginia identification card, with the help of Hanjour and Mihdhar.[195]

August 31. A new listing for **Mihdhar** was placed in an INS and Customs lookout database, describing him as "armed and dangerous" and someone who must be referred to secondary inspection.[196]

Identification Documents of the 9/11 Hijackers

Mohamed Atta
FL DL, 05/02/01

Marwan al Shehhi
FL DL, 04/12/01
FL DL duplicate, 6/19/01

Khalid al Mihdhar
CA DL, 04/05/00
USA ID card, 07/10/01
VA ID card, 08/01/01

Nawaf al Hazmi
CA DL, 04/05/00
FL DL, 06/25/01
USA ID card, 07/10/01
VA ID card, 08/02/01

Hani Hanjour AZ DL, 11/29/91 FL ID card, 04/15/96 VA ID card, 08/01/01 Failed VA DL test, 08/02/01 MD ID card, 09/05/01	Ziad Jarrah FL DL, 05/02/01 FL DL duplicate 5/24/01 VA ID card, 08/29/01
Satam al Suqami No DL or ID card	Waleed al Shehri FL DL, 05/04/01 (duplicate issued with different address, 05/05/01)
Ahmed al Ghamdi USA ID card, 07/2001 VA ID card, 08/02/2001	Majed Moqed USA ID card, 07/2001 VA ID card, 08/02/2001
Hamza al Ghamdi FL ID card, 06/26/01 FL DL, 07/02/01 (duplicate issued 08/27/01)	Mohand al Shehri FL ID card, 07/02/01
Ahmed al Nami FL DL, 06/29/01	Wail al Shehri FL DL, 07/03/01
Ahmed al Haznawi FL DL, 07/10/00 (duplicate issued 09/07/01)	Fayez Banihammad FL ID, 07/10/01
Saeed al Ghamdi FL ID card, 07/10/01	Salem al Hazmi USA ID card, 07/01/01[197] VA ID card, 08/02/01
Abdul Aziz al Omari USA ID card, 07/10/2001 VA ID card, 08/02/2001	

September 2001

September 4. The State Department used its visa revocation authority under section 221(i) of the Immigration and Nationality Act to revoke **Mihdhar's** visa under section 212(A)(3)(b) of the Immigration and Nationality Act for his participation in terrorist activities.[198]

September 5. **Hanjour** obtained a Maryland identification card.[199]

The same day, the INS entered the September 4 notice of revocation of Mihdhar's visa into the INS lookout system. State identified Mihdhar as a potential witness in an FBI investigation, and inspectors were told not to detain him.[200]

September 7. Brothers **Salem** and **Nawaf al Hazmi**, along with **Moqed**, requested that their Virginia identification cards be reissued. **Haznawi** obtained a duplicate Florida driver's license.[201]

September 11. As the hijackers boarded four flights, American Airlines Flights 11 and 77, and United Airlines Flights 93 and 175, at least six used U.S. identification documents acquired in the previous months, three of which were fraudulently obtained in northern Virginia.[202] Suqami, the only hijacker who did not have a state-issued identification, used his Saudi passport as check-in identification for American Airlines Flight 11.[203]

Findings of Fact - Visas

When we examine the outcomes of the 9/11 conspirators' engagement with the visa issuance process, we see they are consistent with a system focused on excluding intending immigrants and dependent on a name check of a database to search for criminals and terrorists. When hijackers or conspirators appeared to be intending immigrants, as happened most often when applicants were from poorer countries, they were denied a visa. If they met that threshold, however, and the name check came up clean, there was little to prevent them from entering the United States. Among our findings:

- Fourteen of the 19 September 11 hijackers obtained new passports shortly before they applied for their U.S. visas.

- Three of the hijackers, Khalid al Mihdhar, Nawaf al Hazmi, and Salem al Hazmi, presented with their visa applications passports that contained an indicator of possible terrorist affiliation. We know now that Mihdhar and Salem al Hazmi each possessed at least two passports, all with this indicator.

- There is strong evidence that two of the hijackers, Satam al Suqami and Abdul Aziz al Omari, when they applied for their visas presented passports that contained fraudulent travel stamps that have been associated with al Qaeda. There is reason to believe that three of the remaining hijackers presented such altered or manipulated passports as well.

- Fifteen of the 19 hijackers were Saudi nationals.

- Two of the Saudi 9/11 hijackers (brothers Waleed and Wail al Shehri) may have obtained their passports legitimately or illegitimately with the help of a family member who worked in the passport office.

- Two of the hijackers were issued visas in Berlin; two were issued visas in the United Arab Emirates. The remaining 15 were issued a total of 18 visas in Saudi Arabia, 14 of which were issued in Jeddah (11 by the same consular officer), and 4 in Riyadh.[204]

- Of the 23 hijacker visa applications, five were destroyed routinely along with other documents before 9/11 and before their significance was known. The visa applications of Nawaf al Hazmi, Khalid al Mihdhar (in 1999), Mohamed Atta, Marwan al Shehhi, and Ziad Jarrah were destroyed.

- All 19 of the still-existing hijacker applications were incomplete in some way, with a data field left blank or not answered fully.

- Twenty-two of the 23 hijacker applications were approved.[205]

- Only two of the hijackers appear to have been interviewed at the visa stage.

- Of the 15 Saudi hijackers, 4 acquired their visas after the creation of the Visa Express Program in June 2001.

- Eight other conspirators in the plot attempted to acquire U.S. visas during the course of the plot; three of them succeeded.

- Of the three who succeeded, one was Khalid Sheikh Mohammed, the mastermind of the 9/11 plot, who obtained a visa in Jeddah, Saudi Arabia, in July 2001 under an alias. The other two who succeeded were Mushabib al Hamlan, who ultimately did not participate, and Mohamed al Kahtani, who was refused entry into the United States.

- Of the five conspirators who failed to obtain visas—Tawfiq bin Attash (Khallad), Ramzi Binalshibh, Saeed al Ghamdi, Zakariya Essabar, and Ali Abdul Aziz Ali—none were denied because consular officials believed they were potential terrorists. They were denied visas either because consular officials believed they might be intending immigrants or because they had failed to submit documents supporting their application.

- Of these conspirators who failed to obtain visas, two were Yemeni, one was Moroccan, one was a Pakistani, and one was a Saudi. Their visa applications were denied in Yemen, Saudi Arabia, the United Arab Emirates, and Germany.

- In summary, a total of 27 individuals—hijackers and other conspirators—attempted to obtain visas during the course of the 9/11 plot. These individuals submitted a total of 35 applications. Of these, 25 were approved.

[1] Hani Hanjour was the first 9/11 hijacker to acquire a U.S. visa and come to the United States. He entered four times before September 11, three times to seek a U.S. education. Immigration records for Hanjour

indicate that he acquired a B-2, or tourist, visa in Saudi Arabia before traveling to the United States in September 1991 and March 1996. Records of Hanjour's earlier visa applications were destroyed at the Jeddah post. DOS memo from Richard Baltimore, Consul General, Jeddah, Saudi Arabia, Nov. 28, 2001, describing a search that recovered "all applications and documents available on file relating to issuance of their [the 9/11 hijackers'] visas," and stating that Hanjour's earliest application was his 1997 visa application. See also Consular Officer No. 5 interview (Mar. 2, 2004), describing how, generally, Jeddah post kept visa applications for two years. Hanjour entered the United States on these visas within a month of acquiring them on October 3, 1991, and Apr. 2, 1996. There is no record as to when Hanjour left the country after his first visit, although he was permitted a six-month stay. INS record, NIIS record of Hanjour, Oct. 3, 1991 and Apr. 2, 1996.

Hanjour's March 1996 tourist visa was issued with a notation on the application stating "prospective student, school not yet selected." INS record, NIIS record of Hanjour, Apr. 2, 1996 with visa issuance date of Mar. 19, 1996. Records indicate that when Hanjour returned on April 2, 1996, he received another six-month length of stay as a tourist. INS record, NIIS record of Hanjour, Apr. 2, 1996 with length of stay until Oct. 1, 1996. On June 7, 1996, Hanjour filed an INS I-539 application to change his immigration status from tourist to academic student to attend the ELS Language Center in Oakland, California. During this time, Hanjour also had contact with the Caldwell Flight Academy in New Jersey and the Sierra Academy in Oakland. Caldwell Flight Academy record of Hanjour, June 6, 2001, and Sierra Academy of Aeronautics record of Hanjour, Sept. 3, 1996. The application was quickly approved 20 days later, on June 27, 1996, and allowed Hanjour to stay in the United States until May 20, 1997. INS record, I-539 Application to Change Nonimmigrant Status of Hanjour, May 24, 1996. Hanjour attended the Sierra Academy from September 3 to September 9, 1996. Well before his length of stay expired, Hanjour departed the United States in November 1996. INS record, NIIS record of Hanjour April 2, 1996 with date of departure of Nov. 26, 1996.

On his November 1997 visa application, Hanjour answered "no" to the question "Have you ever applied for a U.S. visa before, whether immigrant or nonimmigrant?" He also answered "no" to the question "Have you ever been in the U.S.A.?" DOS record, visa application of Hanjour, Nov. 2, 1997. It is difficult to establish the intent behind these false statements. The application does bear a signature that appears identical to the signature on Hanjour's two 2000 visa applications. DOS record, visa applications of Hanjour, Sept. 10 and Sept. 25, 2000. However, the application form also indicated that it was prepared by "Siddiqi/Samara Travel." DOS record, visa application of Hanjour, Nov. 2, 1997. Thus, the false statements may have been made inadvertently by a travel agent who filled out the form on Hanjour's behalf. The consular officer who adjudicated Hanjour's 1997 visa application interviewed him on November 2, 1997. This officer said that they would interview 50–60 percent of the Saudi applicants. DOS Office of Inspector General Memorandum of Conversation (OIG MOC) with Consular Officer No. 5, Feb. 5, 2003. The officer who interviewed him about his application did not recall many details of the interview, but was able to reconstruct some aspects of it from notes on the visa application. DOS OIG MOC with Consular Officer No. 5, Feb. 5, 2003. The officer said he would not have known about Hanjour's prior travel to the United States unless it was reflected in his passport. The officer also said he could not understand why Hanjour would have sought to cover up prior travel to the United States, adding, "It's perplexing that they would hide that because it works in their favor." Consular Officer No. 5 interview (Mar. 2, 2004). He did say, though, that a Saudi who had been to the United States twice before, as Hanjour apparently had been, and who then applied to go to the United States for English studies would have "raise[d] an eyebrow" because a student visa applicant must demonstrate that he or she has made reasonable progress in their studies. Ibid. The officer said underperforming Saudi students were denied visas on some occasions. Ibid. In general, the officer told us, they felt they could make visa adjudications with only the basic biographical information Saudis typically provided. However, the officer made a point of telling us that "it bothered me; it disturbed me" to accept so many incomplete applications from Saudis. When they raised it at post, they were told by the local staff, "Well, we have always done it this way." Ibid. There is no evidence they sought to raise the question with their superiors.

Hanjour traveled to the United States on November 16, 1997 on that visa and was granted a two-year length of stay by an immigration inspector. The visa allowed Hanjour to attend the ELS Language Centers in Florida. But Hanjour instead began flight training at Cockpit Resource Management Airline Training Center in Scottsdale, Arizona. Seven months later, on June 16, 1998, Hanjour filed an I-539, seeking a change of status from academic student (F-1) to M1 vocational student (M-2) to attend the

Cockpit Resource Management from July 30, 1998 to July 29, 1999. Eight months later, the INS asked Hanjour to supply supporting evidence for his request. INS record, I-539 Application to Change Nonimmigrant Status of Hanjour, June 9, 1998, and INS record, I-539 Notice of Action of Hanjour, June 16, 1998. The application was not approved until Jan. 16, 2001, for a retroactive length of stay from July 30, 1998, to July 29, 1999. Having attended the flight school and received a commercial pilot's license from the Federal Aviation Administration (FAA) in April 1999 without ever receiving INS approval to change his status, Hanjour left the country that month. For flight school attendance and FAA approval, see Penttbom Summary, Feb. 29, 2004. INS record, NIIS record of Hanjour, Nov. 16, 1997, with a departure date of April 28, 1999. His I-539 was not approved until January 16, 2001. By that point, Hanjour had already acquired a new academic visa and reentered the United States for his last time. DOS record, Visa Application of Hanjour, Sept. 25, 2000; INS record, NIIS record of Hanjour, Dec. 8, 2000.

[2] INS memo, Ken Elwood, Deputy Executive Associate Commissioner, Office of Field Operations to the field, Nov. 11, 1998.

[3] DOS record, NIV Applicant Detail of Nawaf al Hazmi, Nov. 19, 2001.

[4] FBI record, copy of Nawaf al Hazmi's passport.

[5] DOS record, visa application of Salah Saeed Mohammed Bin Yousaf, April 3, 1999.

[6] Ibid.

[7] Ibid. Yemenis has a 66 percent refusal rate for "B" visas in fiscal year 1999. DOS record, "Visa Issuance and Refusal Data for the Country of Yemen," June 18, 2004.

[8] Khallad claims he applied for a visa before the 1999 application. DOS has searched for this application using his real name and known aliases, but has been unable to locate any records supporting this claim. However, the records could have been destroyed and no electronic record retained.

[9] DOS record, NIV Applicant Detail of Khalid al Mihdhar, Nov. 8, 2001; Copy of Khalid al Mihdhar's passport number B721156..

[10] FBI Penttbom Timeline, Dec. 5, 2003.

[11] A consular officer serving in Jeddah at this time told Commission staff that Saudi citizens were considered security risks by Jeddah consular officers, that they interviewed "the majority" of Saudi males between the ages of 16 and 40, and that they were not shy about turning down Saudi male visa applicants on security grounds—including applicants whom the officers felt had no good reason to be going to the United States. This officer told us he would be "shocked" to learn that they had not interviewed Saudi males like Nawaf al Hazmi and Khalid al Mihdhar, who were between 16 and 40 years of age and traveling alone. However, he did not handle their visa applications. Consular Officer No. 12 interview (Feb. 24, 2004).

[12] DOS OIG MOC with Consular Officer No. 6, Feb. 3, 2003.

[13] Although today consular officers typically take notes electronically while interviewing an applicant—notes made part of the permanent CCD record—that was not the case in April 1999.

[14] INS records, NIIS records of Nawaf al Hazmi and Khalid al Mihdhar, Jan. 15, 2000 and primary inspector interviews for both these entries (May 24, 2004).

[15] CIA cable, "Activities of Bin Ladin Associate Khalid Revealed," Jan. 4, 2000.

[16] DOS record, NIV Applicant Detail of Marwan al Shehhi, Nov. 8, 2001.

[17] DOS OIG MOC with Consular Officer No. 7, Feb. 11, 2003.

[18] Ibid.

[19] Consular Officer No. 10 interview (Mar.1, 2004).

[20] DOS record, NIV Applicant Detail of Nawaf al Hazmi, Nov. 19, 2001, with visa expiration date April 2, 2001.

[21] American Association of Motor Vehicle Administrators (AAMVA) memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004.

[22] DOS record, NIV Applicant Detail of Mohamed Atta, May 17, 2000. The hijackers received visas of different lengths dependent on reciprocal agreements in place between the United States and their countries of origin. A copy of Mohamed Atta's U.S. visa is attached in Appendix A.

[23] Consular Officer No. 9 interview (Feb. 20, 2004).

[24] DOS records, visa applications of Ramzi Binalshibh, May 16, June 5, Sept. 15 and Oct. 25, 2000. A copy of the first page of Binalshibh's first visa application is attached in Appendix A.

[25] DOS record, NIV Applicant Detail of Ziad Jarrah, Nov. 8, 2001. Jarrah's original visa application was destroyed, but an electronic record, including his photograph, remains in the State Department's electronic

records. A partly-burned copy of Jarrah's U.S. visa, recovered from the crash scene of Flight 93, is attached in Appendix A.
[26] DOS OIG MOC with Consular Officer No. 8, Feb. 11, 2003.
[27] INS record, NIIS record of Marwan al Shehhi, May 29, 2000, and Customs record, Customs Secondary Inspection Result of Marwan al Shehhi, May 29, 2000.
[28] INS record, NIIS record of Mohamed Atta, June 3, 2000.
[29] Ramzi Binalshibh's NIV Applicant Detail produced to the Commission by the State Department lists the adjudication dates of his Berlin visas as June 5, June 27, July 18, and Nov. 1, 2000.
[30] That provision of law states: "No visa . . . shall be issued to an alien if (1) it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that such alien is ineligible to receive a visa . . . under section 212, or any other provision of law, (2) the application fails to comply with the provisions of this Act, or the regulations issued thereunder, or (3) the consular officer knows or has reason to believe that such alien is ineligible to receive a visa . . . under section 212, or any other provision of law."
[31] DOS regulations, Authority to Require Documents of Visa Applicants, 22 C.F.R. § 41.105(a)(1): "The consular officer is authorized to require documents considered necessary to establish the alien's eligibility to receive a nonimmigrant visa. All documents and other evidence presented by the alien, including briefs submitted by attorneys or other representatives, shall be considered by the consular officer."
[32] 22 CFR § 41.103(b)(2) (additional information as part of application).
[33] Consular Officer No. 9 interview (Feb. 20, 2004); 22 CFR § 41.121 (Refusal of individual visas) provides, "If the ground(s) of ineligibility may be overcome by the presentation of additional evidence, and the applicant has indicated the intention to submit such evidence, a review of the refusal may be deferred for not more then 120 days."
[34] FBI report, "Summary of Penttbom Investigation," Feb. 29, 2004.
[35] INS record, NIIS record of Ziad Jarrah, June 27, 2000.
[36] FBI report, "Summary of Penttbom Investigation," Feb. 29, 2004.
[37] Huffman Aviation enrollment records of Marwan al Shehhi and Mohamed Atta; DOJ OIG Memorandum of Investigation (MOI), interview of company president, Rudi Dekkers, April 10, 2002. Dekkers also stated that Atta and Shehhi had previously attended Jones Aviation in Sarasota, Florida, but were asked to leave that flight school because of their bad attitudes.
[38] DOJ OIG MOI, interview of Rudi Dekkers, Apr. 10, 2002. FBI report of investigation, interview of Sue Costa,, Sept. 15, 2001.
[39] INS record, I-539 Application to Extend Nonimmigrant Status of Nawaf al Hazmi, July 12, 2000.
[40] According to an official in the State Department's Visa Office within the Bureau of Consular Affairs, State records support a conclusion that Binalshibh's first two visa applications amounted to "one case" that was denied on July 18, 2000 under 214(b). The records themselves also support this conclusion. Copies of Binalshibh's visa application show no writing on his June 15, 2000, application. Rather, notes taken on the May 17, 2000, application described the reasons why both applications then pending were denied, and included the dates of June 5 and July 18—both dates of refusals, according to the State computer system. It appears that Binalshibh's two applications were first denied under 221(g) (on June 5 and June 27) without a face-to-face meeting with a consular officer—a common practice in Berlin during this time period; Binalshibh was denied under 214(b)—the more serious denial—only after a formal interview with a consular officer on July 18, 2000. This surmise is supported by a note on Binalshibh's last application, denied November 1, 2000, on which a consular official wrote "two prior refusals"—i.e., one in Berlin and one in Sanaa, Yemen.
[41] FBI report of investigation, interview of Sue Costa, Sept. 15, 2001.
[42] DOS record, Visa Application of Ahmed al Ghamdi, Sept. 3, 2000.
[43] The consular officer's testimony before Congress reflects his misimpression that Hanjour applied for this visa under the Visa Express program. Testimony of Consular Officer No. 3 before the U.S. House of Representatives, Committee on Government Reform, Aug. 1, 2002, p. 38. This error led the officer to state—incorrectly, we believe—that he had denied Hanjour under section 221(g) in order to call him in for an interview. Ibid, pp. 38–39. "I remember that I had refused him for interview, because he had applied for a tourist visa and he said that his reason for going to the United States was to study," the officer recalled.); Ibid, p. 39 (221(g) denial was "for administrative reasons." It meant "No. Come in. I want to talk to you"). In fact, the date Hanjour applied (as shown on his written application) and the date he was denied (as

shown both on the application and on State's electronic records) are the same: September 10, 2000. A copy of Hanjour's September 10, 2000, visa application is attached in Appendix A.
[44] Ibid.
[45] The student coordinator told the FBI that on "one occasion, Atta was very upset with the date of his visa and wanted it changed." Atta did not tell her what upset him about the date or why he wanted the visa date changed. (We assume this reference is to Atta's length of stay.) FBI report of investigation, interview of Nicole Antini, Sept. 13, 2001.
[46] INS record, I-539 Applications to Change Status for Mohamed Atta, undated; and Marwan al Shehhi, Sept. 15, 2000. A copy of al Shehhi's I-539 is attached in Appendix A.
[47] FBI report of investigation, interview of Ivan Chirivella, Sept. 16, 2001.
[48] On his Oct. 25, 2000, visa application, Binalshibh lists the date of his Sanaa visa application as Aug. 12, 2000. However, the application itself is dated Sept. 15, 2000, and the date stamped on the application for the denial is Sept. 16, 2000.
[49] Ibid.
[50] Ibid.
[51] DOS record, NIV Applicant Detail of Hanjour, Nov. 8, 2001. We were unable to interview the primary inspector who admitted Hanjour on Dec. 8, 2000, to determine how the tourist visa may have been changed upon Hanjour's entry at Cincinnati International to an academic student visa entry.
[52] DOS record, visa application of Hamza al Ghamdi, Oct. 17, 2000.
[53] FBI report, "Summary of Penttbom Investigation," Feb. 24, 2004.
[54] DOS OIG MOC with Consular Officer No. 1, Jan. 22, 2003.
[55] DOS record, visa application of Mohand al Shehri, Oct. 23, 2000. A copy of al Shehri's visa application is attached in Appendix A.
[56] DOS OIG MOC with Consular Officer No. 4, Jan. 24, 2003.
[57] Ibid.
[58] DOS record, visa application of Ahmed al Nami, Oct. 28, 2000.
[59] FBI report, "Summary of Penttbom Investigation," Feb. 24, 2004.
[60] DOS record, visa application of Mushabib al Hamlan, Oct. 28, 2000.
[61] INS record, NIIS record of Ziad Jarrah, Oct. 29, 2000.
[62] FBI report of investigation, interview of Sue Costa, Sept. 15, 2001.
[63] FBI report of investigation, interview of Karen Goduto, Sept. 14, 2001.
[64] DOS record, visa application of Ahmad al Haznawi, Nov. 12, 2000. A copy of Haznawi's application is attached in Appendix A.
[65] FBI report, "Summary of Penttbom Investigations," Feb. 24, 2004.
[66] DOS record, visa application record of Saeed al Ghamdi, Nov. 12, 2000. A copy of al Ghamdi's visa application (in which he spelled his last name "al Gamdi") is attached in Appendix A.
[67] DOS record, visa application record of Majed Moqed, Nov. 20, 2000.
[68] DOS OIG MOC with Consular Officer No. 4, Jan. 24, 2003.
[69] Ibid.
[70] DOS record, visa application record of Satam al Suqami, Nov. 21, 2000.
[71] Although Suqami had false travel stamps in his passport as of 9/11, we do not know if these stamps were placed in his passport before or after submission of his visa application, although the dates on some of the false stamps pre-date the date he applied for his visa.
[72] Testimony of Consular Officer Number No. 2 before the House Committee on Government Reform, Aug. 1, 2002.
[73] Ibid.
[74] Customs record, TECS II Private Aircraft Enforcement System record of Ziad Jarrah, Nov. 25, 2000; and customs inspector of Ziad Jarrah on Nov. 25, 2000 interview (May 18, 2004).
[75] INS record, NIIS record of Hani Hanjour, Dec. 8, 2000. On failure to attend school, see FBI report, "Summary of Penttbom Investigation," Feb. 29, 2004.
[76] DOS record, visa application of Zakariya Essabar, Dec. 12, 2004.
[77] FBI report of investigation, interview of Sue Costa, Sept. 15, 2001. At some point during their schooling, Atta and Shehhi were reportedly offered jobs as co-pilots for a new airline, "Flair" by Huffman's president, Rudi Dekkers. FBI draft report of investigation, interview of Nicole Antini, Sept. 13, 2004.

[78] INS record, NIIS record of Mohamed Atta, June 3, 2000, with length of stay until Dec. 2, 2000, and a departure date of May 18, 2000. For the INS abandonment policy, see INS Memorandum of Tom Cook, Acting Assistant Commissioner for Adjudications addressed to all Service Center Directors, District Directors, and Officers in Charge, June 18, 200. It stated: "Service officers are reminded an alien on whose behalf a change of nonimmigrant status has been filed and who travels outside the United States before the request is adjudicated is considered to have abandoned the request for a change of nonimmigrant status. This has been, and remains, the Service's long-standing policy."
[79] INS record, NIIS record of Ziad Jarrah, Jan. 5, 2001.
[80] Primary immigration inspector of Mohamed Atta on Jan. 10, 2001interview (Mar. 25, 2004); DOJ OIG primary immigration inspector interview, Nov. 27, 2001. INS record, Inspection Results Report record of Mohamed Atta, Jan. 10, 2001.
[81] Primary immigration inspector of Mohamed Atta on Jan. 10, 2001 interview (Mar. 25, 2004). INS record, I-94 arrival record of Mohamed Atta, Jan. 10, 2001.
[82] The "VOID" handwritten over top of this stamp is not the handwriting of the primary inspector, according to him. It is likely the handwriting of the secondary inspector, who told the Commission he could not recognize his own handwriting stating: "I've hurt my writing finger too many times and my handwriting keeps changing; couldn't recognize it."
[83] This policy was in contradiction to the stricter language of the INS Field Guidelines, which had specifically delineated business categories for admission. Continued training as a pilot was not within the language of those guidelines.
[84] Secondary immigration inspector of Mohamed Atta on Jan. 10, 2001interview (Mar. 25, 2004); DOJ OIG interview of secondary immigration inspector of Atta on Jan. 10, 2001, Dec. 20, 2001. We asked these questions because under immigration law, "part-time schooling" is considered incidental to the primary purpose of a visit, and did not require a new student visa or a change of status from tourist to student.
[85] Secondary immigration inspector of Mohamed Atta on Jan. 10, 2001interview (Mar. 25, 2004). For the abandonment policy, see INS Tom Cook policy memo stating that pending benefits applications are considered abandoned if the alien leaves while the application is pending, therefore requiring the applicant to attain a visa abroad for that same benefit prior to re-entry. (There is no reference to this policy in the *INS Field Inspectors'* Manual.) In other words, if Atta wanted to study in the United States and filed an application to that effect but left the country while it was pending, he needed to get a student visa abroad in order to return to the United States. The initial application was considered no longer valid. For other inspectors aware of this policy, see Commission interview of inspector for Atta's deferred inspection on May 2, 2001.
[86] Secondary immigration inspector of Mohamed Atta on Jan. 10, 2001interview (Mar. 25, 2004). DOJ OIG interview of secondary immigration inspector of Atta on Jan. 10, 2001, Mar. 21, 2002.
[87] Secondary immigration inspector of Mohamed Atta on Jan. 10, 2001interview (Mar. 25, 2004). Also see Justice Department Inspector General Report, *The INS Contacts with Two September 11 Terrorists*, (May 20, 2002), p. 56-58.
[88] The eight-month time period is recalled by another inspector who reviewed Atta's I-94 arrival record in May 2001, as this inspector changed Atta's length of stay from eight months back to six months. The electronic admission record also noted an eight month stay. The admission stamp, (although hard to read), bares this secondary inspector's number. It appears that the secondary inspector wrote "VOID" on the primary inspector's one month B1 admission stamp in Atta's passport, and instead admitted Atta as a tourist for eight months, apparently to accommodate Atta's schooling. The same handwriting appears on Atta's I-94 arrival record as well, crossing out the primary inspector's one month stay and replacing it with a sloppy handwritten date which looks to be September 8, 2001, with the same length of stay that listed on the original immigration arrival record.
[89] If an alien files an application for a change of status while they are legally in the United States, they may stay in the country until the application is adjudicated. In addition, Atta could have qualified for a deferred inspection if the inspector was convinced that "the case could possibly be resolved in the alien's favor," see INS Field Inspectors' Manual at 17.1.
[90] Secondary immigration inspector of Mohamed Atta on Jan. 10, 2001interview (Mar. 25, 2004).
[91] Commission work product chart, *September 11 Hijacker border inspection interview results: Red Flags Resulting in Secondary Interviews*, May 20, 2004.
[92] On deferred inspections, see INS Field Inspectors' Manual at 17.1.

[93] INS record, NIIS record of Marwan al Shehhi, Jan. 18, 2001.
[94] Primary immigration inspector of Marwan al Shehhi on Jan. 18, 2001 interview (Mar. 26, 2004).
[95] INS record, INS Inspections Results Report record of Marwan al Shehhi, Jan. 18, 2001. In the interview of Marwan al Shehhi's primary immigration inspector , she said: "I referred him to secondary and he didn't want to leave the booth. 'What is your problem?' I said. He simply said, 'No.' I had to get out of the booth and take him into secondary because I thought he would bolt, and I sat him down. I told someone in secondary to watch him. He made me remember him; if he had been smart he wouldn't have done that," see Primary immigration inspector of Marwan al Shehhi on Jan. 18, 2001 interview (Mar. 26, 2004).
[96] Secondary immigration inspector of Marwan al Shehhi on Jan. 18, 2001 interview (Mar. 22, 2004). For length of time Shehhi spent in secondary, see INS record, INS secondary inspection roster for JFK on January 18, 2001, during the time frame Shehhi was referred to secondary.
[97] Secondary immigration inspector of Marwan al Shehhi on Jan. 18, 2001 interview (Mar. 22, 2004).
[98] Ibid.
[99] Ibid.
[100] Ibid. For baseline time given for business visitors at JFK International Airport (the baseline differed amongst the air ports where the hijackers entered, see Commission work product chart, *September 11 Hijacker border inspection interview results: Primary Inspection Procedures Prior to September 11*, May 20, 2004). Also see Commission interviews of three JFK inspectors who had contact with the 9/11 hijackers (March 22, March 25 and May 24, 2004).
[101] INS record, NIIS record of Ziad Jarrah, Jan. 5, 2001with a departure date of Jan. 26, 2001.
[102] INS record, NIIS record of Ziad Jarrah, Feb. 25, 2001. For baseline time given for business visitors at air ports of entry, see Commission work product chart, *September 11 Hijacker border inspection interview results: Primary Inspection Procedures Prior to September 11*, May 20, 2004.
[103] INS record, NIIS record of Ziad Jarrah, Feb. 25, 2001with a departure date of March 30, 2001.
[104] AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004.
[105] INS record, NIIS record of Ziad Jarrah, April 13, 2001with a length of stay until July 30, 2001.
[106] On Ahmed al Nami's passports, see DOS record, NIV Applicant Detail for Ahmed al Nami (Nov. 8, 2001).
[107] DOS record, DOS visa application of Ahmed al Nami, April 23, 2001. A copy of al Nami's application is attached in Appendix A.
[108] INS records, I-94 Arrival Records for Waleed al Shehri and Satam al Suqami, Apr. 23, 2001.
[109] The passport was recovered by NYPD Detective Yuk H. Chin from a male passerby in a business suit, about 30 years old. The passerby left before being identified, while debris was falling from WTC 2. The tower collapsed shortly thereafter. The detective then gave the passport to the FBI on 9/11. See FBI report, interview of Detective Chin, Sept. 12, 2001.
[110] Analytic reference report, Apr. 1, 2003. In addition, the Forensic Document Analysis of Satam al Suqami's passport indicates that on page 8, "An Arabic stamp impression located near the top of page 8 has been partially covered with correction fluid," see INS letter from John Ross, INS Supervisory Forensic Document Examiner, to Lorie Gottesman, FBI Document Examiner, Nov. 2, 2001.
[111] Primary immigration inspector of Satam al Suqami interview (Apr. 23, 2001).
[112] INS records, I-94 Arrival Records for Majed Moqed and Ahmed al Ghamdi, May 2, 2001 and Customs record, Customs Declaration for Majed Moqed, May 2, 2001. On the requirement to fill out electronic reports on amounts declared over $10,000, see Rick Colon interview, June 14, 2004.
[113] INS record, NIIS record of Marwan al Shehhi, May 2, 2001with a length of stay until Nov. 2, 2001.
[114] In regard to the identification of Atta's companions, the inspector identified two of three. She said all three had olive skin tone and dark features. She told the Commission she would never forget Atta, whom she told a colleague was "an ugly man, he looked like a bulldog." The companion who first spoke to the inspector, she recalled "was a great looking kid," which she also mentioned to a colleague. When the FBI's Most Wanted photo of Adnan G. El Shukrijumah appeared on the inspectors' bulletin board after September 11, and after the FBI interviewed her, the inspector says she told her supervisor at the port that she was "75 percent sure" that she could identify the man who was with Atta as Shukrijumah. In checking Shukrijumah's immigration status, she learned that he was a legal resident and had worked in south Florida. Information about the September 11 plot has not to date associated Shukrijumah with the plot. However, Shukrijumah is considered a well-connected al Qaeda operative, otherwise known as "Jafar the Pilot" and he is still wanted by the FBI. Shukrijumah's father is a well known imam in South Florida,

having testified on behalf of Sheik Rahman during his trial for the conspiracy to destroy New York landmarks in June 1993. The inspector cannot recall what the third companion looked like, and did not recognize any of the photos of other hijackers shown to her. The Commission, however, believes that Jarrah may have been one of Atta's companions. He was the only hijacker who matched the facts as told by the inspector, that Atta's "friend" had come back in January and received a six month stay. It is also known that Jarrah was with Atta later that day, driving north to get a Florida driver's license. See immigration inspector of Mohamed Atta on May 2 interview (Mar. 25, 2004).

[115] See immigration inspector of Mohamed Atta on May 2 interview (Mar. 25, 2004).

[116] Ibid.

[117] Ibid.

[118] Ibid.; a copy of Atta's May 2, 2001, INS record (I-94) is attached in Appendix A.

[119] AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004. A copy of Atta's Florida Driver License is attached in Appendix A.

[120] Ibid.

[121] Ibid.

[122] Intelligence report, interrogation of detainee, Apr. 2, 2004.

[123] For departure date of May 16, 2001, INS record, Immigrant Admission Information of Satam al Suqami, Sept. 14, 2001and INS record, NIIS record of Waleed al Shehri, Apr. 23, 2001 with a departure date of May 16, 2001. There was a mistake on Shehri's port of departure on this record, however, stating that he left from Fall River, Massachusetts, as opposed to Fort Lauderdale. An FBI phone interview indicates that an immigration inspector in Freeport, Bahamas checked the local immigration records and noted that the two arrived together on Gulfstream Continental flight 9273 at 8:20 am. FBI report of investigation, interview of Freeport, Bahamas immigration inspector, Sept. 18, 2001.

[124] Interrogation of Ramzi Binalshibh, Apr. 7, 2004.

[125] FBI report of investigation, interview of Freeport, Bahamas immigration inspector, Sept. 18, 2001.

[126] Preclearance stations existed prior to September 11 in Canada, Ireland, the Bahamas and the Caribbean.

[127] Customs record, Secondary Inspection record of Waleed al Shehri, May 16, 2001. The attempted three-day jaunt by Shehri and Suqami to the Bahamas would cause difficulty for the INS in assisting the FBI's investigation into 9/11 since the INS records indicated the two had left the United States and not returned. This is because when the two left Miami for the Bahamas, they handed in their I-94 departure records as required. When they were turned around in the Bahamas for a lack of visas, under U.S. immigration law they never left the United States. However, they were not given new arrival records when they physically returned to the United States. Therefore, when the attacks occurred, investigators thought that Suqmai and Shehri had departed the U.S., which is what the INS records indicated.

[128] DOJ record, "Hijacker Identity Documents: Passports, Visas, Licenses/Identification Cards."

[129] Nami obtained a Florida driver's license, but we do not know when. AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004.

[130] INS records, I-94 Arrival Records of Hamza al Ghamdi, Mohand al Shehri, and Ahmed al Nami, May 28, 2001.

[131] DOS record, DOS cable from the Embassy Riyadh to Secretary of State, Aug. 19, 2001.

[132] INS records, NIIS records for Ahmad al Haznawi and Wail al Shehri, June 8, 2001.

[133] DOS record, NIV Applicant Detail of Saeed al Ghamdi, Aug. 12, 2002.

[134] DOS record, Visa Application of Saeed al Ghamdi, Nov. 19, 2001.

[135] Ibid.

[136] DOS record, visa application of Khalid al Mihdhar, June 13, 2001, and a digital image of Khalid al Mihdhar's C551754 passport.

[137] DOS record, visa application of Abdul Aziz al Omari, June 18, 2001.

[138] DOS record, DOS visa application of Fayez Banihammad, June 18, 2001.

[139] Consular Officer No. 10 interview (Mar.1, 2004).

[140] FBI memo from Legat Riyadh, "Penttbom case," Oct. 25, 2001.

[141] DOJ, "Hijacker Identity Documents: Passports, Visas, Licenses/Identification Cards."

[142] See CIA analytic reference report, "A Reference Guide for Terrorist Passports," Feb. 14, 2003.

[143] Testimony of Consular Officer Number No. 2 before the House Committee on Government Reform, Aug. 1, 2002.

[144] Ibid.

[145] AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004.
[146] Ibid.
[147] INS records, NIIS records of Fayez Banihammad and Saeed al Ghamdi, June 27, 2001.
[148] INS record, I-94 Arrival Record and Customs record, Customs Declaration of Fayez Banihammad, June 27, 2001. For admission of Banihammad, see primary immigration inspector for Fayez Banihammad interview (May 19, 2004).
[149] Primary immigration inspector of Saeed al Ghamdi interview (Mar. 17, 2004). This inspector did not know that a September 11 hijacker came through his line until a colleague had told him a few months prior to the Commission's interview request. Most of the inspectors we interviewed were not aware they had adjudicated the entrance of a 9/11 hijacker.
[150] INS record, INS Inspection Results record of Saeed al Ghamdi, June 27, 2001.
[151] Customs record, Customs Declaration record of Saeed al Ghamdi, June 27, 2001 and primary immigration inspector of Saeed al Ghamdi interview (Mar. 17, 2004). Copies of Ghamdi's Customs Declaration and I-94 are attached in Appendix A.
[152] INS record, INS Inspection Results record of Saeed al Ghamdi, June 27, 2001and primary immigration inspector of Saeed al Ghamdi interview (Mar. 17, 2004). The Commission cannot verify whether Ghamdi's travel documents were clean since no copies survived the attacks or were recovered elsewhere.
[153] INS records, I-94 Arrival Records of Abdul Aziz al Omari and Salem al Hazmi, June 29, 2001.
[154] CIA analytic reference report, Apr.1, 2003.
[155] FBI record, Penttbom Major Case # 182, DOCEX document, undated.
[156] DOJ document, "Hijacker Identity Documents: Passports, Visas, Licenses/Identification Cards," undated.
[157] AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004. A copy of Salem al Hazmi's USA ID document is attached in Appendix A.
[158] USSS report, "Physical examination of identifications of 'Salem Alhazmi' and 'Alhazmi' found at the Pentagon, Sept. 25 and 27, 2001.
[159] AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004.
[160] INS record, I-94 Arrival Record of Khalid al Mihdhar, July 4, 2001.
[161] Commission work product chart, *September 11 Hijacker border inspection interview results: Primary Inspection Procedures Prior to September 11*, May 20, 2004.
[162] A digital copy of Mihdhar's passport was recovered during a search of an al Qaeda safehouse.
[163] Primary immigration inspector for Khalid al Mihdhar interview (May 24, 2001).
[164] DOS record, visa application record of Mohammad al Kahtani, July 4, 2001 and DOS record, NIV Applicant Detail for Mohammad al Kahtani, Jan. 16, 2004.
[165] Veronica Cates interview (May 25, 2004); Rocky Concepcion interview (June 15, 2004); Rick Colon interview (June 14, 2004); Dan Cadman interview (June 14, 2004); and Kevin Rooney interview (Jan. 8, 2004).
[166] Veronica Cates interview (May 25, 2004); Rocky Concepcion interview (June 15, 2004); Rick Colon interview (June 14, 2004); Dan Cadman interview (June 14, 2004); Kevin Rooney interview (Jan. 8, 2004).
[167] Customs record, TECS II-Administrative Message record, July 6, 2001; and Rick Colon interview (June 14, 2004).
[168] INS record, NIIS record of Mohamed Atta, Jan. 10, 2001, with departure date of July 7, 2001 and length of stay until July 9, 2001.
[169] DOJ dcument, "Hijacker Identity Documents: Passports, Visas, Licenses/Identification Cards," undated.
[170] AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004. A copy of Mihdhar's USA ID is attached in Appendix A.
[171] INS record, INS I-539 Application to Change Status of Mohamed Atta, undated.
[172] INS record, I-94 Arrival Record of Mohamed Atta, July 19, 2001.
[173] Primary immigration inspector of Mohamed Atta on July 19, 2001 interview (May 17, 2004).
[174] DOS record, NIV Applicant Detail record of Khalid Sheikh Mohammad under alias of Abdulrahman AA Al Ghamdi, Jan. 13, 2004. A copy of KSM's U.S. visa application is attached as Appendix A.
[175] DOS record, visa application of Khalid Sheikh Mohammad under alias of Abdulrahman AA Al Ghamdi, July 23, 2001.
[176] DOS record, NIV Applicant Detail of Saeed al Ghamdi, Nov. 19, 2001.

[177] United States v. Kenys A. Galicia, U.S.D.C.E.D. Va., Oct. 2001 term, Indictment, Paragraphs 7, 8, Oct. 25, 2001.
[178] United States v. Luis A. Martinez-Flores, Affidavit in Support of a Criminal Complaint and an Arrest Warrant, E.D.Va, Sept. 28, 2001.
[179] *See* Martinez-Flores and Galicia cases.
[180] For Moqed's use of the same address, see Virginia Department of Motor Vehicles Residency Form DL51 for Majed Moqed, Aug. 2, 2001.
[181] Virginia Department of Motor Vehicles Residency Form DL51 for Ziad Jarrah, with residency certified by Hani Hanjour, Aug. 29, 2001. Hanjour used as his address the same address he had fraudulently obtained on Aug. 1, 2001. Jarrah's listed address is fictitious.
[182] United States v. Herbert Villalobos, Affidavit in Support of a Criminal Complaint and an Arrest Warrant, E.D.Va.
[183] AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004. In addition, Hanjour had also acquired Arizona and Florida driver's licenses in 1991 and 1996, respectively. A copy of Ahmed al Ghamdi's Virginia identification document is attached in Appendix A.
[184] INS record, I-94 Arrival Record of Mohammad al Kahtani, Aug. 4, 2001, with "Application Withdrawn to Depart Foreign Under Safeguard" stamped on the record. Also see INS record, Withdrawal of Application for Admission/Consular Notification of Mohammad al Kahtani, Aug. 4, 2001.
[185] A combination of evidence gathered by the FBI supports this conclusion: vehicle rental records for Atta during this time period; parking records for this vehicle at Orlando International Airport during the time frame in which Kahtani was attempting entry; and phone records from a public phone to a phone number associated with both Atta and Kahtani. FBI record, Documentation Sufficient to show Mohamed Atta's Presence at the Orlando International Airport on August 4, 2001, including rental vehicle, parking and calling card records, Aug. 11, 2003.
[186] Primary immigration inspector of Mohammed Kahtani interview, April 18, 2004.
[187] Jose Melendez-Perez testimony, Jan. 26, 2004. INS headquarters had previously interviewed the secondary inspector on a couple of occasions. However, no one from the FBI or intelligence community spoke to this inspector or to the primary inspector prior to Commission interviews.
[188] Ibid.
[189] Ibid.
[190] We compared the copy of Kahtani's passport with the U.S. Government publication *Counterfeit Travel Stamp Directory* (Dec. 2003).
[191] CIA cable to DOS, INS, FBI, and Customs, Aug. 23, 2001.
[192] Customs records, TECS II records of Nawaf al Hazmi and Khalid al Mihdhar, Aug. 24, 2001.
[193] DOS record, visa application of Ali Abdul Aziz Ali, Aug. 27, 2004 and DOS record, NIV Applicant Detail of Ali Abdul Aziz Ali, Jan. 13, 2004.
[194] AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004.
[195] Ibid.
[196] FBI record, Customs Service information on TECS II database review of Khalid al Mihdhar, Sept. 12, 2001.

[198] INS record, Lookout Inquiry record for Khalid al Mihdhar, Sept. 4, 2001.
[199] AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004.
[200] FBI Report of investigation, Customs Service information on Khalid al Mihdhar, Sept. 12, 2001. The Commission was unable to locate the text of the lookout explaining what action the inspector should have taken.
[201] AAMVA memo, "9/11 hijacker driver license and identification paper trail," May 28, 2004.
[202] FBI records of airline personnel indicate that some recall specific hijackers presenting U.S. identification documents with their airline tickets. The American Airlines ticket agent at Logan Airport recalls the al Shehri brothers presenting drivers' licenses at check-in. FBI report of investigation, Elvia C., Sept. 13, 2001. When Hamza al Ghamdi and Ahmed al Ghamdi checked in at Logan Airport in Boston, Hamza al Ghamdi used his Florida driver's license and Ahmed al Ghamdi used his fraudulently obtained Virginia identification card. FBI report of investigation, interview of Gail J., Sept. 21, 2001. At Dulles, Khalid al Mihdhar and Majed Moqed provided their fraudulently obtained Virginia identification cards at the ticket counter. FBI report of investigation, interview of Susan S., American Airline ticketing agent,

Sept. 13, 2001. A "Kingdom of Saudi Arabia Student Identity Card" was found in the rubble at the Pentagon with Moqed's name on it. Forensic examination indicated that it may have been fraudulent. United States Secret Service Forensic Services report for the FBI PENTTBOM investigation regarding the physical examination of forensic science research request, Oct. 10, 2001. Hijackers Omari, Wail al Shehri and Hanjour also had international driver licenses and Jarrah had an international student identification card.

[203] FBI report of investigation, interview of Caprice C., Sept. 13, 2001. She was employed as a ticket agent by American Airlines at Logan Airport on September 11, 2001.

[204] This sum does not include Hanjour's 1997 visa application in Jeddah because this pre-dates the plot.

[205] Hanjour's second application in September 2000 was approved after he supplied additional paperwork.

3
Terrorist Entry and Embedding Tactics, 1993 to 2001

The relative ease with which the hijackers obtained visas and entered the United States underscores the importance of travel to their terrorist operations. In this section we explore the evolution of terrorist travel tactics and organization. We begin with terrorist plots in the 1990s and conclude with the 9/11 attack.

3.1 The Redbook

> Since the early 1970s numerous terrorist organizations have provided their operatives with a wide variety of spurious documents. After showing their spurious passports and papers at border control, these terrorist operatives have proceeded to hijack airplanes, plant bombs, and carry out assassinations. These terrorist acts, however, can be stopped. . . .
>
> If we all screen travelers and check their passports, as past experience proves, terrorist will lose their ability to travel undetected, and international terrorism will come one step closer to being stopped!
>
> —The Redbook (1992)

By definition, transnational terrorist groups need to travel to commit terrorist acts. Indeed, without freedom of movement terrorists cannot plan, conduct surveillance, hold meetings, train for their mission, or execute an attack. Terrorists rely on forged passports and fake visas to move around the world unimpeded and undetected. This has been known for more than three decades. It is difficult today to judge with certainty what else was known about terrorist travel methods in the 1970s and 1980s. However, the existence of a CIA training video and manual is evidence of an understanding that terrorists relied on certain tactics when they traveled and that they could be stopped by alert individuals who recognized the use of those tactics.

In the early 1980s, the Central Intelligence Agency produced "The Threat Is Real," a training video to help border officials, customs officers, and consular employees identify terrorists (and other criminals) by analyzing their travel documents. The video drew on an unclassified manual known as the Redbook, also produced by the CIA, which contained information on commonalities among forged passports and travel cachets, or visas, used by terrorists. The 1992 edition of the Redbook claimed that more than "200 people carrying forged passports provided by terrorist groups have been identified **before** they could engage in terrorist acts."[1]

The Redbook focused on five types of travel document fraud committed by terrorists: *forgeries* of some 35 national passports and the travel cachets of at least 45 countries; forged documents terrorists *purchased from commercial vendors*; *stolen blank passports*, which terrorists could fill in with biographical data of their choosing; information on *genuine altered passports* that had been photo-substituted or given an extended validity date (discussed in greater detail in the Passport Examination Manual, a companion to the Redbook); and *genuine, unaltered passports*, most likely procured with the knowledge of the issuing country or through a corrupt government official.[2]

As the Redbook makes clear, by early 1993, when first attack on the World Trade Center took place, the intelligence community already had decades of experience with the modes of travel of terrorist groups. But the Redbook ceased publication with the 1992 edition: terrorist travel documents would not be studied in earnest again until after the September 11 attacks owing to a lack of new exemplars.[3] This lack of analysis however, did not reflect a lack of raw data. Law enforcement investigations during the 1990s provided a rich trove of information on the travel tactics of terrorists as they moved around the globe. From the 1993 bombing of the World Trade Center to the disruption of the millennium plot in December 1999, information suggested that al Qaeda continued to employ all five methods of document fraud first noted in the Redbook years earlier, along with some new methods of their own.

3.2 Terrorist Travel Tactics by Plot

During the 1990s, al Qaeda was either directly or indirectly involved in a number of terrorist plots in the United States that partially or totally failed. A study of these plots and how those involved in them moved about clearly indicates that foreign terrorist operatives were being planted in the United States and that foreign terrorist operations were being planned against Americans here at home.

The attempted operations were valuable to those carrying them out despite their lack of success: they gave Islamic terrorists critical operational experience in entering and "embedding" in the United States. Although there is evidence that some land and sea border entries without inspection occurred, these conspirators mainly subverted the legal entry system by entering at airports.[4] In doing so, they relied on a wide variety of fraudulent documents, on aliases, and on government corruption. Because terrorist operations were not suicide missions in the early to mid-1990s, once in the United States terrorists and their supporters tried to get legal immigration status that would permit them to remain here, primarily by committing serial, or repeated, immigration fraud, by claiming political asylum, and by marrying Americans. Many of these tactics would remain largely unchanged and undetected throughout the 1990s and up to the 9/11 attack.

Thus, abuse of the immigration system and a lack of interior immigration enforcement were unwittingly working together to support terrorist activity. It would remain largely unknown, since no agency of the United States government analyzed terrorist travel patterns until after 9/11. This lack of attention meant that critical opportunities to disrupt terrorist travel and, therefore, deadly terrorist operations were missed.

By analyzing information available at the time, we identified numerous entry and embedding tactics associated with these earlier attacks in the United States.

The World Trade Center Bombing, February 1993. Three terrorists who were involved with the first World Trade Center bombing reportedly traveled on Saudi passports containing an indicator of possible terrorist affiliation. Three of the 9/11

hijackers also had passports containing this same possible indicator of terrorist affiliation.[5]

In addition, Ramzi Yousef, the mastermind of the attack, and Ahmad Ajaj, who was able to direct aspects of the attack despite being in prison for using an altered passport, traveled under aliases using fraudulent documents. The two of them were found to possess five passports as well as numerous documents supporting their aliases: a Saudi passport showing signs of alteration, an Iraqi passport bought from a Pakistani official, a photo-substituted Swedish passport, a photo-substituted British passport, a Jordanian passport, identification cards, bank records, education records, and medical records.[6] (See sidebar on Ajaj and Yousef.)

Once terrorists had entered the United States, their next challenge was to find a way to remain here. Their primary method was immigration fraud. For example, Yousef and Ajaj concocted bogus political asylum stories when they arrived in the United States. Mahmoud Abouhalima, involved in both the World Trade Center and landmarks plots, received temporary residence under the Seasonal Agricultural Workers (SAW) program, after falsely claiming that he picked beans in Florida.[7] Mohammed Salameh, who rented the truck used in the bombing, overstayed his tourist visa. He then applied for permanent residency under the agricultural workers program, but was rejected.[8] Eyad Mahmoud Ismail, who drove the van containing the bomb, took English-language classes at Wichita State University in Kansas on a student visa; after he dropped out, he remained in the United States out of status.[9]

Ajaj and Yousef: A Case Study in Fraud

This case study illustrates some of the techniques used by two of the 1993 World Trade Center bombing terrorists to enter and remain in the United States. Almost all of these tactics—italicized here for emphasis—would continue to be used by al Qaeda during the 1990s and in preparation for the 9/11 attack.

Using the services of a travel agent in Pakistan and traveling under aliases, on August 31, 1992, Ahmad Ajaj and Ramzi Yousef boarded Pakistan International Airlines Flight 703 in Peshawar and flew to Karachi, Pakistan, and then on to Kennedy Airport in New York City.[10] *They sat in first class* during both legs of the trip, believing they would receive less scrutiny there. Between them, they carried a *variety of documents to support their alias identities*, including identification cards, bank records, education records, and medical records.[11]

Upon Ajaj's arrival at Kennedy, the immigration inspector noted that he was traveling on a photo-substituted Swedish passport. Ajaj was sent to secondary immigration inspection, where he claimed he was a member of the Swedish press.[12] His luggage was searched and officers found *a partially altered Saudi passport and a passport from Jordan*, the documents supporting their alias identities, a plane ticket and a British passport in the name of Mohammed Azan, bomb-making manuals, videos and other material on how to assemble weapons and explosives, letters referencing his attendance at terrorist training

camps; anti-American and anti-Israeli material, *instructions on document forgery*, and *two rubber stamp devices to alter the seal on passports* issued from Saudi Arabia.[13] The immigration inspector called an agent on the FBI Terrorist Task Force to tell him about Ajaj, but the agent declined to get involved, instead requesting copies of the file. The inspector also called the Bureau of Alcohol, Tobacco and Firearms, which was "not interested."[14]

Meanwhile, Yousef also was sent to secondary immigration inspection for lacking a passport or a visa that would allow him to enter the United States. He there presented *an Iraqi passport* he allegedly *bought from a Pakistani official for $100*.[15] Upon questioning, Yousef said that the *passport was fraudulent* and that he *bribed a Pakistani official* in order to board the flight. Inspectors also found in his possession an Islamic Center identity card with Yousef's photo and the name Khurram Khan, under which Ajaj had traveled into the United States. They also found a boarding pass in the name of Mohammed Azan.[16] Although their documents were thus oddly intermingled and both men were in secondary inspection, Yousef was not linked to Ajaj. Rather, Yousef was arrested for not having a visa. He made a *claim for political asylum* and was released into the United States pending a hearing.[17]

Ajaj told authorities he had a political asylum claim from a prior entry in February 1992, and was detained pending a hearing. The evidence suggests that Ajaj left the United States in April 1992, thereby abandoning his asylum claim. In fact, it appears that he *traveled under an alias* to attend a terrorist training camp on the Afghan-Pakistani border.[18]

Ajaj later pleaded guilty to a charge of use of an altered passport and served six months in prison. Not surprisingly, Yousef *never appeared for his hearing*. The World Trade Center was bombed on February 26, 1993. Ajaj was released from prison shortly thereafter, although he had no grounds for remaining in the United States. He was arrested in connection with the attack on March 9, 1993. Yousef was indicted on September 1, 1993, but had left the United States on a *fraudulent Pakistani passport*. He was captured in Pakistan and returned to the United States to stand trial on February 8, 1995.

Although Ajaj was arrested for involvement in the bombing, he did not give up on his political asylum claim. He petitioned for a new attorney and an exclusion hearing—held to determine whether someone is admissible into the United States—in Houston, where he had filed his original political asylum claim. Ajaj's request was denied on April 24, 1993, on the grounds that a passport holder from a visa waiver country who uses a fraudulent passport—Ajaj had used a bogus Swedish passport to enter the United States—is not entitled to such a hearing. Not satisfied with that outcome, Ajaj asked to file *a new political asylum claim* and was given ten days by an immigration judge to do so. Thus, Ajaj was able to file a political asylum claim after his arrest for involvement in the bombing of the World Trade Center.

Yousef was sentenced to 240 years in prison; Ajaj was sentenced to 90 years.

The Landmarks Plot, June 1993. *Note: Because most of the conspirators in this plot were married to American citizens they were able to obtain legal permanent residency status or citizenship. As a result, the Department of Homeland Security declined to provide us with copies of their immigration files, citing the Privacy Act.*

In the landmarks case, a group of terrorists led by Sheikh Omar Abdel Rahman (the "Blind Sheikh") and including some of his supporters, who also were involved in the World Trade Center bombing, similarly traveled on fraudulent documents and then committed serial immigration fraud in order to stay in the country; others were married to Americans.

For example, Rahman was issued several visas on different passports to travel to the United States, although he was a known radical in Egypt. He was later granted legal permanent residency as a "Special Immigrant, Religious Teacher." This status was later revoked on grounds of polygamy. Rah men then filed an application for asylum, which was also denied after the attack on the World Trade Center (see text box on the Blind Sheikh). Siddig Ibrahim Siddig Ali, the mastermind of the plot, married an American. Mohammed Saleh, who provided fuel from his Yonkers gas station to make bombs, obtained legal permanent residency by marrying an American. Ibrahim Ilgabrowny passed messages between conspirators and obtained five fraudulent Nicaraguan passports for his cousin, El Sayyid Nosair, and his family.[28] Nosair, convicted of conspiracy, married an American in 1982 and became a citizen in 1989. He was also convicted of a gun charge in the killing of Rabbi Meir Kahane in 1990. Amir Abdelgani picked up fuel and helped determine targets; he, too, was married to an American. His cousin, Fadil Abdelgani, mixed explosives; he overstayed his 1987 tourist visa and obtained legal residency by marrying an American. Others who had married Americans included Tarig Elhassan, who also mixed explosives, and Fares Khallafall, who bought fertilizer for the bombs.[29] Biblal Alkaisi initially filed an application for temporary protected status, using what turned out to be a fake Lebanese birth certificate. He then filed an application for political asylum but failed to appear for the interview.[30] Matarawy Mohammed Said Saleh was supposed to get stolen cars for the plot; he married two American women in an effort to gain legal permanent residency.[31]

The Case of the Blind Sheikh

Appearances can be deceiving. One consular officer remarked, "Now he looked like a sweet old man. I can tell you that he did not look like a terrorist. He was a charming, little old man."[32] But Sheikh Omar Abdel Rahman regularly preached jihad at mosques in New York and New Jersey to individuals who participated in the February 26, 1993, bombing of the World Trade Center building.[33] He himself was convicted on charges that he was "a leader" of their criminal organization and was sentenced on January 17, 1996, to life in prison.[34] Subsequent investigation revealed that Rahman entered the United States and remained in the country owing to a series of exceptional failures in the border security system, some with eerie parallels to the 9/11 hijackers.[35] For example:

- Rahman used multiple passports to structure his visa applications and travel over a four-year period from 1986 to 1990.

- In 1986, Rahman was issued a visa in Khartoum, Sudan, even though there arguably was sufficient information about him in the U.S. embassy in neighboring Egypt as early as 1981 to justify denying that visa.[36] Before he ever applied for a visa, Rahman was well known to U.S. officials in Egypt as a "high-profile" opponent of secular Egyptian regimes accused of issuing a fatwa that resulted in the 1981 assassination of Egypt's president, Anwar Sadat. This knowledge was not conveyed to officials in Khartoum. The officer who approved it later stated that he may have done a poor job of scrutinizing Rahman's application.[37]

- In April 1987, Rahman received a visa in Cairo, Egypt, after providing formal documentation that Islamic Brotherhood, Inc., in Brooklyn, New York, was sponsoring him as their spiritual leader during the upcoming holy month of Ramadan, and would be financially responsible for him. The officer "knew who the Sheikh was, but after receiving the needed documents decided to issue the visa because of his understanding that the Sheikh had not been convicted of any crime."[38] In fact, Rahman's applications "were incomplete and misleading" and questions were possibly "answered falsely," since he had been convicted of passing bad checks.[39] Further, by 1987, the Cairo embassy's political section had a biographical file on Rahman and his subversive activities "that would make him ineligible for a visa."[40] However, this derogatory information was not shared with the Consular Section, which issued visas.

- Even though Rahman had been placed on an internal State Department watchlist on August 7, 1987,[41] his watchlisting was not discovered by consular officials when he applied for another visa in 1988. The visa, which was initially granted, was "canceled" on the same day under the intending immigrant provision when a local staff member pointed out that Rahman was a leading radical in Egypt. If the denial had instead been based on his presence on the watchlist, that fact also would have been recorded in the INS database. Then he could have been denied entry by the INS if he somehow later managed to obtain a U.S. visa.[42]

- In fact, on May 10, 1990, the Sheikh did receive another visa—his third—in Khartoum, Sudan, after a State Department foreign service national who processed the application falsely indicated that he had checked the watchlist on microfiche. He later stated that he had decided not to check because of Rahman's age, his physical appearance, and his success in receiving previous U.S. nonimmigrant visas.[43] The consular officer who issued this visa did not know that on May 2 and May 3, 1990, Embassy Cairo alerted Embassy Khartoum by cable that Egypt's "leading radical" had left Egypt for Sudan, possibly to seek exile in the United States, and asked Khartoum to provide

information on his activities.[44] By this point, U.S. officials knew that Rahman had been arrested repeatedly in Egypt between 1985 and 1989 for attempting to take over mosques, inciting violence, attacking police officers, and demonstrating illegally, and that he had been imprisoned and placed under house arrest until he left Egypt for Sudan in early 1990.[45]

- On November 26, 1990, about six months after it first learned it had issued the visa, the State Department revoked Rahman's visa and sent a notice to the INS for entry in their National Automated Immigrant Lookout System (NAILS), which was done on December 10, 1990.[46] However, Rahman had already used the visa to enter the United States on July 18 and November 15, 1990.

- Even though he was finally on the NAILS watchlist, Rahman used the visa to enter the United States again on December 16, 1990. He avoided detection at the port of entry by using on his entry form (I-94) a variation of the name in his passport: to identify potential terrorists, the INS watchlist needed an almost exact name match.

- Even though the INS office in New York had begun an investigation of Rahman by January 1991 to determine if he had made material misstatements on his visa application that could subject him to prosecution, deportation, or both, on January 31, 1991, he filed an application for Permanent Residence with the Newark INS office as a Special Immigrant, Religious Teacher. The agency was unaware that it had two files on Rahman, one in New York and one in Newark, or that he had been watchlisted; and on April 8, 1991, the Newark office granted him permanent resident status. His change of status enabled Rahman to successfully use his valid I-551 green card to enter the United States after he was detected and detained at JFK Airport on July 31, 1991.

- On March 6, 1992, the INS rescinded Rahman's permanent resident status on grounds he was a polygamist, had been convicted of bad check charges in Egypt, and had failed to disclose these facts in his application.[47] However, he avoided being removed from the United States by filing an application for asylum and withholding of deportation to Egypt on August 27, 1992. An immigration judge held a hearing on Rahman's claim on January 20, 1993, shortly before his followers bombed the World Trade Center, killing six people and injuring 1,042. On March 16, 1993, an immigration judge denied Rahman's application.[48]

The important factors in Rahman's success in traveling freely can be found in the cases of many other terrorists who have targeted the United States, including some of the 9/11 hijackers:

- Rahman's visa applications were incomplete.
- Rahman's visa applications contained lies;

- Rahman used multiple passports to structure visa applications and travel.
- Prior visa approvals helped Rahman avoid close scrutiny when he sought again to come to the United States.
- Uncertainty in visa law played a role in the Rahman's getting his visas.
- Failure by a local staff member to do his job—by checking microfiche—allowed Rahman to defeat the watchlist.
- Information on Rahman's subversive activities that should have been shared within the government was not, a failure that repeatedly played a role in his acquiring visas.
- Even after Rahman was placed on two terrorist watchlists, he was not detected and stopped, because those using the lists lacked an effective search engine and the technology they needed.
- Failure by the State Department to promptly watchlist Rahman played a role in his gaining entry to the United States;
- Poor coordination between INS computer systems allowed Rahman to gain lawful permanent residency and thus remain in the United States.
- Rahman committed fraud on his benefits applications.
- Rahman abused the asylum system to remain in the United States.

Atlantic Avenue Subway Plot, July 1997. Gazi Ibrahim Abu Mezer committed serial immigration fraud during his planning to destroy the Atlantic Avenue subway in Brooklyn with explosives in 1997.[49] Mezer was arrested on his third illegal entry into the United States along the northwest border with Canada. He asked to be deported to Canada, but Canada refused to accept him. He then filed a political asylum claim in the United States and was released on bond. Mezer withdrew the application, claiming he had returned to Canada when in fact he was in Brooklyn. His co-conspirator, Lafi Taisir Mufleh Khalil, was originally issued a C-1 transit visa; but upon his arrival at JFK Airport in New York, the immigration inspector incorrectly treated him as a tourist, which allowed Khalil to stay in the United States for six months. Khalil overstayed his visa and was arrested along with Mezer on July 31, 1997, the morning of the planned attack[50].

The East Africa Bombings, August 1998. Although the attacks were carried out on foreign soil, the bombings of the U.S. embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya, featured al Qaeda operatives linked to the United States. Ali Mohamed, an Egyptian national, married an American woman he had met on the airplane on his first visit to the United States in 1985. He entered the United States as a lawful permanent resident in San Francisco in June 1986, and his affiliation with al Qaeda dated to 1991. In 1993, Mohamed traveled to Kenya to conduct surveillance against American, British, French, and Israeli targets, including the U.S. embassy. Another operative, Khalid Abu al Dahab, was granted permanent residency after his third marriage to an American and later became a naturalized citizen. During his 12 years in the United States, he reportedly provided money and fraudulent travel documents to terrorists around the globe; he was thereby implicated in multiple terrorist attacks, including the East Africa bombings. Wadi el Hage studied in the United States in the late 1970s and mid-1980s; in between, he went to Pakistan to aid in the fighting against the Soviets in Afghanistan. He served as a

personal secretary to Usama Bin Ladin and gained permanent residency when he married an American.[51]

The East Africa embassy bombings provided further evidence that terrorists used particular tactics when traveling. Had they been analyzed, they would have provided investigators with additional information about the techniques that terrorists would continue to use until the 9/11 attacks.

The Millennium Plot, December 1999. Following a familiar terrorist pattern, Ahmed Ressam and his associates used fraudulent passports and immigration fraud to travel. In Ressam's case, this involved flying from France to Montreal using a photo-substituted French passport under the name of Tahar Medijadi. Under questioning, Ressam admitted that the passport was fraudulent and claimed political asylum. He was released pending a hearing, which he failed to attend; his political asylum claim was denied. He was arrested again, released again and given another hearing date. Again, he did not show. He was arrested four times for thievery, usually from tourists, but was never jailed nor deported. He also supported himself selling stolen documents to a friend who was a document broker for Islamist terrorists.[52]

Ressam eventually obtained a genuine Canadian passport through a document vendor who stole a blank baptismal certificate from a Catholic church.[53] With this document he was able to obtain a Canadian passport under the name of Benni Antoine Noris. This enabled him to travel to Pakistan, and from there to Afghanistan for his training, and then return to Canada.[54] Impressed, Abu Zubaydah, one of al Qaeda's leading travel facilitators, asked Ressam to get more genuine Canadian passports and send them to him for other terrorists to use.[55]

Another conspirator, Abdelghani Meskini, used a stolen identity to travel to Seattle on December 11, 1999, at the request of Mokhtar Haouari, another conspirator. Haouari provided fraudulent passports and visas to assist Ressam and Meskini's planned getaway from the United States to Algeria, Pakistan, and Afghanistan. [56] One of Meskini's associates, Abdel Hakim Tizegha, also filed a claim for political asylum, though in the United States rather than Canada, on the grounds that he was being harassed by Muslim fundamentalists.[57] He was released pending a hearing, which was adjourned and rescheduled five times. His claim was finally denied two years after his initial filing.[58] His attorney appealed the decision, and Tizegha was allowed to remain in the country pending the appeal. Nine months later, his attorney notified the court that he could not locate his client and a warrant of deportation was issued.[59]

The unraveling of the millennium plot to blow up Los Angeles International Airport in December 1999, which began with the arrest of operative Ahmed Ressam, was yet another opportunity to focus on the importance of travel to successful terrorist operations. This plot demonstrated that difficulties with travel documents restricted terrorist movement.[60] Investigators also confirmed that terrorists had bought genuine blank baptismal certificates and filled them in with personal data.[61]

Thus, despite evidence that difficulties with travel documents restricted terrorist movement, no agency of the U.S. government was analyzing terrorist travel patterns or immigration abuses before 9/11.[62] Because the government simply did not know what it knew, it missed opportunities to disrupt terrorist mobility and, therefore, terrorist operations. Conversely, by 2000, when al Qaeda began inserting participants in the September 11 plot into the United States, their operational knowledge of our immigration, visitor, and border systems was considerable.

Terrorist Travel Tactics in the 1990s

By the time of the 9/11 attacks, available information suggested that terrorists could use up to 21 different entry and embedding tactics:

- Operatives typically traveled on fake passports and often had more than one passport.[63]
- Terrorists' passports were sometimes photo-substituted.[64]
- Terrorists were trained in passport forgery, including erasing and adding visas.[65]
- Document forgers altered stolen or borrowed passports.[66]
- Searches of homes of terrorists and their associates turned up travel documents and blank visas.[67]
- Travel facilitators, some of whom were identified or known to investigators, provided terrorists with fraudulent passports.[68]
- Genuine blank passports and visas could be purchased for a price and filled in with personal data.[69]
- Terrorist traveled extensively.[70]
- Operatives attempted to keep evidence of travel to and from Pakistan out of their passports.[71]
- Smugglers were used to sneak operatives into Afghanistan.[72]
- Terrorists reported their passports lost, stolen, or damaged in order to acquire new, "clean" new passports and to avoid revealing previous travel indicated in the old passport.[73]
- Terrorists' passports contained fake travel cachets.[74]
- Document forgers created fraudulent passports and travel cachets, or visas.[75]
- Corrupt government officials facilitated travel at border points.[76]
- Operatives tried to acquire sophisticated graphics software to assist them in forging documents.[77]
- Terrorists and their supporters committed serial immigration fraud.[78]
- Terrorists overstayed their visas.
- Terrorists requested political asylum.
- Terrorists studied in the United States.
- Terrorists traveled under aliases.
- Terrorists entered the United States without an immigration inspection.

3.3 Al Qaeda's Organizational Structure for Travel and Travel Tactics

> The ability of terrorists to travel clandestinely—including to the United States—is critical to the full range of terrorist activities, including training, planning, communications, surveillance, logistics, and launching attacks. A body of intelligence indicates that al-Qa'ida and other extremist groups covet the ability to elude lookout systems using documents with false identities and devoid of travel patterns that would arouse suspicion.[79]

Like their terrorist predecessors, members of al Qaeda clearly valued freedom of movement as critical to their ability to plan and carry out attacks prior to September 11. It is equally clear that al Qaeda relied heavily on many of the same basic travel tactics associated with these earlier groups to satisfy its substantial travel requirements. What distinguished al Qaeda's tactics was its heavy reliance on travel facilitators and document forgers, as well as its ability to adapt its techniques to defeat screening mechanisms, such as visa issuance systems.

Much of what is known about al Qaeda's travel tactics was learned after 9/11. Recall that there was no comprehensive analysis of terrorist travel methods after the Redbook ceased publication in 1992.

Lack of Travel Documents Disrupts Operations. Significantly, there is evidence that the lack of appropriate travel documents delayed or interrupted terrorist operational plans. For example, scrutiny in the United Arab Emirates of the travel documents of Ahmad al Darbi, who was involved in a plan to attack oil tankers in the Straits of Hormuz, caused him to divert the ship he was escorting away from port in Yemen to Somalia. Immigration officials in the UAE strongly suspected that Darbi was the same person as someone on their watchlist traveling on an alias; he feared he might also be watchlisted in Yemen.[80] The plan never came together after that.

In August 2001, two operatives were instructed by Khalid Sheikh Mohammed (KSM) to return to Saudi Arabia on September 15, 2001, to renew their passports in preparation for an unspecified operation. They were instructed to obtain new photos of themselves clean shaven to be used in applying for visas to the Philippines. After getting their passports they were to travel to the United Arab Emirates, where they would be met and informed of a suicide operation in the Philippines. But because of problems with one of their passports the operation was not carried out.[81]

In yet another case, in mid-2002, the senior al Qaeda operative Abd al Rahim al Nashiri scheduled an operational planning trip to Saudi Arabia. He was delayed for more than a month while document facilitators tried to get him a new passport.[82]

Conversely, the ability of operatives to travel easily to certain countries often determined the location of operational and planning meetings. Malaysia, for example, was viewed by both Usama Bin Ladin and KSM, the mastermind of the 9/11 plot, as an "excellent"

venue for meetings because "Muslims could enter without a visa, including those with Saudi and Gulf passports."[83]

Organization and Training. Underscoring the high premium placed on travel, two senior al Qaeda operatives, KSM and Abu Zubaydah, played key roles in facilitating travel for the group's terrorist operatives. In addition, al Qaeda had a division of passports and host country issues under its security committee. The office was located at the Kandahar airport and was managed by Muhammed Atef, al Qaeda's chief of military operations and the number two man in the organization. According to a detainee, the committee altered papers, including passports, visas, and identification cards.[84] Following the U.S. invasion of Afghanistan in late 2001, the office moved to Pakistan.[85]

Certain al Qaeda members were charged with organizing passport collection schemes to keep the pipeline of fraudulent documents flowing. To this end, al Qaeda required jihadists to turn in their passports before going to the front lines in Afghanistan. If they were killed, their passports were then recycled for use by others.[86] Its operational mission training course, as well as an urban warfare course and a four-month explosives course, taught operatives how to forge documents.[87] Certain passport alteration methods, including photo substitution as well as erasing and adding travel cachets, were also taught. Manuals demonstrating how to "clean" visas were reportedly circulated among operatives.[88]

The purpose of all of this training was twofold: to develop an institutional capacity for such techniques and to enable operatives to make necessary adjustments in the field. It was well-known, for example, that if a Saudi traveled to Afghanistan via Pakistan, his passport, showing a Pakistani stamp, would be confiscated upon his return to Saudi Arabia. Operatives thus either erased the Pakistani visas from their passports or traveled through Iran, which did not stamp visas directly into passports.[89] Mohamed Atta, the presumed pilot on American Airlines Flight 11, was reported to have been trained in passport alteration techniques.[90]

Travel Facilitators. Despite the activities of the passport office and its various training programs, al Qaeda relied heavily on a small cadre of operatives and their assistants to facilitate travel for the network.[91] Chief among them were Abu Zubaydah, a facilitator we will call "the African facilitator," and Riyadh. Broadly speaking, a terrorist travel facilitator assisted operatives in obtaining fraudulent documents, arranging visas (real or fake), making airline reservations, purchasing airline tickets, arranging lodging and ground transportation, and taking care of any other aspect of travel in which his expertise or contacts were needed.[92] The following profiles illustrate how the al Qaeda network organized and carried out these activities.

Abu Zubaydah. Al Qaeda's most seasoned travel facilitator was Abu Zubaydah. A Palestinian national, he was born in the early 1970s in Riyadh, Saudi Arabia, where his father worked as a teacher.[93] He attended a computer school in India, although he considered studying in the United States before and after this training.[94] He is suspected of having illegally entered Pakistan during the Afghan war against the Soviets. After the

war he remained in Pakistan; in 1992 he moved to Peshawar, where he set up a honey-trading business.[95]

Abu Zubaydah began his work as a travel facilitator in Peshawar, living and working at the Martyr's House, where he aided mujahideen coming to and going from Afghanistan. He provided them with false passports and visas until about 1994, when he went to the al Faruq camp in Afghanistan to train Tajiks. He remained there for seven to eight months, returning to the Martyr's House to continue his work as a travel facilitator.[96]

In 1996, he helped al Qaeda members move from Sudan to Afghanistan. By 1997, Usama Bin Ladin asked him to continue his facilitation work for the organization.[97] For recruits at the Khaldan training camp he opened the first of three safehouses in Rawalpindi, on the outskirts of Islamabad, Pakistan, in the spring of 1998. There, Zubaydah and his assistants doctored passports and visas.[98] In 2000, Usama Bin Ladin put him in charge of foreign communication, or external relations, for al Qaeda.[99]

Abu Zubaydah considered himself an expert at moving people.[100] Indeed, he went beyond the technicalities of altering documents to prepare operatives and mujahideen to travel undetected.[101] Zubaydah told travelers to cut their hair, to shave their beards and mustaches, and to always be polite. He told them what kinds of clothes to wear, what kinds of airline tickets to purchase, how to alter their appearances, and what to carry in order to avoid attracting suspicion from border authorities. He tried to recruit operatives who spoke the language of the country whose travel documents he provided them. Zubaydah said he spared no expense on operational travel.[102]

Abu Zubaydah described the activities of another facilitator who we will call **The African Facilitator.** Sometime in his late teens, The African Facilitator left his native country and joined the fight against the Soviets in Afghanistan.[103] In the early to mid-1990s, he used a photo-substituted Saudi passport to travel to the Sudan with Usama Bin Ladin.[104] He and a companion were subsequently arrested in an African country for entering without a visa. His fraudulent passport also was discovered, and he spent time in a Saudi prison.[105]

After his release, The African Facilitator traveled to Pakistan.[106] In 1996, he met Abu Zubaydah and the two began collaborating. According to Zubaydah, The African Facilitator would send him copies of passports and tickets and Zubaydah would get exit permits to match, either legally or by bribing officials. He also asked Zubaydah to provide him with passports, although sometimes he would buy them from vendors in Peshawar and Islamabad.[107] He tasked Zubaydah with examining the passports of all new arrivals at his safehouse and with copying and passing to him any new visas and entry and exit stamps in the arrivals' passports.[108]

The African Facilitator soon became al Qaeda's man in Pakistan, with responsibility for overseeing its logistical network in the country. Indeed, according to a senior detainee, he was "famous" for his ability to arrange whatever one needed in Pakistan, as well as for his work with the al Qaeda document committee in Afghanistan.[109] For a few months in

1999, four assistants worked for him, buying tickets for Yemeni and Saudi family members who wanted to return home after visits to Afghanistan and Pakistan.[110]

As noted above, the document committee altered passports for mujahideen in Afghanistan. In 2000, The African Facilitator reportedly had a house in the al Qaeda compound at the Kandahar airport. Although he was not himself skilled in the methods of passport forgery, he supervised Kenyans who performed this work.[111] From this base, he facilitated the movement of mujahideen who attended one of al Qaeda's terrorist training camps, providing them with the necessary passports, stamps, and visas to travel; greeting them when they arrived; and sending them home after their training was completed.[112] He also kept track of the passports used by fighters on the front lines. When one of them was killed, he would cross their name off of his list and make that passport available for reuse.[113]

Riyadh, an al Qaeda Facilitator. Riyadh reportedly joined the al Qaeda organization in 1998 after stints fighting in Bosnia and Burma.[114] Based in Yemen, he facilitated the travel of mujahideen to the training camps in Afghanistan.[115] Riyadh and his assistant worked out of the al Jaziri hotel providing Yemeni passports; Egyptian, Pakistani, or Saudi visas; money; plane tickets; contact numbers; and transportation to the airport for travelers. They reportedly had contacts in the Pakistani and Yemeni governments who helped them by providing necessary travel documents.[116] In recognition of his wide range of contacts, in 1999 Usama Bin Ladin gave Riyadh the responsibility of organizing the travel of Muslim youth.[117]

Sometime in 2000, Riyadh left for Afghanistan.[118] After receiving additional training in the camps, he moved to Karachi, Pakistan, and resumed his activities facilitating the travel of Yemeni mujahideen to Afghanistan.[119] Riyadh was well-known in Karachi under the name Aziz and did little to protect his security. He also may have facilitated the flow of funds to al Qaeda, allegedly passing $500,000 in late 2001 from Saudi donors to extremists and their families in Pakistan.[120]

Reliance on Outsiders. As these profiles make clear, in addition to its own travel facilitators, al Qaeda relied on outsiders to help move operatives around the world. Al Qaeda relied on hundreds of these vendors of fraudulent documents, corrupt government officials, travel agencies, and human smugglers.[121]

Document vendors provided al Qaeda with a wide range of bogus and genuine documents and were valued for their forgery skills. Through these vendors, al Qaeda operatives had access to an "impressive range of fraudulent travel, identification and other documents," including passports from countries in almost every region of the world, travel cachets, blank visas, foils, stamps, seals, laminates, and other material.[122] Some of these forgers are dedicated to al Qaeda's cause and tend to be located along main travel routes; others are interested only in profit.[123]

Corrupt government officials have facilitated terrorist travel by selling genuine travel documents. Ramzi Yousef, convicted of attempting to blow up a tower of the World

Trade Center in 1993, claimed he bought an Iraqi passport from a Pakistani official for $100.[124] Two of the 9/11 hijackers, Waleed and Wail al Shehri, reportedly received new Saudi passports from a relative in the passport office.[125] Al Qaeda also relied on bribery to get passports and the special plastic used inside them to protect biographical information.[126] Moreover, corrupt officials have been known to take bribes at the border from a terrorist lacking proper documentation.[127]

Travel agencies have sometimes supported terrorist travel. Many travel agencies will work with anyone who is willing to pay. For example, Abu Zubaydah said that in Peshawar, it was generally understood that local Arabs were training in the camps in Afghanistan, but the travel agencies they used never asked any questions. In addition, Zubaydah said that he did business with several travel agencies in Pakistan, depending on which one offered him the best deal.[128]

There is also evidence that terrorists used *human smugglers* to sneak across borders.[129] Smugglers were typically paid to make all logistical arrangements, including mode of travel and lodging, and to pay off corrupt officials if necessary.[130] A typical smuggling scheme aided jihadist youth wanting to travel through Iran to Afghanistan to train in al Qaeda's camps. They would first travel to Jeddah, Saudi Arabia, to meet with a facilitator, who would then contact a second facilitator, who would buy plane tickets. When the jihadists arrived in Iran they contacted the first facilitator again and told him the name of their hotel. He would then tell an associate in Iran to meet them and smuggle them into Afghanistan.[131]

Because the penalties for these crimes tend to be inadequate, they have not been vigorously prosecuted. Laws against document fraud, for example, are generally weak and punishment light.[132] For example, in Spain, police officers assigned to the Foreigners Division have told Department of Homeland Security agents that crimes involving the possession and use of stolen or altered documents are not worth pursuing once the suspect is in the country.[133]

This lax legal environment, coupled with the need for clients, allows facilitators to operate only semi-clandestinely. In addition, travel facilitators operate in loose business networks; many are based in countries allied with the United States in the global war against Islamist terrorists.[134] Cracking down on these accomplices of terrorists thus appears to be not only practical from a law enforcement perspective but also a way to impede a wide range of terrorist activities, including planning, communicating, conducting surveillance, and carrying out attacks. If terrorists' travel options are reduced, they may be forced to rely on means of interaction which can be more easily monitored, and to resort to travel documents which are more readily detectable.[135]

Travel Documents. For the first time in more than a decade, in 2003 an effort was made to systematically study terrorist travel tactics. This study, as well as our earlier plot-by-plot analysis of terrorist travel tactics, clearly demonstrates that terrorist operatives employed certain repetitive travel practices that were ripe for disruption. In addition to their use of facilitators, numerous other patterns were identified. For example, operatives

carefully selected the passports they used for operational travel, often using fraudulent ones. They also regularly used fraudulent travel stamps, especially to cover up travel to Afghanistan or Pakistan.[136] They studied visa and entry requirements for countries they transited or traveled to and structured their travel to avoid appearing suspicious.[137] Al Qaeda also adopted several techniques designed to mask travel and identity, including traveling under an alias.[138] Terrorists appeared to exercise particular caution with regard to Western travel. Their main purposes in so doing were to eliminate the possibility of being detained on fraudulent document charges, a goal that became especially important when an operative was traveling to participate in an attack, and to avoid the suspicions raised by indicators of travel to Afghanistan. Terrorists, including al Qaeda, clearly expended considerable effort thinking about travel and engaging in methods intended to facilitate their movement around the globe.

Reliance on Saudi Passports. Al Qaeda favored Saudi passports. KSM estimated that 70 percent of the mujahideen in the al Qaeda training camps in Afghanistan before 9/11 were Saudi. Irregularities in the Saudi passport issuance system made Saudi passports more readily available.[139] As many as 10,000 Saudi passports may have been lost or stolen in recent years.[140] Saudis also enjoyed visa waiver status as visitors to most Middle Eastern countries and, until September 2002, to Canada.[141] An added attraction of Saudi passports was that reporting a Saudi passport stolen that later turned up in someone else's possession was not a crime.[142] Moreover, several document forgers specialized in altering Saudi passports.[143]

Furthermore, blank Saudi passports lacked a document control number to track their disposition before they were issued.[144] In practical terms, this meant that a blank passport that was stolen lacked any number to put on a watchlist that might catch a person trying to use it. In late 2001, Saudi Arabia began issuing new passports that incorporated enhanced security features. Problems in the issuance regime persist, however.[145]

Types of Passport Alteration. There are four main ways in which al Qaeda altered passports: substituting photos, adding false cachets and visas, removing visas and bleaching stamps, and counterfeiting passports and substituting pages.[146] The organization used advanced computer graphics programs, such as Paintshop Pro, Adobe Photoshop, and Adobe Printshop to copy and alter passports. Skilled members also used software to scan and make copies of travel stamps, visas, and passport security features. Raids in 2002 and 2003 indicate that fraudulent material was shared among terrorists.[147]

But not all counterfeiting efforts were high quality. For example, terrorists often cleaned and reused Pakistani sticker visas, sometimes leaving tell-tale evidence of fraud.[148] Other attempts at forgery resulted in obvious fakes. Thus, officials who know what to look for can identify terrorists who present travel documents with these suspicious indicators.

Exploring the Link between Human Smugglers and Terrorists

In July 2001, the CIA warned of a possible link between human smugglers and terrorist groups, including Hamas, Hezbollah, and Egyptian Islamic Jihad.[149] Indeed, there is evidence to suggest that since 1999 human smugglers have facilitated the travel of terrorists associated with more than a dozen extremist groups.[150] With their global reach and connections to fraudulent document vendors and corrupt government officials, human smugglers clearly have the "credentials" necessary to aid terrorist travel.

We have already seen that documents are critical to terrorists—they are needed by those wishing to plan and carry out attacks. Documents are similarly critical to human smugglers, who have access to document vendors able to obtain genuine passports and visas from corrupt government officials.[151] Corrupt officials are also paid off to allow illegal migrants to pass through travel and security checkpoints.[152]

These connections combine with lax immigration and border security in many countries to make human smuggling an attractive avenue for terrorists in need of travel facilitation.[153] Following the September 11 attacks, additional information surfaced linking al Qaeda to human smugglers. Following the coalition attack on Tora Bora, human smugglers assisted fighters fleeing Afghanistan and Pakistan. In January 2002, smugglers helped about 400 fighters in Taftan, Pakistan, to escape to Iran.[154] Finally, there are uncorroborated law enforcement reports suggesting that associates of al Qaeda used smugglers in Latin America to travel through the region in 2002 before traveling onward to the United States.[155]

To date, only one human smuggler with suspected links to terrorists has been convicted in the United States.[156]

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[1] CIA document, Redbook, 1992 ed.
[2] Ibid.
[3] The CIA claimed that they did not receive new data to analyze. The FBI did not share what they gathered from their law enforcement investigations with the CIA. Commission interview, Feb. 25, 2004.
[4] Gazi Ibrahim Abu Mezer, who planned to destroy the Atlantic Avenue subway in Brooklyn with explosives in 1997, was arrested on his third attempt to illegally enter the United States along the northwest border with Canada. He was arrested by the New York City police on July 31, 1997. Bombs were found in his apartment. Abdel Hakim Tizegha claimed to have entered the United States in Boston as a stowaway on the *Mustapha Ben Boulaid*, a tanker owned by an Algerian energy company used to transport liquefied natural gas.
[5] CIA analytic report, "A Reference Guide for Terrorist Passports," Apr. 14, 2003.
[6] *United States v Mohammed A. Salameh, et al.,* No. 94-1312(L), U.S. Court of Appeals for the Second Circuit, p. 21.
[7] His application was later denied. Abohalima was indicted as an accessory after the fact for assisting the WTC1 attackers.
[8] Center for Immigration Studies, *The Open Door: How Militant Islamic Terrorists Entered and Remained in the United States, 1993 to 2001*, Stephen A. Camarota, p. 25.
[9] Although there is no evidence that any of these marriages were fraudulent, Abu Zubaydah said that some al Qaeda operatives married American women to obtain U.S. visas. Usama Bin Ladin reportedly did not approve of this tactic, saying it violated the sanctity of marriage. KSM, however, allegedly believed it was

a fantastic mechanism for operatives to acquire valid documents, Intelligence report, interrogation of Abu Zubaydah, Oct. 7, 2002.
[10] *United States v Mohammed A. Salameh, et al.*, No. 94-1312(L), U.S. Court of Appeals for the Second Circuit, p. 21.
[11] Ibid., p. 22.
[12] Ibid., p. 24.
[13] Ibid., pp. 23, 26.
[14] DOJ document, handwritten memo to file from Immigration Inspector at JFK, Sept. 2, 1992.
[15] Trial testimony of Brian Parr re interview with Yousef, Oct. 22, 1997, *United States of America v. Ramzi Ahmed Yousef and Eyad Ismoil* (S.D.N.Y).
[16] *United States v Mohammed A. Salameh, et al.*, No. 94-1312(L), U.S. Court of Appeals for the Second Circuit, p. 25.
[17] An examination of Yousef's passport by the Forensic Document Lab at INS later reveals that the date of birth has been overwritten and the passport binding has been cut and un-stitched, but no other alterations were detected.
[18] *United States v. Ahmad Mohammad Ajaj aka Khurram Khan*, Brief, p. 178.
[28] Ibid.
[29] Center for Immigration Studies, *The Open Door*, p. 27.
[30] Alkaisi plead guilty in connection with the WTC1 plot.
[31] Saleh was convicted of conspiracy for the bombing plot and subsequently deported to Egypt, his home country, on Nov. 19, 1996.
[32] Testimony of Consular Officer No. 2 before the U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002 (regarding an interview the officer conducted of the Sheikh before they began service as a State Department employee).
[33] DOS OIG, Report of Audit, Review of the Visa-Issuance Process Phase I: Circumstances Surrounding the Issuance of Visas to Sheikh Omar Ali Ahmed Abdel Rahman, Mar. 1994, p. 1.
[34] DHS document, immigration file A29 753 750.
[35] Although it has long been suggested that the Sheikh was issued visas because of his assistance with Afghan Mujahadeen fighters who were then allies of the U.S., the Inspectors General of both the CIA and State Departments found "no evidence . . . that any of these visas were granted to the Sheikh to serve CIA operational purposes." Talking Points prepared for the DCI by CIA OIG Frederick Hitz; Report of Audit, Review of the Visa-Issuance Process Phase I: Circumstances Surrounding the Issuance of Visas to Sheikh Omar Ali Ahmed Abdel Rahman, Mar. 1994, p. 19 ("What we did find, rather, was evidence of: sloppiness; poor performance by some American officers and Foreign Service Nationals (or local employees) involved; inadequate systems of control; and inadequate implementation of immigration laws, regulations, and guidelines.").
[36] DOS OIG, Report of Audit, Review of the Visa-Issuance Process Phase I: Circumstances Surrounding the Issuance of Visas to Sheikh Omar Ali Ahmed Abdel Rahman, Mar. 1994, p. 20.
[37] CIA document, Revised Chronology of Events Regarding Issuance of Visas to the "Blind Sheikh."
[38] DOS OIG, Report of Audit, Review of the Visa-Issuance Process Phase I: Circumstances Surrounding the Issuance of Visas to Sheikh Omar Ali Ahmed Abdel Rahman, Mar. 1994, p. 22.
[39] Ibid, p. 25.
[40] Ibid., p. 22.
[41] Ibid., p. 25.
[42] Ibid., p. 27.
[43] Ibid., p. 31.
[44] DOS OIG, Report of Audit, Review of the Visa-Issuance Process Phase I: Circumstances Surrounding the Issuance of Visas to Sheikh Omar Ali Ahmed Abdel Rahman, Mar. 1994, p. 29.
[45] DOS OIG, Report of Audit, Review of the Visa-Issuance Process Phase I: Circumstances Surrounding the Issuance of Visas to Sheikh Omar Ali Ahmed Abdel Rahman, Mar. 1994, p. 2, 17. According to documents produced by the Sheikh himself in connection with his asylum claim, he was arrested by Egyptian authorities for charges related to his preaching five times from October 1970 to April 1989. In April 1990, after his last incarceration and an extended period of house arrest, he was escorted to the airport where he made his way to the Sudan. Affidavit of Omar Ahmed Ali, A29-753-750, dated Aug. 11, 1992.

[46] DOS OIG, Report of Audit, Review of the Visa-Issuance Process Phase I: Circumstances Surrounding the Issuance of Visas to Sheikh Omar Ali Ahmed Abdel Rahman, Mar. 1994, p. 35.
[47] DHS document, In the Matter of Omar Ahmed Ali, File No. A29-753-750 (In Exclusion Proceedings), Mar. 16, 1993 (Meisner, J.), p. 3.
[48] Ibid., p. 20.
[49] He was arrested by the New York City police on July 31, 1997. Bombs were found in his apartment.
[50] DHS document, immigration file A74 101 910.
[51] Center for Immigration Studies, *The Open Door,* p. 31.
[52] *Seattle Times*, "It Takes a Thief," June 23, July 7, 2002. Fateh Kamel would pay Ressam for stolen passports, credit cards and other identity documents. Kamel is now serving eight years in prison in France for his "activities related to association with terrorist enterprises." *Time*, Sept. 24, 2001. Ressam testified that he also sold stolen documents to Mohktar Haouari. U.S. v. Mokhtar Haouari, S4-00 Cr. 15, Testimony of Ahmed Ressam before United States District Court of the Southern District of New York, July 3, 2001.
[53] Leo Nkounga was a document broker and an illegal alien in Canada from Cameron who failed to surrender himself for deportation in 1993. Canadian Deportation Order, Adjudication file no. AOT93-0077, Sept. 15, 1993. He said he obtained two genuine Canadian passports for Ressam, in both instances by submitting fake baptismal certificates to Canadian authorities CBC News, *Disclosure*, "Target Terrorism," Mar. 26, 2002. According to a senior al Qaeda detainee, an Algerian friend of Ressam "set up" the Canadian passport for him.
[54] FBI letterhead memorandum, Ressam investigation, May 15, 2001, p. 7. Ressam told border officials that he did not have a visa for Pakistan because he was only transiting on his way to India.
[55] PBS Frontline, "Trail of a Terrorist, The Ahmed Ressam Case and Passport Fraud," Oct. 25, 2001.
[56] FBI case profile provided to Dale Watson, "Abdelghani Meskini," Feb. 8, 2000. Meskini, who spoke English, was to drive Ressam and to give him money, but Ressam never showed since he was arrested at the border. Meskini was arrested on Dec. 30, 1999, and charged with material support and interstate fraud. See Testimony of Dale Watson before the Senate Select Committee on Intelligence, Feb. 9, 2000, pp. 11-12. On passports and visas provided by Haouari, see *United States v. Haouari*, 319 F. 3d 88, 91 (2d Cir. 2000).
[57] There is no record of his entry into the United States; he claimed he entered in Miami in an unknown way.
[58] Tizegha now claimed to have entered the United States in Boston as a stowaway on the *Mustapha Ben Boulaid*, a tanker owned by the Algerian energy company used to transport liquefied natural gas.
[59] DHS document, immigration file A73603119.
[60] FBI Communication Form, Re: Borderbom, July 26, 2001.
[61] FBI letterhead memorandum, Ressam investigation, May 15, 2001.
[62] FBI Communication Form, Re: Borderbom, July 26, 2001.
[63] FBI documents, Jan. 17, 1999; FBI report of investigation, interview of Ali Abdelseoud Mohamed, March 8, 1999; FBI report of investigation, Re: Aman Gul, Mar. 21, 2000; FBI report of investigation, interview of Ahmed Ressam, May 16, 2001; Case file of Ramzi Yousef, convicted in WTC1 bombing in 1993.
[64] FBI report of investigation, Re: UBL/al Qaeda, Jan. 16, 2001; FBI letterhead memorandum, Ressam investigation, May 15, 2001; Trial brief, *United States v. Ahmed Ressam*, CR99-666C, Mar. 2001.
[65] FBI report of investigation, interview of protected source, Mar. 22, 2001.
[66] FBI report of investigation, Re: UBL/al Qaeda, Jan. 16, 2001, pp. 30-31 FBI letterhead memorandum, Ressam investigation, May 15, 2001.
[67] In 1995, Italian authorities in Milan cracked down on the ICI, an Islamic radical group that was facilitating Islamic militants going to fight in Bosnia. Its leaders were members of the Egyptian Islamic Jihad. When authorities raided the ICI office, two copies of the Redbook were found in Arabic, along with several seals, rubber stamps, blank and counterfeit documents and other tools used to forge documents; FBI report of investigation, "Pakistani visa information pertaining to Kenbom/Tanbom subjects," May 13, 1999; Intelligence report, "Terrorism: Documents Associated with Apprehended Egyptian Islamic Jihad Member," Apr. 13, 1999. In addition. documents seized in the home of an Egyptian Islamic Jihad member included extensive evidence of passport fraud.

[68] FBI report of investigation, UBL database, Jan. 19, 1999; FBI report of investigation, interview of Ali Abdelseoud Mohamed, Mar. 8, 1999; FBI communication, investigative summary re: the Islamic Army, Mar. 27, 2000; FBI report of investigation, Re: UBL/al Qaeda, Jan. 16, 2001, pp. 8, 14-15, 17, 18, 30-31.
[69] FBI report of investigation, Re: UBL/al Qaeda, Jan. 16, 2001, p. 27; FBI letterhead memorandum, Ressam investigation, May 15, 2001.
[70] FBI report of investigation, analysis of source reporting, June 16, 2000; FBI report of investigation, UBL database, Jan. 19, 1999, pp. 4, 11, 29
[71] FBI report of investigation, interview of Ali Abdelseoud Mohamed, Mar. 12, 1999.
[72] FBI report of investigation, interview of unidentified source, Oct. 2, 2000.
[73] FBI report of investigation, Initial 90 day letterhead memorandum, July 24, 2000.
[74] FBI report of investigation, request for evidence comparison, Jan. 26, 2000.
[75] FBI document, Jan. 17, 1999; FBI report of investigation, interview of Ali Abdelseoud Mohamed, Mar. 8, 1999; FBI letterhead memorandum, Ressam investigation, May 15, 2001.
[76] FBI report of investigation, interview of Abdul Rauf Chaudhry, Oct. 2, 1998; FBI report of investigation, interview of Ali Abouelsaud Mohamed, Oct. 3, 1999; FBI report of investigation "Pakistani visa information pertaining to Kenbom/Tanbom subjects," May 13, 1999; FBI report of investigation, "Possible visa fraud," April 20, 2001; FBI letterhead memorandum, Ressam investigation, May 15, 2001.
[77] FBI report of investigation, UBL database, Jan. 19, 1999.
[78] FBI Communication, investigation summary re: the Islamic Army, Mar. 27, 2000. Trial brief, *United States v. Ahmed Ressam*, CR99-666C, Mar. 2001.
[79] CIA analytic report, "Clandestine Travel Facilitators: Key Enablers of Terrorism," Dec. 31, 2002.
[80] Intelligence Report, interrogation of a detainee, Nov. 22, 2002.
[81] Intelligence Report, interrogation of a detainee, Sept. 11, 2002.
[82] CIA analytic report, Analysis of Passports, p. 1; Intelligence report, interrogation of a detainee, Nov. 20, 2002.
[83] Intelligence Report, interrogation of Ramzi Binalshibh, Oct.11, 2002. Malaysia was also desirable because of its proximity to Afghanistan and Pakistan and its majority-Muslim population.
[84] Intelligence report, interrogation of KSM, Sept. 9, 2003; CIA analytic report, "Al Qaeda Travel Issues," Jan. 2004, p.1. On the role of KSM, see, e.g., Intelligence report, interrogation of Binalshibh, Oct. 11, 2002. On the role of Abu Zubaydah, see, e.g., Intelligence report, biographical information on Abu Zubaydah, Feb. 25, 2002.
[85] Intelligence report, interrogation of a detainee, Sept. 9, 2003; and Intelligence Report, interrogation of Abu Zubaydah, Apr. 12, 2003. The committee moved to Zormat, Paktia province in late 2001 and then to Karachi after the fall of Kandahar in late 2001.
[86] On passport collection schemes, see Intelligence report, interrogation of KSM, Sept. 9, 2003. On recycled passports, see Intelligence report, Collection of Passports, June 7, 2002.
[87] CIA analytic report, Analysis of Passports, p. 1, 3. Intelligence report, interrogation of detainee, Nov. 12, 2003; and Intelligence Report, Information on travel, training and indoctrination in training camps in Afghanistan, Nov. 19, 2001. A detainee said that he attended several security and specialized courses including counterfeiting and seal removal; Intelligence report, interrogation of detainees, Apr. 11, 2002.
[88] CIA analytic report, Analysis of Passports, p. 19.
[89] Intelligence report, information from Saudi detainees on mujahedin travel to Afghanistan via Iran, Mar. 13, 2002.
[90] CIA analytic report, Analysis of Passports, p. 3. Mohamed Atta reportedly learned these techniques in Afghanistan, and used them to clean Ramzi Binalshibh's passport of its Pakistani visa and travel cachets.
[91] Intelligence report, interrogation of Abu Zubaydah, June 20, 2002. Hassan Ghul was an important al Qaeda travel facilitator who worked with Abu Zubaydah assisting Arab fighters traveling to Afghanistan. In 1999, Ghul and Zubaydah opened a safe house under the cover of an import/export business in Islamabad. In addition, at Zubaydah's request, Ghul also successfully raised money in Saudi Arabia for the Khaldan camp; in exchange Zubaydah paid for Ghul's trips there so he could renew his residency.
[92] Intelligence report, interrogation of a detainee, Mar. 31, 2003. For example, a detainee identified a person who made false documents. The detainee said he would supply this person with passport photos and the facilitator would turn them into false documents, including drivers' licenses, but not passports. The person could make false documents on computers, but he also had a contact who could get official documents

from a government office, by either creating an actual file in a false name or by putting a supplied photo onto the biographical information from a legitimate file. Ibid.
[93] Intelligence report, information on Abu Zubaydah, Aug. 24, 2000; Intelligence report, interrogation of a detainee, Feb. 25, 2002.
[94] Intelligence report, interrogation of Abu Zubaydah, June 7, 2002. Abu Zubaydah claims he applied for a U.S. student visa in Riyadh, Saudi Arabia, sometime between 1987 and 1989, but claims he was denied. The State Department, however, was unable to locate a record of this. After one year in India, he claims he arranged to visit a computer programming school in Missouri with the help of a Palestinian friend in Saudi Arabia. As a Palestinian, he did not have a passport, but rather a refugee travel document so he said he borrowed the Kuwaiti passport of a friend to make the trip. Although he did not formally meet with anyone at the school and never enrolled, he said he walked around the campus and picked up some brochures.
[95] Intelligence report, information on Abu Zubaydah, Aug. 24, 2000.
[96] Intelligence report, interrogation of a detainee, Feb. 25, 2002.
[97] Ibid.
[98] Intelligence report, interrogation of Abu Zubaydah, July 10, 2002. In January 1999, Ahmed Ressam reportedly stayed at the Khaldan safehouse, where Abu Zubaydah bought his plane ticket to Canada and doctored the visa in Ressam's Canadian passport.
[99] Intelligence report, profile of Abu Zubaydah, June 14, 2000.
[100] Intelligence report, interrogation of Abu Zubaydah, May 23, 2002. Zubaydah claims that members of the Egyptian Islamic Jihad, various Algerian groups and others came to him to learn his techniques.
[101] Intelligence report, interrogation of Abu Zubaydah, May 23, 2002. Zubaydah also strictly limited the movement of travelers, almost never allowing them to leave the safehouse for any reason. Instead, individuals who blended into the local community were used to get clothes, food and whatever else was needed.
[102] Intelligence reports, interrogations of Abu Zubaydah, May 23, 2002, Oct. 29, 2002, and Nov. 7, 2002.
[103] Intelligence reports, interrogation of Abu Zubaydah, Sept. 25 and Dec. 4, 2002.
[104] Ibid.
[105] Intelligence report, interrogation of a detainee, Apr. 24, 2003.
[106] Intelligence report, interrogation of Abu Zubaydah, Dec. 4, 2002; Intelligence report, interrogation of a detainee, Apr. 24, 2003.
[107] Intelligence report, interrogation of Abu Zubaydah, Dec. 4, 2002.
[108] Intelligence report, interrogation of Abu Zubaydah, Sept. 25, 2002.
[109] Intelligence reports, interrogation of Abu Zubaydah, Sept. 25, 2002, Dec. 4, 2002, Apr. 2, 2003, and Apr. 21, 2003. According to Abu Zubaydah, The African Facilitator procured construction and other necessary supplies in Pakistan and delivered them to Afghanistan, and although he operated openly in Afghanistan, he was more cautious in Pakistan..
[110] Intelligence report, interrogation of Abu Zubaydah, June 9, 2003.
[111] Intelligence reports, interrogation of Abu Zubaydah, Sept. 25, 2002, Dec. 4, 2002, and Apr. 2, 2003. "Ordinary" mujahid who needed help with their documents were required to report to The African Facilitator who would prioritize the work for the Kenyan forgers. Senior al Qaeda members could take a passport directly to the Kenyans.
[112] Intelligence report, interrogation of Abu Zubaydah, Dec. 4, 2002.
[113] Intelligence report, "Collection of 400 Passports of Dead Mujahidin," June 7, 2002.
[114] Intelligence report, information on Riyadh, Jan. 26, 2002; Intellience report, interrogation of Abu Zubaydah, Aug. 26, 2002.
[115] Intelligence report, interrogation of Riyadh, Jan. 28, 2004; Intelligence report, interrogation of a detainee, Sept. 15, 2003.
[116] Intelligence report, interrogation of a detainee, Sept. 15, 2003.
[117] Intelligence report, information on Riyadh, Jan. 26, 2002..
[118] Intelligence report, interrogation of Riyadh, Jan. 28, 2004; Intelligence report, interrogation of a detainee, Sept. 15, 2003. .
[119] Intelligence report, interrogation of Riyadh, Jan. 28, 2004; Intelligence report, Analysis of detainee interviews, Sept. 12, 2002. Many detainees mention Riyadh as a facilitator in Karachi, Pakistan. From Karachi, many were directed to another facilitator in Quetta, Pakistan, who arranged transportation over the

border into Afghanistan. The large number of detainees who took the Karachi-Quetta-Kandahar route suggests that the facilitators were coordinating their activities.

[120] Intelligence report, Interrogation of Riyadh, Jan. 28, 2004. For more on Riyadh's post 9/11 role as money facilitator see Intelligence report, interrogation of Riyadh, Apr. 6, 2004.

[121] CIA analytic reports, "Clandestine Travel Facilitators: Key Enablers of Terrorism," Dec. 31, 2002 and Analysis of Passports, Jan. 2004.

[122] CIA analytic report, "Clandestine Travel Facilitators," p. 3. According to Abu Zubaydah, in Turkey an Iraqi or a Kurd was a reliable forger. For $5,500 he would provide documents to travel to Europe. A Saudi-based forger from Chad bought real passports from foreign drug addicts and re-sold them. Zubaydah also claims that real Pakistani passports could be bought by anyone with money. See also Intelligence report, interrogation of Abu Zubaydah, Nov. 1, 2002, and Intelligence report, "Acquisition of Libyan passports by an Abu Zubaydah operative in the Netherlands," Dec. 6, 2000.

[123] CIA analytic report, Analysis of Passports, pp. 11-12

[124] Testimony of Brian Parr re interview with Yousef, Oct. 22, 1997, *United States of America v. Ramzi Ahmed Yousef and Eyad Ismoil* (S.D.N.Y.).

[125] CIA analytic report, Analysis of Passports, p. 12.

[126] Intelligence report, interrogation of a detainee, Sept. 9, 2003.

[127] FBI documents, Oct. 3, 1999; Intelligence reports, interrogation of Abu Zubaydah, Dec. 4, 2002 and Apr. 10, 2003.

[128] Ibid. A travel agency arranged an Australian visa for Khalid Sheikh Mohamed (KSM), al Qaeda's chief operational planner and the mastermind of the Sept. 11 attacks. The agency submitted his visa application on Aug. 13, 2001, the same day they submitted an application for another al Qaeda operative. The same address and employer were listed on both applications. KSM received his visa, although there is no evidence he ever used it FBI case file, June 21, 2002

[129] Intelligence report, interrogation of Abu Zubaydah, Oct. 10, 2002. Abu Zubaydah discusses smuggling routes from Afghanistan into Pakistan and Iran, and assessed that Yemen was the easiest place to conduct smuggling operations. Intelligence report, "International organized crime: overview of Pakistani 'Mafia' activities in Azerbaijan," June 18, 2002.

[130] CIA analytic report, "Clandestine Travel Facilitators," p. 3.

[131] Intelligence report, "Information from Saudi detainees on Mujahedin travel to Afghanistan via Iran," Mar. 13, 2002.

[132] CIA analytic report, "Clandestine Travel Facilitators," p. 1.

[133] DHS email from Dan C. to Commission staff, "CODEL Brief," Apr. 16, 2004.

[134] CIA analytic report, "Clandestine Travel Facilitators," p. 6.

[135] Ibid.

[136] Intelligence report, interrogation of a detainee, Sept. 9, 2003. KSM used an alias Saudi passport, adding entry and exit stamps to "age it." See Intelligence report, interrogation of a detainee, Nov. 20, 2002, in which a detainee maintains that the immigration stamps in his passport are false and were put in his passport by Abd al-Rahim al-Nashiri's support network in Karachi to cover up the detainee's time in Afghanistan. See also, FBI document, Feb. 9, 2003, reporting a detainee's claim that he went to Kandahar to pick up his passport after it had been modified with forged stamps showing him visiting Malaysia, Thailand, Egypt and Pakistan.

[137] CIA analytic report, Analysis of Passports, p. 1.

[138] Intelligence report, interrogation of a detainee, Sept. 9, 2003. KSM said that Usama Bin Ladin approved the use of all alias passports. In Intelligence report, Nov. 23, 2002 it is reported that a detainee said all Saudi jihadists in Pakistan used fake Saudi passports to prevent their true identity from being discovered by Pakistani authorities at the airports. See also, CIA analytic report, Analysis of Passports, p. 25, stating that terrorists also have used false supporting documents, including credit cards and video rental cards to support the alias under which they are traveling.

[139] Intelligence reports, interrogation of Abu Zubaydah, May 27, 2002 and Nov. 1, 2002. According to Abu Zubaydah, it cost $400-$1,000 for a Saudi passport.

[140] CIA analytic report, "Fraudulently Acquired Saudi Passports," p. 1.

[141] Intelligence report, interrogation of Abu Zubaydah, May 27, 2002. According to Abu Zubaydah, KSM preferred to use Saudi Arabia as a transit point because it was easy for Saudi passport holders to acquire tourist and student visas to the United States.

[142] Intelligence report, interrogation of a detainee, Sept. 9, 2003.
[143] Intelligence reports, interrogation of Abu Zubaydah, Aug. 26, 2002 and Nov. 1, 2002. According to Abu Zubaydah, he had access to a number of forgers who, for a relatively small amount of money, would alter the passports of many countries.
[144] CIA analytic report, "Fraudulently Acquired Saudi Passports," p. 1.
[145] CIA analytic report, "Fraudulently Acquired Saudi Passports," p. 2.
[146] CIA analytic report, Analysis of Passports, p. 13; Intelligence report, interrogation of a detainee, Sept. 9, 2003. KSM photo-substituted an alias Saudi passport with his own picture in proper Saudi attire.
[147] CIA analytic report, Analysis of Passports, p. 15.
[148] CIA analytic report, Analysis of Passports, p. 19.
[149] CIA analytic report, "Expanding Links Between Human Smugglers and Extremists: Threats to the United States," July 6, 2001, p. ii.
[150] CIA analytic report, "Expanding Links," p. 1.
[151] One smuggler, Salim Boughader-Mucharrafille, smuggled Lebanese nationals sympathetic to Hamas and Hizbollah into the United States and relied on corrupt Mexican officials in Beirut, Mexico City and Tijuana to facilitate their travel. Specifically, Boughader obtained Mexican tourist visas from an official at the Mexican embassy in Beirut to facilitate the travel of humans to Mexico. DOJ, INS Background or briefing paper on Operation Tabouli, Nov. 14, 2002; CIA analytic report, "Expanding Links," p. ii.
[152] CIA analytic report, "Expanding Links," p. ii.
[153] Human smugglers are also logistical experts, arranging for lodging and travel. CIA analytic report, "Expanding Links," p. ii.
[154] CIA analytic report, "Clandestine Travel Facilitators: Key Enablers of Terrorism," Dec. 2002, p3.
[155] Ibid.
[156] Boughader was charged with human smuggling and sentenced to 11 months in prison. After serving his sentence he was deported to Mexico where he was arrested along with several other members of his smuggling ring. They face criminal charges and if convicted could serve lengthy jail times.

4
Immigration and Border Security Evolve, 1993 to 2001

4.1 The Intelligence Community

As we have seen in chapter 3, prior to September 11, 2001, the intelligence community did not organize to disrupt terrorist travel except when targeting individual terrorists. It also failed to fully use the one tool it supported to prevent terrorist entry—the terrorist watchlist.

Overall, intelligence community guidance about terrorist travel was limited. Recognizing the importance of freedom of movement to international terrorist groups, the Annual Strategic Intelligence Review for Counterterrorism, issued in October 1995, called for additional intelligence information on terrorist "travel procedures," "surveillance/targeting capability regarding modes of transportation and facilities," and "training."[1] The same review released two and a half years later, in April 1998, pointed to the need for more information on terrorist "travel procedures" and "operational tactics and tradecraft capabilities."[2]

Such calls for additional intelligence regarding terrorist travel in its broader context seem to have had no result. A likely explanation for this inaction is that in the context of the Lockerbie experience, "travel procedures" were interpreted to mean access to transportation and reservation systems. But the previous existence of the Redbook, whose purpose was to assist frontline border officials in disruption and law enforcement operations, suggests that the phrase might have been more broadly understood. In any case, as we noted earlier, there was certainly no lack of raw data concerning terrorist travel methods. During the 1990s, the FBI's numerous terrorist law enforcement investigations provided a cache of information, obtained in part from raids and seized hard drives, on the travel tactics of terrorists as they moved around the globe—planning, surveilling targets, and carrying out attacks.[3]

This information apparently remained stovepiped at the FBI, drawn on only when needed for a particular law enforcement case. It was not shared with the CIA unit that published the Redbook. The CIA as a whole simply did not engage in analysis of terrorist travel information at this time.[4] The closest it came to doing so was through a program called the Personal Identification Secure Comparison and Evaluation System, or PISCES, started by the CIA in 1997.[5]

PISCES initially assisted foreign countries in improving their watchlisting capabilities. It provided a mainframe computer system to facilitate immigration processing in half a dozen countries. Foreign authorities used the technology to watchlist and share information with the CIA about terrorists appearing at their borders. The CIA used the information to track and apprehend individual terrorists, not for wide-ranging analysis of terrorist travel methods.[6]

Thus, despite some intelligence community guidance and the availability of considerable information from investigations, as well as work done in producing the Redbook, no agency of the U.S. government undertook what was so desperately needed: a comprehensive analysis of how terrorists exploit weaknesses in travel documents and international travel channels to commit deadly attacks. In practical terms, this meant the United States denied itself the ability to disrupt terrorist operations and prevent undetected terrorist entries by disrupting operatives' ability to travel.

Meanwhile, as we have already noted, al Qaeda had established a passport office under the leadership of one of Usama Bin Ladin's deputies, Mohammed Atef. It also was training operatives in document forgery and expanding its links with a wide variety of travel facilitators, corrupt government officials, and document forgers to enhance its ability to travel throughout the world undetected.

4.2 The State Department

Beyond playing a critical role in maintaining the terrorist watchlist, the State Department also administered U.S. immigration laws abroad; it therefore handled applications for both immigrant and nonimmigrant visas.[7] Nonimmigrant visas are issued to temporary visitors to the United States; immigrant visas are for those who intend to become permanent residents. For the State Department, visa policy was a powerful tool to achieve larger U.S. foreign policy goals.[8]

Background

U.S. national security interests depend not just on military and intelligence personnel overseas but also on diplomats. Most of them are members of the Foreign Service, serving at American overseas diplomatic and consular posts and at the Department of State in Washington. One of the duties these overseas diplomats perform with support from Washington is to adjudicate the issuance of visas to foreign citizens seeking to come to the United States.

Congress first charged consular officers with the responsibility of issuing visas to certain aliens in 1884.[9] In 1917, all aliens seeking to enter the United States were required to obtain visas. This requirement has been continued since that time under successive immigration laws.[10] With certain exceptions, therefore, aliens wanting to come to the United States before September 11, 2001, needed to obtain appropriate visas from U.S. consular officers stationed at one of the 230 visa-issuing diplomatic posts around the world.[11]

From October 1, 2000, through September 31, 2001, the State Department adjudicated approximately 10 million nonimmigrant visa applications worldwide, approved 7.5 million. An integral part of this process was a "name check," which involved checking the name and other biographical identifiers of an applicant against existing records—including lists of known or suspected terrorists—to see if the he or she should be given

additional scrutiny or be denied a visa.

What Is a Visa and Who Needs One?

Because there are many common misunderstandings about the role of the State Department in border security, it is useful to review basic facts about visas.

A visa does not authorize entry to the United States.[12] It simply indicates that an application has been reviewed by a U.S. consular officer at an American embassy or consulate overseas, and that the officer determined the applicant's eligibility to travel to the United States for a specific purpose. Only a U.S. immigration officer has the authority to permit entry into the United States.[13] That decision is made at the port of entry, when the immigration officer also decides how long any given stay can last.

Prior to September 11, 2001, a visa was not required of every one of the approximately 500 million people seeking to enter the United States each year. Indeed, most who crossed U.S. borders did not need a visa to present themselves at a U.S. port of entry. These "visa waiver" entrants included U.S. citizens and lawful permanent residents, citizens of Canada, and citizens of 27 other countries, most in Europe.

As might be obvious, U.S. citizens need not obtain visas to travel to the United States from abroad.[14] In addition, U.S. citizens and legal permanent residents (LPRs) are not required to have a passport to enter or depart the United States when traveling between the United States and Canada, Mexico, or the Caribbean.[15] These two groups—citizens and LPRs—constitute more than half the total number of people seeking to enter the United States.

Citizens of Canada also are not required to present a Canadian passport or a visa if they are visiting the United States from Canada.[16] In fiscal year 2001, about 13 million Canadians presented themselves at U.S. ports of entry.

Similarly, citizens of the 27 countries participating in the Visa Waiver Program can simply board an aircraft or drive to a land border and ask permission to enter the United States without a visa.[17] They are screened by an immigration inspector at a port of entry before admission. In 2000, about 17 million individuals entered the United States under the Visa Waiver Program, which applies only to temporary visitors traveling to the United States for business or pleasure who are staying 90 days or less.[18] Persons traveling to the United States from these countries for other purposes—for example, to study or to work—must have a visa.

The remaining approximately 203 million people seeking entry to the United States in 2000 needed some form of a visa. Of these, approximately 117 million were Mexican citizens who used visa/border crossing cards (BCCs). These special visas in the form of cards include both a fingerprint and a photograph. Thus, out of the approximately 500 million people seeking entry in the year before 9/11, only approximately 86 million, or 17 percent, were required to have visas and were from countries other than Mexico.

As noted above, there are two types of visas: immigrant and nonimmigrant. The number of immigrant visas available each year to citizens of a particular country, and in particular categories, is strictly controlled by statute, and the number of prospective applicants for U.S. immigrant visas often exceed these caps. People applying from an oversubscribed country are registered on waiting lists. In 2000, the State Department issued about 400,000 immigrant visas worldwide.[19]

By contrast, the availability of nonimmigrant visas available is controlled not limited by a quota system rather by the qualifications of the individual applicant for the particular type of visa being sought. It is also influenced by the resources the State Department is able to allocate to visa processing. In 2000, about 1,000 State consular officers processed 10 million applications for nonimmigrant visas, issuing about 7 million.[20]

There are several categories of nonimmigrant visa. Most common are B or business/tourist visas, 3.5 million of which were issued in 2000.[21] Next, with 1.5 million issued that year, are the BCCs used by Mexicans seeking to cross the border temporarily (for example, to commute every day to the United States). Some 300,000 F visas were issued to foreign students, and 290,000 H visas to temporary workers or trainees.[22]

All 19 of the 9/11 hijackers entered the United States on nonimmigrant visas. Eighteen entered on B visas, and one—Hani Hanjour—entered on an F visa.[23]

Visas are governed by reciprocal agreements with other countries regarding their duration and cost. Prior to September 11, although it was not mandatory, nonimmigrant visas were issued "incorporating the most liberal provisions possible with respect to validity period and fees on the basis of reciprocity, that is, the treatment accorded by the applicant's country to U.S. citizens."[24] In other words, if a given country granted U.S. citizens seeking to travel there a visa valid for five years—as did Egypt, Mohamed Atta's country—then the United States ordinarily reciprocated and provided its citizens a five-year visa.

A visa can be single entry, allowing its holder to enter the United States only once, or multiple entry. The length of time during which the visa holder could apply for entry to the United States was also determined by negotiation on a country-by-country basis. Before 9/11, Saudi citizens received multiple-entry B visas valid for two years; citizens of the United Arab Emirates, multiple-entry ten-year B visas; and citizens of Egypt and Lebanon, multiple-entry five-year B visas.

Obtaining a U.S. Visa

Prior to September 11, 2001, the basic process for applying for a U.S. visa was the same worldwide, but the precise guidelines followed at each visa-issuing embassy or consulate were often different. Though the law was uniform, the State Department gave individual visa-issuing posts broad latitude in establishing procedures for visa application and processing.[25]

On matters of border security, the State Department derives its authority from the Immigration and Nationality Act of 1952 (INA), the primary body of law governing immigration and visa operations.[26] Among other functions, the INA defines the powers in this area given to the attorney general, the secretary of state, immigration officers, and consular officers.[27] It delineates categories of and qualifications for immigrant and nonimmigrant visas, and it provides a framework of operations through which foreign citizens are allowed to enter and immigrate to the United States. It defines the terms used in immigration law, including *alien*, which means "any person not a citizen or national of the United States."[28] It also sets forth the grounds for refusing someone a visa.

Consistent with the INA, aliens began the visa process by presenting a valid passport and completed visa application, along with a photograph, to a State Department consular, or visa, section at an embassy or consulate abroad.[29] Visa applicants paid a nonrefundable application fee of $65 and submitted their application either in person, indirectly (by mail or by drop box at the embassy where applicants could leave their completed applications), or through a third party such as a travel agent.

After the application and passport arrived at the consular section, it was reviewed by a consular officer who decided whether or not to issue a visa. Many of these adjudicators were in their first overseas tours as Foreign Service officers, and many moved on to other kinds of work within the State Department after fulfilling their consular rotation. The consular section reports to the ambassador in that country and to the Bureau of Consular Affairs within the State Department.[30] The consular officer's decision to grant or deny the visa cannot be challenged or reviewed in court.[31]

Three aspects of this adjudication process are particularly noteworthy. First, there was a mandatory computerized name check done of every visa applicant. This requirement had been in place since 1995, when all visa-issuing posts worldwide gained access to a centralized, computerized name-check database.[32] Specifically, the applicant's essential information was checked against a large database called the Consular Lookout and Automated Support System (CLASS), which included a number of databases containing such derogatory information on individuals as prior visa refusals and federal arrest warrants, before the visa was physically issued. One of the databases in CLASS was a watchlist of known and suspected terrorists called TIPOFF. When a check of the CLASS database revealed derogatory information on the applicant, the consular officer could refuse the visa if there were sufficient legal grounds to do so.[33] A consular officer who received a response of "00" when querying CLASS—an indication of a potential, serious ineligibility, including terrorism—was required to request a security advisory opinion from the State Department before considering the case further.[34]

Second, the law required all applicants for nonimmigrant visas to appear for a personal interview.[35] However, the law also provided for a waiver of this requirement if it was deemed to be in the "national interest." Prior to September 11, 2001, State Department policy encouraged waiving the interview.[36] Understanding why personal appearances were so routinely waived in the pre-9/11 era is critical to understanding the State's

Department's view of its role in border security; this issue will be discussed in greater depth below, particularly with regard to visa policy in Saudi Arabia at the time the hijackers received their visas.

The third point worth noting concerns the grounds for denying a visa. In the year 2000, there were more than 50 different grounds to refuse someone a nonimmigrant visa under the INA.[37] Three that are of particular importance to understanding the visa applications of the 9/11 hijackers and their co-conspirators are discussed below.

Section 214(b)—The Intending Immigrant Presumption. Under immigration law before 9/11, all foreigners applying for a nonimmigrant visa were presumed to be intending immigrants.[38] Section 214(b) of the Immigration and Naturalization Act provided that "Every alien . . . shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a nonimmigrant status[.]" Thus, Thus, the law placed the burden of proof squarely on the applicant to demonstrate that he or she had no desire to reside in the United States. A finding that the applicant had not met this burden under section 214(b) was "the basic and most frequent reason for an NIV [nonimmigrant visa] denial."[39] In fiscal year 2001, these were the grounds on which about 2.2 million applicants were refused a nonimmigrant visa, totaling about 80 percent of all nonimmigrant visa denials.[40]

Section 221(g)—Lack of Documentation. Under section 221(g) of the INA, consular officers were obligated to deny a visa if the alien failed to comply with the application requirements or was otherwise legally ineligible for a visa. This catchall provision, in effect before September 11, prohibits the issuance of a visa to an applicant if it appears from the application or its supporting documents that he or she is not entitled to a visa or if the consular officer "knows or has reason to know" the applicant is ineligible to receive a visa.[41] For example, this section was used to deny a visa to hijacker Hani Hanjour in September 2000 when he failed to attach to his application documentation supporting his request for a student visa.

In fiscal year 2001, about 600,000, or about 20 percent of all nonimmigrant visa denials, fell under this provision. Thus, almost all visas that were denied before 9/11 were denied under either 214(b) or 221(g).[42]

Denial on Grounds of Terrorism. The INA in effect before September 11 also allowed a consular officer to deny a visa to a foreigner who engaged in, or was deemed likely to engage in, terrorist activity after entry.[43] This included an individual acting alone or as a member of a group who committed an act of terrorism, or who provided material support to any individual, organization, or government conducting a terrorist action.[44] These provisions, explicitly providing for the exclusion of foreign visa applicants based on their involvement in terrorism, were added to the law in 1991.[45] Prior to that time, foreigners could be excluded if there was a more general conclusion that they might endanger the security of the United States.[46]

Few aliens were ever denied a nonimmigrant visa on grounds of on terrorism in the pre-9/11 era—only 83 in fiscal year 2001[47]

Issuing the Visa

If the application was approved, then a visa—a piece of paper or "foil" with various security features on it, including a digitized photograph of the applicant—was printed out and affixed to the applicant's passport. By the mid 1990s, this visa could be read by a machine at a U.S. port of entry (the so-called machine-readable visa), enabling the immigration inspector to input the visa data quickly into the immigration database.[48]

If the application was refused, then the passport was returned to the applicant. The fact of and reasons for the refusal were noted in the State Department's computerized CLASS database used by consular officers. If the person reapplied using the same or similar biographical information—name, date of birth, place of birth, passport number—the earlier refusal would automatically pop up as part of the name-check process. However, if the applicant's visa was approved, the record of the prior approval would not automatically be brought to the attention of the consular officer. Similarly, as discussed earlier, consular officers had no access to the immigration records of a particular visa applicant when evaluating his or her case.

The Bureau of Consular Affairs

In order to understand how consular officers working for the State Department handled the visa applications of the 19 September 11 hijackers and their co-conspirators, it is necessary to understand how the branch of the department overseeing those officers—the Bureau of Consular Affairs—worked.[49] Assistant Secretary of State for Consular Affairs Mary Ryan has told the Commission that she always viewed Consular Affairs (CA) as the "outer ring of border security."[50] Under Ryan's leadership in the 1990s, CA increased its focus on border security by providing greater resources to the development of secure passport and visa technology, improving computer name-check capability, and creating a worldwide real-time consular communication system.[51]

Visas were not the only responsibility of Consular Affairs during the 1990s, but rather were a subset of one of its three primary strategic goals:

- protecting the safety and security of Americans who travel abroad, by means that included issuing travel warnings;
- meeting the demands of American travelers in a timely and professional manner, by means that included issuing passports to U.S. citizens; and
- facilitating travel to the United States by foreign visitors and immigrants, while enhancing border security to deter entry by those who abuse or threaten our system.[52]

As discussed above, before the Department of Homeland Security was created, consular officials administered the immigration law abroad in partnership with the Immigration

and Naturalization Service (INS). Recall that INS inspectors made an independent determination at a port of entry regarding the admissibility of a person who presented a visa. If the visa holder was admitted, INS inspectors also decided the length of his or her stay.[53] Perhaps surprisingly, State officials overseas had very limited contact with the INS before 9/11, and most consular officials never spoke to an INS officer in the ordinary course of their duties.[54] In general, consular officials received little feedback from the INS about their visa-issuing decisions. The INS did not collect or disseminate information to consular officials about either the rejection rate of visa holders at ports of entry or the rates at which citizens from particular countries overstayed their time of admission granted by the INS. Thus, although consular officers made some efforts on their own to validate their visa decisions—for example, they called visa recipients to see whether they had returned from their trips and not remained in the United States—the lack of accurate data from the INS left them little to go on.[55]

The State Department Budget in the 1990s

The State Department, like much of the federal government in the early 1990s, made do with fewer resources. As the department itself described the situation, "The years of the Clinton administration coincided with a decline in the Department of State's resources, leading to cuts and streamlining throughout the agency."[56] This seems an accurate assessment. Both the Clinton White House and the Congress—particularly after the Republican takeover in 1994—were determined to hold the line on the federal government's growth.[57] The under secretary of state for management during this time, Richard Moose, recalled, "We were in a very tight bind in our operating accounts."[58]

Compounding these tough budget conditions were what Moose termed "some serious unfunded mandates" associated with the State Department's decision—made in the administration of President George H. W. Bush—to build new embassies and consulates in the countries of the former Soviet Union without an additional revenue stream.[59] As part of a broad reevaluation of its overseas presence during this time, the State Department identified 42 diplomatic posts that could be closed. Many of these were small consulates, while many of the 40 new overseas posts were new embassies, including 14 embassies in the newly independent nations of the former Soviet Union, 4 in the new states of the former Yugoslavia, 2 in Southeast Asia, and 2 in Africa.[60] The net increased cost of these buildings was in the hundreds of millions of dollars.[61]

Embassy security also received greater resources during this time. The bombings of three U.S. facilities in Beirut, Lebanon, in 1983 awakened the United States to the destructive power of explosive-laden trucks and car bombs. Following the attacks, Secretary of State George Shultz formed a commission—the Advisory Panel on Overseas Security—headed by retired admiral Bobby Inman.[62] The Inman Commission recommended $3.5 billion to meet security needs overseas, and Congress appropriated $5 billion for security from fiscal year 1987 to fiscal year 1998.[63] However, progress in improving embassy security was slow. When al Qaeda bombed the U.S. embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya, on August 7, 1998, neither embassy met Inman standards, and their threat levels were considered medium to low.[64]

The Accountability Review Boards tasked with gathering lessons learned from the August 1998 embassy bombings—chaired by retired admiral William Crowe—recommended in January 1999 that $1.4 billion be spent annually over the next ten years to improve embassy security.[65]

In response to these renewed concerns about embassy security, Congress appropriated additional funds. In all, the United States spent about $2.4 billion to upgrade security at our overseas posts before the attacks of September 11, 2001.[66] But these vast sums were not directed at increasing State's workforce, already strained by personnel cuts, nor were they used to upgrade the ability of consular officers to combat terrorism. In its proposed fiscal year 1995 budget, the State Department requested 366 fewer positions than in the previous year.[67] Position cuts were recommended under every heading in diplomatic and consular programs.[68] Downsizing proceeded in 1995 with the implementation of five buyout programs. Encouraged by delayed buyouts approved for 1996 and 1997, more than 600 employees voluntarily left the Department of State.[69] The number of Foreign Service personnel thus fell from 5,071 in 1993 to 4,061 in 1996. Civil service positions at State showed a similar decline.[70]

These shrinking budgetary resources disproportionately affected the Bureau of Consular Affairs because of The State Department's organizational structure, employee hiring, and the deployment scheme in the 1990s. Traditionally, many Foreign Service officers spend their first overseas tour of duty performing consular work. With the State Department budget crunch, the Bureau of Consular Affairs could not hire replacements for officials lost to attrition; it was forced to extend the length of tours for consular officers and was unable to promote qualified personnel to more senior consular positions.[71] The result was a high burnout rate for consular officials, and a flight of senior qualified personnel to other portions of the State Department or to the private sector. According to Assistant Secretary of State for CA Mary Ryan, "The slogan was to do more with less, to the point where we were doing everything with nothing."[72]

The Visa Waiver Program

One recent innovation that initially helped CA adjust to its budget crunch during this period was the Visa Waiver Program. Its growth led to a drop in demand for nonimmigrant visas, because citizens of the participating countries were no longer required to obtain a U.S. visa for short-term visits.[73] Established in 1986, the Visa Waiver Program enabled citizens of participating countries to travel to the United States for tourism or business for 90 or fewer days without first obtaining a visa.[74] Criteria for inclusion in the program included a low nonimmigrant visa refusal rate (below 2 percent) for nationals of the country, a high volume of visa applications for nationals of the country, and the offer of reciprocal treatment for U.S. citizens.[75] The departments of State and Justice established processes intended to determine a country's eligibility for the program under the statutory criteria. They also evaluated the country's political and economic stability. By 9/11, about 17 million travelers per year were admitted to the United States under this program, which played a significant role in 1990s' border

security policymaking at the State Department. Most important, in participating countries it significantly reduced the workload (and thus the staffing needs) of consular personnel, who would otherwise have been tasked with processing visas.

The Visa Waiver Program

The Immigration Reform and Control Act of 1986 provided for the establishment of a nonimmigrant visa waiver pilot program for nationals of up to eight countries.[76] Its two main objectives were to save U.S. government resources for higher-priority activities and to encourage travel to the United States.[77] State was eager to implement the system in part because it wished to reallocate resources then devoted to visa processing in countries eligible for the program.[78]

The statute required the secretary of state and the attorney general to certify that an automated data arrival and departure system was in place before the program was implemented.[79] State expressed concern that the INS could not meet this requirement since its inspectors lacked the necessary equipment to "allow for a real time electronic name check of all incoming passengers."[80] State also noted that because the forms filled out by departing visitors to record their departures (the I-94) were still being collected by the airlines, not government officials, it was very difficult to collect accurate, automated exit data.[81]

Notwithstanding these initial worries, the program was certified by Attorney General Ed Meese in 1988 and commenced operation for passengers traveling from the United Kingdom over the July Fourth weekend.[82] It was expanded to include Japan in December 1988; by July 30, 1989, Germany, Switzerland, France, Sweden, Italy, and the Netherlands were participating.[83] Justice Department concerns about entry to the United States by Mafia members, terrorists, and drug traffickers from the six additional countries were allayed when State provided to the INS (for use by their inspectors at ports of entry) "all information on nationals of participating countries found in the visa lookout system"[84] by sharing the TIPOFF terrorist watchlist.

The State Department realized an immediate benefit from the Visa Waiver Program. Instead of an expected 20–25 percent increase in applications at posts in countries that otherwise would have been subject to the visa requirement, there were reductions "of up to 80 percent."[85] However, this reduced demand for nonimmigrant visas meant that a higher percentage of visas were being adjudicated and issued in posts where rates of fraud were higher.[86] In addition, these savings could not be fully realized—and CA resources reprogrammed—unless the pilot program were made permanent.[87]

The State Department lost no time in urging that such action be taken.[88] On October 30, 2000, the Visa Waiver Permanent Program Act was signed into law (P.L. 106-396).

Consular Affairs—Technology and Watchlists

Although Consular Affairs saw itself and its administration of the visa function as the "outer ring of border security" during the 1990s, State's technology in the early 1990s was anything but state-of-the-art.[102]

Indeed, the State Department began the 1990s with a patchwork of information technology systems serving about 230 diplomatic posts worldwide.[103] The development in early 1990 of a machine-readable visa (MRV)—containing a laser-printed digital photograph of the visa applicant that could be read by a machine used by INS inspectors at ports of entry, thereby making possible an automatic download of visa information into the INS database—seemed to promise a brighter future.[104] But by the time of the World Trade Center attack three years later, the MRV system was not installed worldwide because it had not been funded.[105]

In the early 1990s, State's watchlisting efforts were similarly stymied by a lack of modern technology. In 1993, visa applicants were screened using one of three systems: a real-time interface with the State Department in Washington (where the TIPOFF watchlist was maintained—see text box), a check against the watchlist contained on a computer disk distributed to posts every two months or so, or a check against the watchlist on a microfiche distributed to posts approximately every six months. Almost half of all diplomatic posts received these updates by microfiche, which was cumbersome and time-consuming to use.[106]

Fortunately, State's main counterterrorism tool, the TIPOFF terrorist watchlist, did receive much-needed funds to improve its capabilities. Beginning in 1990, State received funding from the Technical Support Working Group (TSWG) to hire a computer consultant to design a robust computer architecture for TIPOFF.[107] However, TIPOFF, and State's system of identifying ineligible visa applicants generally, was only as effective as the system used to access it, and the system in 1993 was antiquated.

In 1991, on the eve of the Gulf War, State was asked by the White House to use TIPOFF to help prevent the infiltration into the United States of Iraqi intelligence agents. This request provided the impetus to broaden access to the TIPOFF system to include immigration inspectors at U.S. ports of entry. The expansion made sense, since immigration inspectors determined the admissibility of all individuals seeking entry to the United States, including those who came from countries where no visa was required.

By design, the database of names available to inspectors at ports of entry was smaller than that available to consular officials. Because the INS needed to process travelers quickly, it used only that portion of the TIPOFF database containing specific information on a person, such as date of birth. The State Department, which had more time to evaluate a visa applicant's papers submitted at an embassy or consulate, could call an applicant back in for an interview to clarify data needed for positive identification. Thus, the INS sought access to only about two-thirds of all TIPOFF entries at ports of entry.

By September 11, 2001, the consular database, CLASS, contained the TIPOFF terrorist watchlist, which then contained about 60,000 names. It also included some 10 million

records of individuals denied visas previously, individuals wanted by federal authorities, and individuals who for some other reason should not be issued a visa.

The Terrorist Watchlist

Before 1987, there was no automated terrorist watchlist systematically used by border security officials. Instead, hardbound books created and used by intelligence agencies contained names of known or suspected terrorists.

After a Palestinian terrorist acquired a U.S. visa in 1987, an enterprising State Department employee named John Arriza was asked by his supervisor to "do something" about terrorism. Arriza created TIPOFF, an interagency data-sharing program designed to prevent known or suspected terrorists from entering the United States. The State Department's Bureau of Intelligence and Research (INR), where Arriza worked, would collect information on suspected terrorists from all sources, including other members of the intelligence community and the media, and enter it into a searchable database.[108]

Arriza persuaded intelligence community agencies to allow the declassification of four data fields pulled from a classified document with terrorist identity information: the individual's name, date of birth, country of birth, and passport number. This limited declassification enabled consular and immigration officials, who operated in an unclassified environment and who daily scrutinized travel documents containing applicants' biographical information, to check applicants against a larger classified list of terrorists. On June 18, 1991, State signed a Memorandum of Understanding (MOU) with the INS and the U.S. Customs Service making the four unclassified data fields in TIPOFF available to them. The data would be entered into the National Automated Immigrant Lookout System (NAILS) maintained by the INS and available to officials working at ports of entry. The MOU also provided a mechanism for State/INR to pass classified information about an individual to an INS duty officer, using secure communications lines. The INS duty officer would then communicate an admissibility determination to the INS officer at the port of entry without divulging to that officer the classified information supporting it.

The MOU gave State/INR eight hours to provide information to be used by INS in making its decision to permit or deny an applicant admission to the United States. Under this first MOU, Customs officials used the INS as their point of access to TIPOFF.

In 1997, State signed an agreement to share the TIPOFF watchlist with Canada (TIPOFF U.S.-Canada, or TUSCAN). Like the MOU with U.S. immigration officials, the Canada MOU required State/INR to respond to Canadian inquiries within a set period of time—10 to 15 working days for a visa application hit, and one hour for a hit at a port of entry.[109]

In March 1999, State signed a new MOU with the INS and U.S. Customs Service that broadened access to TIPOFF data by Customs and added a database that included individuals watchlisted because of their connection to organized crime syndicates.

The FBI and Watchlisting

Prior to September 11, 2001, the FBI did not provide written guidance to its employees on how to collect and disseminate information on terrorists' identities for inclusion in watchlists.

The FBI's focus was on investigating and prosecuting particular cases. It was not oriented toward producing finished intelligence products, or culling identifying information out of case files for inclusion in terrorist watchlists. Indeed, an FBI employee who was not working on a particular case—even a counterterrorism analyst at headquarters—would generally not have been able to gain access to data gathered in other investigations, though his or her purpose might be to collect information for inclusion in a watchlist.

While some employees working in the FBI's counterterrorism sections, such as the Usama Bin Ladin and Radical Fundamentalists units, did routinely submit names to the State Department for inclusion in the TIPOFF watchlist—and participated in State's efforts to clarify the nature of any derogatory information after a lookout hit—this cooperation was ad hoc, and not the result written FBI policy. FBI watchlisting policy also reflected the pre-9/11 view of the division of labor between the FBI and CIA: terrorists out of the country were the CIA's problem, and there was no reason to watchlists any terrorists who were already in the country.

The statistics are telling. In 2001, the CIA provided 1,527 source documents to TIPOFF; the State Department, 2,013; the INS, 173. The FBI, during this same year, provided 63 documents to TIPOFF—fewer than were obtained from the public media, and about the same number as were provided by the Australian Intelligence Agency (52).

The Effect of the World Trade Center Bombing on the State Department

The bombing of the World Trade Center on February 26, 1993, was a tipping point for change at the State Department, particularly within Consular Affairs. Shortly after that attack, it was learned that a participant in the plot who was the spiritual leader of the group that carried it out—Sheikh Omar Abdel Rahman—had obtained a visa to enter the United States at the U.S. embassy in Khartoum, Sudan. As we discussed in the previous chapter, this blind cleric's application was successful even though he was a known Islamic extremist in Egypt whose name was on a watchlist—on microfiche—at the Khartoum embassy. A subsequent investigation revealed a series of problems, spanning several years, involving visas issued to Rahman. In the case of his last application, the State Department local employee tasked with checking the microfiche to see if Rahman's was watchlisted had not done so, because he believed that the aged cleric was unlikely to present a risk. He told the consular officer who issued the visa that he had performed the name check. The "Blind Sheikh episode"—notorious in the minds of State Department policymakers in the 1990s—led to a reexamination of visa-processing procedures.

One change in policy was the Visas Viper program, created in August 1993.[110] The Viper program, managed by State, was designed to improve interagency communication about terrorists whose names should be on a watchlist. The State Department directed all diplomatic and consular posts to form committees, to meet quarterly, that included members from State, as well as representatives from law enforcement and intelligence agencies.[111] Agencies were asked to supply terrorist identity information directly to State personnel at the post or, if there were concerns about classified or sensitive information, to State INR from their respective headquarters. Yet the Viper program was hampered by a lack of cooperation from intelligence and law enforcement agencies, which were reluctant to provide sensitive information to consular officials for fear that doing so would compromise sources and methods of collection.[112] Thus, while Viper submissions accounted for a significant percentage of the records added to TIPOFF during the period from 1993 through 2001, not all the information on terrorists' identities made its way into TIPOFF, because not all was shared with the State Department.[113]

Another significant outcome of this reexamination was the passage of a bill enabling the State Department to retain funds received from the issuance of nonimmigrant machine-readable visas.[114] Beginning in 1994, when MRV fees totaled less than $10 million, the amount collected grew steadily; by 1999, it exceeded $300 million annually. State used these funds to automate its consular visa-issuing systems, develop secure passport and visa technology, improve computer name-check capability, and create a worldwide real-time consular communications system. By April 1995, State had spent $32 million dollars upgrading its computer systems.[115]

The results were impressive. Whereas in February 1993, 111 State visa-issuing posts relied on microfiche for their name checks, by the end of 1995 none did. Instead, all visa-issuing posts had direct telecommunications access to the Department's CLASS lookout system, with a backup name-check system available on CD-ROM in case the automated system went down. This meant that TIPOFF, which existed as a file within CLASS, was always available to consular officers performing name checks. State also implemented Congress's statutory requirement that no visa be issued unless the consular officer first performed the CLASS name check.

Furthermore, State developed language algorithms to improve CLASS's name-check capability. The first language algorithm State developed, for Arabic, was implemented in December 1998. This enabled the system would search its records for all variant spellings of, for example, the name "Mohammed." A second algorithm, for Russian/Slavic names, was added in December 2000.[116]

Another technological advance funded by MRV revenue was the creation of a worldwide, real-time database, known as the Consular Consolidated Database (CCD). The CCD for the first time allowed visa data entered in any embassy or consulate to be transferred automatically and immediately to a central location in the United States. For example, if an individual applied for a visa in Athens, Greece, a consular officer in Seoul, South Korea, could see the record of that application within minutes. The CCD also contained all aspects of the visa application, including the digitized photograph of the applicant.[117]

Nonimmigrant visa records were loaded into the CCD beginning in 1999 in Frankfurt, Germany.[118] All other posts were phased in between February 1999 and January 2001. By January 2001, every visa-issuing post sent its data to the CCD in real time.[119] On September 11, 2001, the State Department's CLASS contained the TIPOFF terrorist watchlist as well as 10 million records of individuals denied visas previously (with the grounds for their denial), individuals wanted by federal authorities, and individuals who for some other reason should not be given a visa.

Visa Policy Generally in the 1990s

While new technology helped prevent the issuance of visas to terrorists during the 1990s, aspects of State's approach to visa policy during the 1990s had a more mixed effect on its ability to counter terrorism.

During the period from 1993 to 2001, the State Department's visa operations focused primarily on screening applicants to determine whether they were intending immigrants: that is, intending to work or reside illegally in the United States.[120] Although visa and passport fraud have long been an integral part of terrorist travel practices, terrorists were not a major concern of consular officers. They were not trained in how to interview visa applicants to ascertain whether they had terrorist connections—or even criminal ones—nor were they supplied with the training or technology needed to detect an applicant's use of fraudulent travel document practices long associated with terrorism. In fact, consular officers were discouraged from using either section 214(b) or section 221(g) of INA to deny a visa to an applicant suspected of being a terrorist. Instead, to prevent terrorists from obtaining visas, consular officers were instructed to rely on the name-check function—including the TIPOFF terrorist watchlist check—and evaluation of potential terrorists' cases by officials in Washington.

The State Department's policy guidance to visa officers prior to September 11 concentrated on facilitating travel. This guidance consisted of the *Foreign Affairs Manual* (FAM), instruction telegrams sent to posts, informal communications such as email and oral history provided to officers arriving at posts, the *Consular Management Handbook*, and the *Consular Best Practices Handbook*.[121]

The FAM contained regulations, policies, and procedures for the department's operations and provided interpretive guidance to visa officers on the sections of the Immigration and Nationality Act and the Code of Federal Regulations related to the visa process. A confidential appendix to the FAM focused on security checks and individuals suspected of membership in terrorist groups.

Before 9/11, the FAM encouraged consular officers to expedite visa processing as a means of promoting travel to the United States. In the section dealing with the most common type of visa—issued to temporary visitors for business and pleasure—the FAM stated that it was the U.S. government's policy to facilitate and promote travel and the free movement of people of all nationalities to the United States.[122] The FAM called for consular officers to speed applications for the issuance of visitor visas, so long as the

consular officer was satisfied that the issuance was in accordance with U.S. immigration law and the applicant had overcome the presumption of intending immigration. For while the law placed the burden of proof on the applicants to establish that they are eligible to receive a visa, "it is the policy of the U.S. government to give the applicant every reasonable opportunity to establish eligibility."[123]

Although always a priority for reasons of commerce and foreign policy, the streamlining of the visa process increased steadily during this period. CA focused extensively on "reinventing consular functions" to make them "work better, cost less, and get meaningful results by putting customers first, cutting red tape, empowering employees, and cutting back to basics."[124] Two additional factors helped drive this change. First, Consular Affairs became a "reinvention lab" in April 1993 as part of Vice President Gore's initiative to reinvent government.[125] Second, while resources devoted to the consular function remained flat or decreased, as discussed above, visa demand was rising. The number of U.S. visa applications worldwide grew from about 7.7 million in fiscal year 1998 to 10.6 million in fiscal year 2001, an increase of 37 percent. Staffing did not keep pace with visa demand, leading to gaps in coverage at posts that lacked a consular officer to adjudicate visas, unusually long work hours for consular staff, and "staff burnout."[126] Something had to give.

The result was the *Consular Best Practices Handbook*,[127] a collection of business process improvements gathered from a series of 49 cables sent to posts between 1997 and 2000 that were intended to help "improve customer satisfaction, improve decision-making, and increase efficiency."[128] The *Handbook* urged improvement of processes to "support the three key goals that every consular manager should strive to achieve: high quality decision making, more efficient processes, and improved customer service." By introducing new processes that improved efficiency, and outsourcing activities that "do not have to be performed by government employees," the consular managers were directed by officials in Washington to "focus the majority of your . . . decision-making resources on the most difficult cases."[129]

Best Practices cable number 6 listed "the four top goals of the visa process as efficient processing, high quality decisions, people-friendly services and sharing of all pertinent information within the US Government."[130] The cable acknowledged that the first two goals—efficient processing and high-quality decisions—"express a basic conflict in our traditional approach to visa processing. Quality decisions can make the process less efficient, and, in the context of declining staff, posts have often been forced to choose efficiency over quality."[131]

This cable also provided an excellent synopsis of the rationale underlying the push to save resources in the late 1990s and the environment in which the hijackers received their visas, under the title "Reconciling Efficiency and Quality":

> For many years growing work and static personnel resources have led us to search for areas we can eliminate or place last in our scale of priorities. But, with a few minor exceptions,

> everything we do in consular work is too important to cut, either because of its impact on the public or because of its impact on quality. For example, postponing or slowing down NIV (Non-Immigrant Visa) services is like squeezing a balloon—the demand pops up someplace else, either at another post, through the referral system or through pleas for exceptions. Similarly, cutting out anti-fraud work harms our entire effort and leads to poor decision-making. Giving inadequate information results in applicants arriving for an interview without necessary documentation.
>
> The consequences of cutting out or slowing down any discrete function are unacceptable. But viable alternatives exist, namely to cut out the parts of all of our processes that contribute the least to good decision making and to outsource or automate the parts that don't need to be done by government employees. Several cables in this series have offered suggestions on how to replace certain functions with automated or contracted-out approaches. Where feasible, these approaches work and posts should adopt them.
>
> Although much of our approach to visa work can be streamlined, the most pertinent example of a part of the process that can be cut back successfully is the nonimmigrant visa interview. This doesn't mean that interviews should be shorter; it means that interviews should be fewer.[132]

Finally, because these practices were considered by CA to be "integral to effective consular operations," implementing best practices was "a mandate, not an option."[133]

In chapter 5 we explore how this aggressive effort to cut back on resources devoted to screening individual visa applicants, a reduction in interviews, and a heavy reliance on a Washington-based watchlist system played out as the 9/11 hijackers began applying for their visas in April 1999. First, we examine the Immigration and Naturalization Service's activities before September 11.

4.3 The Immigration and Naturalization Service

> Those who should get in, get in; those who should be kept out, are kept out; and those who should not be here will be required to leave.
>
> —Barbara Jordan, chair, U.S. Commission on Immigration Reform, February 24, 1995

The Immigration and Naturalization Service has the statutory responsibility under the Immigration and Nationality Act to determine who may enter, who may stay, and who must be removed from the United States.[134] Thus, U.S. border inspectors and Border Patrol agents remain the last physical barrier between terrorists and their entry into the United States. This section discusses INS functions and provides an analysis of how well the agency operated prior to September 11 in the context of counterterrorism.

Background

The Constitution gave Congress plenary power over immigration, and the first federal laws addressing immigration issues were passed in 1790.[135] Not until the 1880s, however, did Congress make the "supervision over the business of immigration to the United States" a federal responsibility.[136] In 1891, Congress created an immigration office in the Treasury Department and in 1895 assigned its most senior post the title of commissioner.[137] Part of the Bureau of Immigration's purpose was to administer and create the rules necessary to facilitate land border inspections for "ordinary" travelers, including the classes of persons to be denied entry.[138]

Although the nation's growth depended on successive waves of immigrants, the Bureau of Immigration never seemed quite important enough to become its own department, with its own secretary reporting directly to the president of the United States. In fact, the bureau was something of an administrative orphan. Over the century its name and bureaucratic home changed repeatedly, and increasing numbers of confusing statutes created conflicting jurisdictions in both immigration services and enforcement.[139]

In addition, the agency never received adequate support from its parent department, Justice, the Congress, the White House, or the intelligence community. It is therefore not surprising that the INS entered the 1990s as a badly organized agency with a poor self-image and a troubled public reputation. Despite its mandate to secure America's borders, it was not held in high enough regard to be given an active role in counterterrorism efforts. Thus, a few creative INS employees struggled to keep our borders safe from terrorists while the rest of the agency, and the government in general, remained mostly oblivious to this mission. As we will see, the INS was a border security agency without a recognized role in counterterrorism and without the vision and resources to enforce its own laws.

The INS Structure

The INS was charged with welcoming U.S. citizens, immigrants, visitors, students, and others deemed beneficial to the nation while denying entry to those judged undesirable. Its employees performed three different functions. Immigration inspectors at land, air, and sea ports of entry processed applicants for admission to the United States, determining who should be admitted and who should not. The Border Patrol and special

agents enforced immigration law at the border and within the United States against those who violated it.[140] Immigration services officers adjudicated benefits for temporary visitors, immigrants, asylum seekers, and refugees. In 2000, all three of these functions reported to two separate chains of command, one for headquarters and one for the field.

The field was renowned for its independence from Washington and for the range of leadership skills found there. As one former employee told the Commission, "the mountains were high and the emperor far."[141] Indeed, the budget and policy planning offices were literally far away in Washington. Together, they were responsible for all INS budget decisions, including those supporting field operations, as well as a significant part of the policy that guided work in the field. But they reported to an executive office different from the regional field offices.[142] As former deputy commissioner Mary Ann Wyrsch told the Commission, this structure helped ensure that people were confused about their job descriptions, operating without communication or direction and often duplicating efforts at more senior levels.[143] The result was low morale, unclear goals, inefficiency, and difficulty moving forward on the policies and programs needed.

Compounding the management problem, the INS commissioner reported to the deputy attorney general (DAG) in the Justice Department. The DAG managed the Criminal Division, the United States Attorneys, the FBI, the Drug Enforcement Agency, and the INS.[144] Although the INS was closely scrutinized on those issues important to the attorney general, which recently had included naturalization, the Southwest border, and Cuban migration, it was largely ignored on other issues such as interior immigration enforcement and systematic development of technology.[145] The INS commissioner also had to answer to Congress, in its oversight role, and the White House, which set policy. Thus, the commissioner spent much time dealing with institutional actors who often had different agendas and only in rare instances envisioned a role for the INS in counterterrorism.[146]

The multiple demands, lack of oversight focused on counterterrorism from the Justice Department, growing demands to stem the tide of illegal immigration, an overburdened immigration benefits system, and growing number of visitors to the United States at ports of entry were weaknesses and pressures that left the INS wholly unprepared to fulfill its statutory obligations. It is therefore not surprising that when Doris Meissner, who had served in the INS from 1981 to 1986, returned as Commissioner in 1993, she found an agency in disarray.[147] Border Patrol agents were still using manual typewriters,[148] inspectors at ports of entry were using a paper watchlist, the asylum system did not detect or deter fraudulent applicants, and policy development was inadequate.[149] The explosive growth that followed congressional appropriations to upgrade INS technology and human resources to respond to illegal entries over the Southwest border—the agency grew 40 percent overall from 1997 to 1998, as Border Patrol and inspection resources increased 94 percent and the immigration services budget increased an astounding 150 percent between 1996 and 1998[150]—represented a major new administrative challenge. Only a small group of forward-thinking midlevel employees quietly worked counterterrorism issues. These employees were scattered throughout the agency in investigations, the Joint

Terrorism Task Forces (JTTFs), intelligence, legal counsel, inspections, and budget; others worked on one of the many technology initiatives such as student tracking.[151]

The INS, clearly, was struggling.

The Many Facets of the INS Mission

The INS was responsible for enforcing the immigration and nationality law in three general areas: inspecting applicants and adjudicating admissions at the ports of entry; enforcing immigration law by patrolling the border to prevent and detect illegal entry and investigating, detaining, and removing illegal and criminal aliens already in the country; and adjudicating applications to change a person's immigration status. While each of these roles is critical, the immigration inspection and adjudication function and the adjudication of immigration benefits are most relevant to the 9/11 story.

Inspections at Ports of Entry. INS immigration inspectors are located at ports of entry along the land and sea borders and at international airports. They are responsible for determining who may legally enter the United States.[152] They also set the conditions for temporary stays in the United States.

Indeed, the stated mission of immigration inspectors is to "control and guard the boundaries and border of the United States against the illegal entry of aliens."[153] In practical terms, this means determining the admissibility and length of stay of aliens applying for admission into the United States at ports of entry. As discussed in the previous chapter, some of these aliens must have visas issued by State Department consular officers at U.S. embassies and consulates abroad. Tourists from countries that require a visa to enter the United States receive a mandatory six-month length of stay. All of the 19 September 11 hijackers presented visas (18 of 19 were tourist visas) in their 33 successful entries, as none was from a visa waiver country.[154]

Those aliens from visa waiver countries who seek to visit for pleasure or business must only present a passport and a departure ticket to an immigration inspector upon their arrival in the United States.[155] These "visa waiver" passport holders are granted a mandatory three-month stay.

Screening at Airports. Prior to September 11, all persons seeking admission to the United States through any of the 354 international U.S. airports had to submit to an initial or "primary" screening by immigration inspectors.[156] Many airports required the screening to take place in an average of 45 seconds—30 seconds for U.S. citizens and one minute for foreign citizens—during which immigration inspectors had to sort the bona fide from the mala fide travelers. This brevity was forced on inspectors by a 1991 congressional mandate that each flight be processed within 45 minutes.[157]

In primary immigration inspection the traveler was asked a series of questions in order to learn the identity, purpose, and duration of his or her visit and the validity of the visa. Travel documents—the passport and visa—were reviewed for potential fraud. When

visitors had machine-readable passports, like those issued by Saudi Arabia, the lookout checks were automatically performed as the document was optically scanned. For others, the inspector would enter the information manually. He or she would check the security features of the document, relying on fraud training and on specialized equipment, including ultraviolet lights and magnifying glasses. Arrival and customs forms were reviewed for completeness. A name check was conducted along with a passport number search to determine if the traveler was on a watchlist or if the passport had been reported lost or stolen.[158]

A primary inspector was also trained to use behavioral cues to determine whether the traveler might be mala fide. In such instances, the inspector could ask to see travel itineraries, looking for a last-minute ticket purchase, a one-way ticket, or unusual routing. Such indicators, along with a visitor's limited English, insufficient funds for travel, or questionable behavior, could also be the basis for a referral to a secondary immigration inspector.

If documents, database checks, interviews, and demeanor raised no questions, the visitor was admitted into the United States. If the immigration inspector was suspicious about the visitor, he or she had the discretion to make a referral to a secondary immigration inspection for further scrutiny. Such suspicions led to the secondary referral of Mohamed Atta, Marwan al Shehhi, and Saeed al Ghamdi and to the removal of Mohamed al Kahtani.

When a primary inspector received a hit against the watchlist, the inspector was required to escort the visitor to a secondary immigration inspection area for an interview.[159] At that time, travel documents were again reviewed for potential fraud. "Pocket litter"[160] might be inspected. Unlike the case with the primary immigration inspection, the secondary inspection had no time constraints. Multiple investigative resources were available to the inspector, who might check one of a couple of dozen INS databases, call the FBI or a translator, review travel document fraud alerts and manuals produced by the INS Forensic Document Lab, and access a biometric system called IDENT, which contained digital fingerprints and photos. Only in Kahtani's case were any of these tools used.[161]

Only a single INS employee at INS headquarters was permitted to liaise with the State Department, which managed the TIPOFF terrorist watchlist, when there was a watchlist hit. This liaison officer would attempt to get the supporting documentation and then relay what unclassified information he or she could to the inspector determining admissibility.[162] Denials required supervisory approval.[163] Before 9/11, local members of Joint Terrorism Task Forces, composed of individuals in federal, state, and local law enforcement, would occasionally assist in the interview of a suspect individual.

If an arriving traveler was sent back to his or her home country, then a photograph and fingerprints were taken and added to an electronic file opened on the individual. This file was part of a database called IDENT (Automated Biometric Identification System), which was initially implemented on the Southwest land border to try to reduce the recidivism of those violating immigration law.[164]

Inspection Practices Specific to Counterterrorism. As the one successful exclusion of a potential September 11 hijacker, Kahtani, makes clear, the screening tools, training, and procedures available to immigration officials are critical to making admissions decisions. Generally the inspectors at the ports of entry were not asked and were not trained to look for terrorists. Indeed, most inspectors interviewed by the Commission were not even aware that the automated watchlist against which they checked the names of incoming passengers was a terrorist watchlist. Their ignorance was largely a function of a technological approach to terrorist screening that relied almost exclusively on a mechanical, computerized name check at the primary immigration inspection.[165]

Behavior was also a substantial consideration in referring a traveler to secondary inspection. Yet no inspector interviewed by the Commission received any operational training in the types of behavior that might be exhibited by terrorists. Nor were they instructed on the types of travel documents known to be carried by terrorists. As noted in chapter 3, the CIA's Redbook, which contained information on terrorist travel documents, was discontinued in 1992; inspectors were thus left without specific information on terrorist travel practices. Few inspectors were aware of the existence of its successor, the Passport Examination Manual, which treated generic fraudulent documents and travel stamps.[166] Today, there is still on electronic version of such a manual.

At headquarters and in the field, the INS did organize a few scattered offices and programs to aid its inspectors in identifying suspect individuals, especially terrorists.

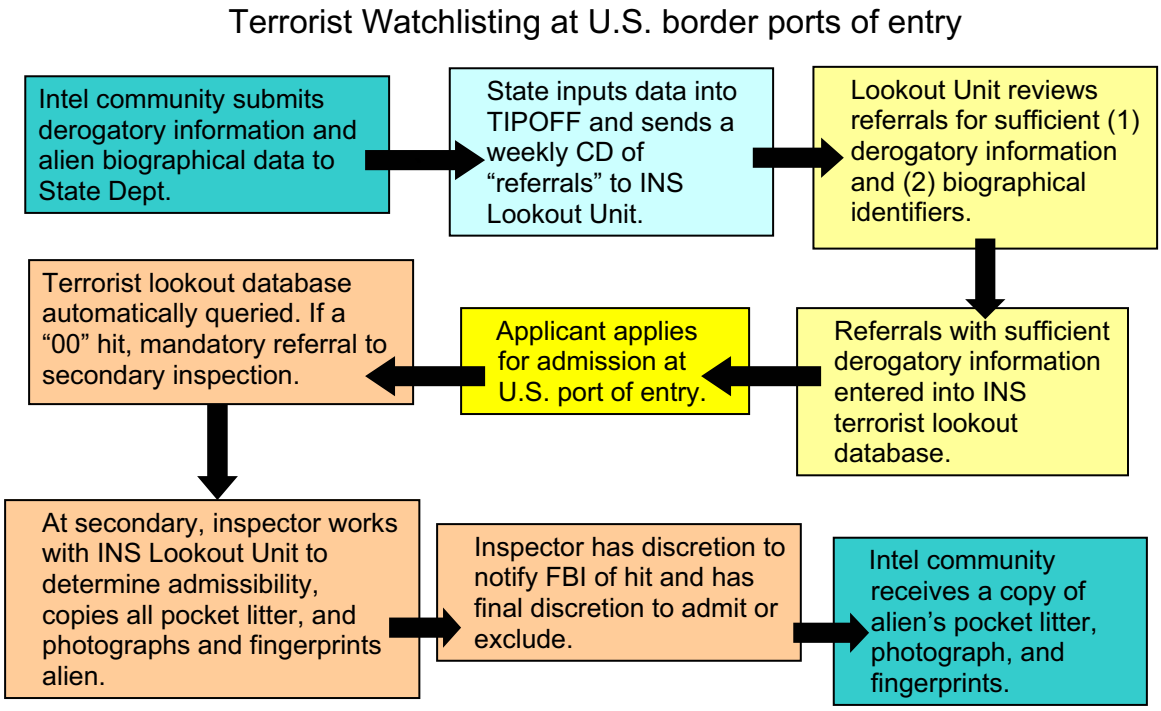
The INS Terrorist Watchlist. The National Automated Immigration Lookouts System contained the TIPOFF terrorist watchlist and was the most valuable tool for identifying terrorists that INS and Customs inspectors had until September 11, 2001.[167] TIPOFF first became available to the INS in 1991 by way of a Memorandum of Understanding between the State Department, Customs Service, and INS.[168] This name-based system provided key unclassified biographical information about aliens reasonably suspected to be involved or closely associated with terrorist activity. The database was checked by the inspector at the primary immigration inspection as he or she was determining admissibility.

By September 11, TIPOFF contained about 80,000 records on terrorists and terrorism-related criminals. The State Department's criteria for creating a file in the database included reasonable suspicion that the alien engaged in or might engage in terrorism, otherwise known as "derogatory information" and sufficient biographical information for positive identification.[169] Because the INS had a slightly higher standard for including information in NAILS, not all State Department TIPOFF records made it into the INS database.[170] If the INS considered the State Department's supporting intelligence insufficient, the referral would be stricken from consideration, at least until further information was provided by State.[171]

Thus, the INS was wholly dependent on the State Department for both the referrals to TIPOFF and the supporting intelligence for the nomination. The INS did not seek

intelligence to support the referrals from elsewhere in the agency or from any outside intelligence agency.[172]

In 1998, the INS excluded three people as a result of TIPOFF watchlist hits. The State Department claimed there were 97 such exclusions or arrests. This inconsistency was due to poor INS recordkeeping and the inclusion of arrest data in State Department but not INS statistics.[173] By 2003, the ports with the largest number of TIPOFF hits corresponded to the ports through which the hijackers entered: JFK in New York, Miami, Atlanta, Dulles near Washington, D.C., Orlando, Los Angeles, Newark, Tampa, and Cincinnati. The nationalities of those excluded also corresponded to the nationalities of the hijackers—Saudi, Emirati, Egyptian, and Lebanese—though they did not constitute the greatest number of those flagged by TIPOFF.[174]



The INS Lookout Unit. The INS tried to support primary and secondary immigration inspectors in their search for terrorists through its Lookout Unit. Initially created to liaise with the State Department in order to share terrorist information with those at ports of entry, it took on more duties, which included working with the airlines to detect improper travel documents.

The Carrier Consultant Program, initiated under 1996 changes to immigration law, trained foreign airlines to recognize fraudulent documents used by those seeking admission to the United States. The purpose of the program was to prevent aliens with improper documents from boarding airplanes in the first place.[175] If an airline failed to detect such mala fide travelers, it was subject to fines from the INS National Fines Office.[176]

The Lookout Unit also tried to ease the burden on primary inspectors by reviewing the incoming passenger manifests every morning and notifying the port of entry if a suspected terrorist was scheduled to arrive there.[177] Although Customs had access to the airline carriers' reservation system, these manifests were not required to be submitted to INS by law; most airlines provided them voluntarily, however.

Forensic Document Lab. Immigration inspectors also relied on the considerable expertise of forensic document examiners at the INS to help them detect fraudulent travel documents. Indeed, beginning in the early 1980s, the use of such documents was a growing problem. The INS responded by creating the Forensic Document Laboratory. The lab supported officers in the field, primarily immigration inspectors and benefits adjudicators, with training and manuals on legitimate and illegitimate travel and identification documents.[178] The laboratory was the only federal crime lab dedicated almost entirely to the forensic examination of documents, and its archives contained more than 20 years' worth of identification and travel documents.[179] Its extensive scientific expertise and reference library enabled the lab to provide authoritative analysis of all types of identification and travel documents— counterfeit, altered, and impostor. The lab also supported the FBI and CIA.[180]

But in the decade prior to September 11, the Forensic Document Laboratory did not focus on terrorists. Nor did it have access to terrorist travel intelligence. Therefore, although terrorist organizations dedicated significant resources to producing and acquiring passports, visas, cachets, and secondary identification, the lab was unaware of their efforts.[181]

Office of International Affairs. The Office of International Affairs considered itself an office of international law enforcement, "a critically important, cost-effective, and integral part of the Administration's comprehensive strategy to deter illegal immigration."[182] The INS began placing officers overseas in the 1950s; their work focused on bringing those displaced by World War II to the United States from Europe and the Pacific. As immigration law changed in the 1960s, INS overseas officers shifted into U.S. consulates, mainly to process immigrant visa and refugee applications and to troubleshoot issues arising abroad concerning U.S. citizens and their relatives. This work was focused in the Near East, Mexico, and Europe, with management responsibilities in district offices in Rome, Beijing, Mexico City, and Ottawa. Asylum applications filed domestically also were housed in the Office of International Affairs. These functions continued through September 11, 2001.[183]

By the 1990s, the emphasis turned to two areas of enforcement, deterring illegal entry and combating alien smuggling. In 1995, with fewer than 100 INS employees overseas, "Operation Global Reach" was coordinated with the State Department and the Justice Department's Office of National Security to train nearly 12,000 host-country law enforcement officials, airline personnel, and foreign consular officers to detect fraudulent travel documents. The training was aimed at intercepting alien smugglers, and it succeeded beyond anyone's expectations. Statistics provided by the INS indicate that

there was a 5,500 percent jump in fraudulent document intercepts by INS officers and their trainees from 1994 to 1995.[184] Regrettably, none of the document training was intended to catch terrorists. The International Affairs Office also never developed leads or investigated cases with foreign governments or U.S. Attorneys offices for the purpose of pursuing counterterrorism cases, although they did so for alien smuggling.

Although the Lookout Units, the Forensic Document Laboratory, and the International Affairs Office were doing important work, the INS initiated but failed to bring to completion two efforts that would have provided inspectors with information relevant to counterterrorism—a proposed system to track foreign student visa compliance and a program to establish a way of tracking travelers' entry to and exit from the United States. These programs would have been substantially helpful to inspectors in accurately determining the admissibility of travelers, including the September 11 terrorists.

A system to monitor foreign student compliance. As early as 1972, the INS was concerned that some foreign students could pose a threat to national security. They were particularly worried about student sympathizers to Yasir Arafat's Palestinian terrorist organization; in 1974, INS agents found 154 students associated with the organization were in the United States.[185] The issue of foreign students as security risks reemerged during the 1984 Libyan crisis when intelligence indicated that Libyan leader Muammar Qadhafi might have planted assassins in the United States under student cover. Thus began the first national foreign student registration program. Libyan students were registered and fingerprinted, and regulations were put in place to "immediately terminate the studies of Libyan nationals engaged in flight training and nuclear-related education."[186]

The INS first established a comprehensive national system to keep track of students in the late 1980s— the Student/School System—but its information was routinely out of date or lacking.[187] In 1994, the Department of Justice, pointing out that a key conspirator in the first World Trade Center bombing had been a student who had overstayed his visa, asked Commissioner Meissner how the INS could better track students.[188] The following year, an interagency task force led by a former General Accounting Office investigator recommended that the INS start over with a new system built around a biometric student identification card that could be issued at the time of the visa application and used for the duration of his or her studies in the United States.[189] With real-time technologies and biometrics, the task force believed that the new systems would act as a true compliance mechanism for both students and schools.[190] FBI Director Louis Freeh's concerns about foreign students seeking U.S. studies not necessarily being in the national security interests of the United States were also not lost on the task force. Interest in tracking students "linked to student visas" was stated as a guiding principle of the task force.[191]

In 1996, Congress required the creation of a system to track students from countries designated as state sponsors of terrorism.[192] Although the deadline for the system's implementation was just two years away, Congress did not appropriate specific funds for the program.[193] The INS scraped together $10 million in seed money and launched a successful pilot program in June 1997.[194] The program enrolled 21 schools of different types and sizes (including Duke, Clemson, and Auburn), technical schools, two-year community colleges, and a flight school. It was the test case for the development of a

national student tracking system and included the latest biometric smart card and scanners available.[195] The project drew the interest of White House Counterterrorism Coordinator Richard Clarke, who held meetings with both the INS Commissioner and its project managers.[196] He successfully proposed including the completion of the project in a 1998 presidential directive.[197] There was congressional interest as well.[198] By August 1998, managers of the project deemed it ready for national development.[199] It was considered a success.[200]

These initial successes were achieved despite the orders the program manager received in early 1998 to stop work.[201] Providing education for foreign students is a multi-billion-dollar business, and the higher education community vigorously resisted the system. They argued that the program was unduly burdensome and costly.[202] The 1996 law was strictly interpreted by INS management to require educational institutions, not the government, to collect the government fee that was to fund the program.[203] These groups then argued that this fee-based method of funding was unfair to the schools and would deter foreign students from U.S. study.[204] In August 1998, a senior group of policy managers at the INS decided to defer the testing of the biometric student card. Within a year, they fired the project manager over concerns that he had gone outside of his chain of command in soliciting support for the project.[205] A new manager, unfamiliar with the project, was brought in. Progress stalled.[206]

By 2000, powerful members of the Senate were pressuring the INS to stop the fee-based funding approach, thereby jeopardizing its existence.[207] The Senate appropriations committee chairman apparently sought repeal of the law authorizing the program.[208] Although the law stayed on the books, there was still no congressional funding for the student tracking program, and INS management was growing increasing reluctant to continue internal funding.[209] Although the program's supervisor found other money to keep minimal development alive, these efforts were insufficient to complete the system.[210]

Thus, when the September 11 hijackers began entering the United States in 2000 to attend flight school, there was no student tracking system available. If there had been, immigration authorities might well have been alerted to the fact that Mohamed Atta, the plan's ringleader, had made false statements about his student status and therefore could have been denied entry into the United States.

An Entry-Exit System. The INS also was unable to enforce the rules regarding the terms of admission of visitors to the United States because there was no national tracking system designed to match a person's entry with that person's exit. Inspectors were similarly unaware of whether a visitor had overstayed a previous visit.

In 1996, expressing frustration at the apparent number of overstays in the United States and the inability of INS to enforce the law, Congress took action. It passed a law requiring the attorney general to develop an automated entry-exit program to collect records on every arriving and departing visitor.[211] Congress provided about $40 million over four years to fund the development of such a system.[212] By contrast, Congress provided nearly $1 billion to increase the Border Patrol's presence in the Southwest in order to stem the flow of illegal immigration from Mexico.[213] Countering terrorist entry was not a rationale for the system.

Leaders of border communities along the Canadian and Mexican borders, where more than a million people move back and forth daily, denounced the system. They argued that it would inhibit border trade.[214] Some members of Congress, along with senior INS managers, agreed and decided to automate only the entry process.[215] Prior to September 11, even these efforts were unsuccessful.[216] Thus, while the hijackers were preparing for the planes operation in the United States, immigration authorities had no way to determine whether any of them had overstayed their visas or traveled in and out of the country. The lack of an entry-exit system was especially significant for Satam al Suqami and Nawaf al Hazmi, as we saw in chapter 2.

The INS Intelligence Unit. Further hampering the ability of the INS to track terrorists was the unfortunate state of its intelligence unit.[217] The quality of its work was considered so poor by Commissioner Meissner that she never requested the daily intelligence brief common in other federal agencies.[218] In fact, only once in her eight-year tenure did she receive a briefing on the threat posed by radical fundamentalist terrorists.[219] In her interview with us, Meissner did not recall that 1995 briefing.[220] She also told us she never heard of Usama Bin Ladin until August 2001, nearly 10 months after she left the INS.[221]

In reality, the INS operated in a virtual intelligence vacuum. The intelligence unit was wholly dependent on the CIA, the National Security Agency, the FBI, and the State Department's Intelligence and Research section for terrorist information.[222] In stark contrast, its parent, the Justice Department, routinely received intelligence information on terrorism cases and surveillance intercepts, mostly from investigations conducted from the FBI.[223] In 1996, there were only five analysts at INS headquarters and none in the field.[224] By 1998, fewer than 100 part-time intelligence officers in the field were providing the bulk of information used by the unit, but the apparent increase in personnel is misleading. All of the part-time officers were special agents whose main responsibility was enforcement of immigration law; they would also write up "intelligence" reports to forward to headquarters, but doing so was optional. Neither they nor any of the 2,000 special agents, 4,500 inspectors, and 9,000 Border Patrol agents had a mandate to report information gathered in the field back to the intelligence unit in Washington.[225] Instead, the unit was dependent on reporting voluntarily forwarded by supervisors in the field, where lookouts could be posted without the knowledge of the intelligence unit.[226]

Indeed, the unit was unable even to regularly gather information on terrorists from its own employees assigned to work as liaisons to other government agencies. A total of 24 intelligence unit employees were assigned to Interpol (the international law enforcement agency), the CIA's Counterterrorism Center, the FBI Counterterrorism Center, and the Joint Terrorism Task Forces throughout the country. All potentially had access to counterterrorism information. The intelligence unit was not interested, and chose instead to remain focused on its primary assignment from INS leadership: alien smuggling.[227]

However, some of these detailees did prove valuable. For example, the INS detailee to the CIA helped streamline the declassification process for the INS so that the intelligence unit could receive intelligence from the intelligence community and make it available to

the field more quickly. He also helped create the 1980s counterterrorism training film for border inspectors, "The Threat Is Real," and designed and implemented CIA-based counterterrorism training classes for law enforcement personnel.[228]

Enforcement of Immigration Law within the United States

We know that in the terrorist plots of the 1990s, terrorists exploited the U.S. immigration system to enter and stay in the United States. The public prosecutions of the conspirators in the World Trade Center and Landmark cases in the early 1990s often brought to light violations of immigration law. The INS therefore had the potential to play a significant law enforcement role in counterterrorism. Under the Immigration and Nationality Act, immigration attorneys, special agents, immigration inspectors, and Border Patrol agents were all capable of enforcing the law. However, the INS and the government institutions that controlled much of its agenda—Congress, the Justice Department and the White House—acknowledged only a small role for the agency in counterterrorism. They failed to connect the facts of terrorist exploitation of immigration border and benefits policies and the need for the INS to act to prevent terrorist abuse of the immigration system. The prevailing view was that the INS was valuable in counterterrorism only insofar as it supported the FBI in its Joint Terrorism Task Force investigations.

Nevertheless, a few midlevel INS employees took counterterrorism seriously. They often had difficulty getting things done.

The Special Agents in the Field. The first problem encountered by those concerned about terrorists was an almost complete lack of enforcement resources. Neither the White House, the Congress, the Department of Justice, nor the INS leadership ever provided the support needed for INS enforcement agents to find, detain, and remove illegal aliens, including those with terrorist associations. Throughout the 1990s, about 2,000 immigration special agents were responsible for dealing with the millions of illegal aliens and related immigration crimes in the United States.[229] Because of these resource constraints, they focused on aliens involved in criminal activity.

Enforcement of U.S. immigration law violations inside the country is referred to as "interior enforcement." It is governed by a set of extraordinarily complex laws, rules, and regulations that are adjudicated in its own administrative court system. The law and procedures governing these courts were geared toward giving the benefit of doubt to the alien. Appearance bonds were low and often not required. Aliens were granted multiple hearings, often resulting in lengthy delays. This system was easy to exploit. Because the immigration attorneys representing the INS in cases against aliens worked solely from paper files, they were often unable to properly track cases or access the necessary files to present their cases efficiently and knowledgeably. For much of the 1990s, case backlogs were considerable. Terrorists knew they could beat the system—and, as we have seen, they often did.

Recognizing the deficiencies in the system, in April 1997 Congress directed the INS to devise an interior enforcement strategy. The plan was delivered nearly two years later and

only after much congressional prodding. Meanwhile, three national counterterrorism strategies had been produced—in 1986, 1995, and 1997. They called for the addition of more JTTF positions, the creation of a robust intelligence network within the intelligence community, and acceptance of a role for the INS and its immigration authority in counterterrorism efforts.[230] These recommendations were not implemented by INS senior management.

The Creation of the National Security Unit. The INS did take one important step to enhance its counterterrorism enforcement capability. In 1997, it established a National Security Unit to oversee national security work in the field, including that of the JTTF representatives. In addition, the unit produced security alerts for ports of entry and worked with the Justice Department on national security issues; this collaboration included case referrals to the newly created Alien Terrorist Removal Court, discussed below.

Here as in much of the INS, key employees worked long hours with inadequate resources.[231] The unit's manager produced a comprehensive strategy, which called for increased interagency cooperation on watchlisting and a more active role for enforcement in counterterrorism cases.[232] The unit began to determine which immigration laws could be used as counterterrorism tools. For instance, it sought unsuccessfully to require that the CIA complete its security checks before naturalization benefit applications were adjudicated. According to the NSU manager, these efforts were not supported by INS senior management, who believed such checks would be prohibitively time-consuming and add to an already immense backlog of applications.[233]

For the reasons discussed above, the National Security Unit relied not on the in-house Intelligence Unit but on INS personnel at the FBI and the CIA for its understanding of the terrorist threat.[234] However, when Usama Bin Ladin was indicted for the August 1998 bombings of the U.S. embassies in Tanzania and Kenya, the two INS units did cooperate. Drawing on information supplied by the Justice Department, they directed inspectors in the field to be on a heightened security alert. Inspectors were also instructed to give extra scrutiny to travelers born or residing in certain Middle Eastern countries, including Saudi Arabia, Egypt, Lebanon, and the United Arab Emirates.[235] These national-security-related cases came to be known within the INS as "special interest" cases.[236] All of the hijackers' countries of citizenship were named in this 1998 alert.

In 2001, the National Security Unit had four staffers at headquarters, and three at the FBI, as well as about 50 INS special agent detailees at the JTTFs.[237] It generally did not receive information on the heightened threat in the summer of 2001 from the INS intelligence unit, the intelligence community in general, or from the JTTFs. However, two staffers were sent to the White House on July 5 for a briefing by the CIA at the request of the Richard Clarke, but both felt that it was "over their heads." One staffer wrote a memo noting the main points raised at the meeting, but the other apparently took no action, returning to his job as the manager of the JTTF detailees. The acting INS Commissioner never learned of the meeting or the threat.[238]

INS Detailees to the Joint Terrorism Task Forces. In the absence of other efforts, the Joint Terrorism Task Forces became the focus of INS counterterrorism enforcement activity. Interest in bringing INS agents into the JTTFs grew as the FBI, with INS agents' help, began investigating the conspirators in the 1993 World Trade Center bombing and revealing that they were aliens who had used travel document fraud to enter the United States and immigration benefit fraud to stay here. When a criminal case on terrorism grounds could not be brought, a charge relating to visas or admission might be available. Therefore, the FBI soon learned how important the INS could be in developing a case. An alien terrorist's immigration violation was easily proved, while the evidence relating to terrorist acts was often classified or arguably insufficient.[239]

The INS did not initially embrace a role in these counterterrorism investigations.[240] In 1993, its Investigations Division asked for five positions in the newly created Joint Terrorism Task Forces. The INS did not approve this modest budget request. The highest-ranking official for field operations argued that he was "unable to concur" that INS would "benefit" from participation in the JTTFs.[241] Four years later, Investigations tried again, this time asking for 29 positions in the JTTFs. Commissioner Meissner wrote in support to the Department of Justice, citing the value of INS agents to the World Trade Center prosecutions and the agency's commitment to the JTTFs.[242] The Justice Department did not approve Meissner's request. Congress split the difference and added 18 positions.[243]

New Legal Tools against Terrorism. In 1996, the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act also provided new immigration enforcement tools relevant to counterterrorism. One of them was expedited removal. For the first time, border authorities were permitted to deny entry, without a hearing, to those failing to qualify for admission.[244] This provision could be used to deny suspected terrorists the opportunity to enter the United States and stay.[245] In the first months of 1997, 1,200 travelers a week were subject to expedited removal, mostly over the Southwest border.[246] Despite this success, the INS never expanded expedited removal to include persons attempting to enter illegally across the expansive physical borders between ports of entry.[247] As a result, it was not used against Gazi Ibrahim Abu Mezer, who was able to stay in the United States despite being apprehended three times for illegal entries along the Canadian border. He later became known as the "Brooklyn Bomber" for his plan to blow up the Atlantic Avenue subway in Brooklyn.[248] The INS never did seek to expand expedited removal to illegal entries along U.S. borders.[249]

The 1996 Antiterrorism Act also created the Alien Terrorist Removal Court, expressly designed to remove alien terrorists by using classified evidence to support a terrorist allegation and by staffed by counsel possessing the security clearances necessary to review classified evidence. Although the Justice Department considered the creation of the court one of its top counterterrorism legislative priorities in the mid-1990s, the court still has never been used.[250] Judges were appointed and rules made,[251] but by 1998, Justice attorneys in the Terrorism and Violent Crime Section had led a department review

of 50 cases for possible application to the ATRC, but they were all rejected.[252] Over the following two years, another 50 cases were rejected.[253]

A major reason for the lack of use of the ATRC was that new immigration laws permitted the use of classified evidence in traditional deportation hearings, making recourse to a special court unnecessary.[254] Moreover, many "special interest" cases became stalled by internal Justice Department deliberations regarding sharing of information, alien rights, and sufficiency of evidence.[255] At times, differences of opinions arose between INS Commissioner Meissner, who wanted to proceed with these cases, and the Attorney General, who resisted.[256] Conflicts also arose between the INS, which had the expertise and legal authority to bring the cases, and the FBI, which possessed the classified information but did not always make it available to the INS. Thus cases stagnated or, in some cases, were never brought at all.[257]

A National Security Law Division was established in the INS to try to handle the procedural complexities that soon overwhelmed these terrorist cases. By 1998, a handful of the aliens affiliated with terrorist activity that were known to the INS and the Justice Department were successfully removed by the INS using both traditional immigration law and classified evidence.[258] None was known to be affiliated with al Qaeda.

Immigration Benefits

Terrorists in the 1990s, as well as the September 11 hijackers, needed to find a way to stay in or embed themselves in the United States if their operational plans were to come to fruition. As already discussed, this could be accomplished legally by marrying an American citizen, achieving temporary worker status, or applying for asylum after entering. In many cases, the act of filing for an immigration benefit sufficed to permit the alien to remain in the country until the petition was adjudicated. Terrorists were free to conduct surveillance, coordinate operations, obtain and receive funding, go to school and learn English, make contacts in the United States, acquire necessary materials, and execute an attack.

We thus come to the third significant function of the INS relevant to the September 11 story: immigration benefits. They are a vast system of laws and regulations that control the status both of aliens within the United States and of those outside the United States who wish to come and stay in the country. Every immigration benefit has its own set of rules, regulations, and procedures. Many are complex and time-consuming to adjudicate. Some are so difficult to process that specialists must handle them. The Immigration and Nationality Act, which is in fact a miscellaneous collection of federal laws, is the controlling authority concerning aliens and the benefits available to them.

Before 9/11, immigration benefits allowed tourists, for example, to extend their length of stay or to change their immigration status from tourist to student after arriving in the United States. Visitors who married Americans could petition for legal permanent residency status. Other classes of persons who could ask for a benefit from the INS were aliens seeking permanent legal residency, immigrants wishing to be naturalized, asylum

seekers ("asylees"), and refugees.[259] A number of terrorists discussed in chapter 3 abused the asylum system. Commissioner Meissner spent much of her time in the 1990s honing it, creating what was considered a model program that balanced humanitarian and security interests.

But the benefits process overall was vulnerable to fraud and poorly managed. Each of the five immigration benefit service centers had its own computer system. It was therefore not uncommon for one alien to have multiple benefits files, sometimes as a result of a fraudulent attempt to win approval from one office after an application was denied by another. As early as 1991, terrorists exploited this deficiency. Mir Amal Kansi, who in 1993 fatally shot two CIA employees and wounded three others, had already legally entered the United States when he applied for legalization as an illegal alien as part of a class action lawsuit; he falsely claimed that he had entered the United States through Mexico in 1981.[260] Mohamed and Mahmud Abouhalima, conspirators in the 1993 World Trade Center bombing, were granted green cards (i.e., legal permanent resident status) under the Special Agricultural Program (SAW) program.[261] SAW was an amnesty program created under the Immigration Reform and Control Act of 1986.[262] In 1999, the INS general counsel, Paul Virtue, testified before the House Judiciary Subcommittee on Immigration that amnesty programs were "subject to widespread abuse."[263]

In fact, INS benefits adjudicators did not have a recognized counterterrorism role. As the INS struggled, its inability to adjudicate applications quickly or with adequate security checks made it easier for terrorists to wrongfully enter and remain in the United States throughout the 1990s.

The Border Patrol and Illegal Entry into the United States

The INS Border Patrol monitors the 9,500 miles of shared borders with Canada and Mexico that exist between ports of entry.[264] Throughout the 1990s, the priority was to control the vast illegal immigration from Mexico along the Southwest border.[265] About 1.6 million illegal aliens a year were being apprehended from Texas to California.[266] In San Diego alone, there were 2,000–3,000 arrests daily. The Border Patrol clearly lacked the resources to stem the tide. In the early 1990s, they were still using manual typewriters.[267]

Nevertheless, the Border Patrol received the most attention from Congress and Attorney General Reno of any INS section.[268] Congressionally approved budget requests between 1994 and 1998 doubled the number of agents on the Southwest, from 4,000 to 8,000. By 2000, there were 9,000 Border Patrol agents.[269]

Even after the arrests in Washington state of Abu Mezer (who was plotting to blow up the Brooklyn subway) in August 1997 and Ahmed Ressam (the "millennium bomber") in December 1999, the patrol's attention remained on the Southwest border. Neither the Border Patrol, the Commissioner, nor the Justice Department considered revising its strategy to include counterterrorism initiatives. Only the White House, through Richard

Clarke, seemed interested in pursuing a more aggressive strategy on the Northwest border after Ressam's attempted entry.

While Congress and the Clinton administration required the Border Patrol's coverage along the border with Mexico to double to one agent every quarter mile by 1999, the Canadian border had only one agent for every 13.25 miles.[270] Despite examples of terrorists' entering from Canada, awareness of terrorist activity in Canada and its more lenient immigration laws, and an Inspector General's report recommending that the Border Patrol develop a northern border strategy, the only positive step was that the number of Border Patrol agents was not cut any further.[271]

The failure of the Border Patrol to make any significant efforts in counterterrorism was predictable. Because the INS's relationship with the intelligence community was minimal, any valuable information these agencies might have gleaned on migrant flows or alien smuggling did not routinely reach Border Patrol agents. They also lacked access to the terrorist watchlist databases, TIPOFF and NAILS. And lookouts with terrorist watchlist information available at border stations were not routinely used or checked by the patrol.[272]

Another factor hampering any unified counterterrorism effort by the Border Patrol was that it lacked a direct chain of command from its chief, based in Washington, to the field. The chief therefore had no control over the field, as well as limited input on policy and budget within the INS. As agents were rotated and the Border Patrol reacted to the ever-changing locations at which aliens attempted to enter the United States illegally, regional directors were in constant competition with each other for human and technical assistance.[273]

State and Local Law Enforcement Support

Both administration regulations and criminal statutes apply to immigration enforcement. The majority of alien offenders are handled through the immigration administrative court system, which consists of judges, attorneys, and immigration detention facilities.[274] Criminal violations are handled by the U.S. Attorney's office and the federal court system.[275] In most cases, an alien committing an administrative violation is at the same time violating federal law. The federal government deports most immigration violators from the United States rather than prosecuting them as criminal defendants.

Many state and local law enforcement agencies worked closely with federal immigration authorities before 9/11. They contacted INS when they arrested aliens on criminal charges and assisted in the investigation, arrest, and detention of illegal aliens. In return, INS special agents, with their specialized training and resources, assisted other law enforcement agencies fighting violent crime and drug trafficking.[276] Their cooperation—and their knowledge of aliens' languages, cultures, and religions—was particularly valuable in ethnic communities. However, these state and local enforcement agencies never had access to terrorist watchlists.

Friction also existed in these relationships. It mainly arose from the INS's inability to respond to all requests for assistance, ambiguity regarding the role of state and local law officers in enforcing immigration regulations, and the discomfort many various immigrant advocacy groups had with local enforcement of immigration law. Despite these difficulties, many police officers continued officially and sometimes unofficially to work with the INS by identifying criminal aliens and turning them over to the INS. Many county officials sought to prevent criminal aliens from returning to the streets, and frequently pressured their congressional representatives to force local INS offices to deport them.

Still, the problem of getting in contact with INS enforcement persisted. While the understaffed INS investigations offices kept bankers' hours, the police operated around the clock and often needed assistance when the INS offices were closed.[277] Many INS investigations offices did not even have a computer link to their state's Criminal Justice Information System, making it was difficult for the police simply to communicate with them.

Recognizing the problem Congress attempted to get the INS to address it. The Law Enforcement Support Center (LESC) evolved out of the1988 antidrug law that required the INS to maintain a 24/7 hotline to identify individuals arrested as aggravated felons.[278] The initial objective was to assist state and local law enforcement in identifying criminal aliens, to locate and prosecute criminal aliens who had been deported after being convicted of felonies, and to act as a control point for INS arrest warrants. The LESC was not established until 1994.

The center was available to all state and local law enforcement officials who encountered a suspected alien during routine police work.[279] The LESC provided timely information regarding the status and identities of aliens suspected of, arrested for, or convicted of criminal activity, but it offered no specific information on aliens associated with terrorism.[280]

In 1996, a new law enabled the INS to enter into agreements with state and local law enforcement agencies through which the INS would provide training and the local agencies would exercise immigration enforcement authority.[281] Terrorist watchlists would not be made available to them. Such agreements were voluntary, and only Salt Lake City—unsuccessfully—attempted to take advantage of the law. Moreover, in prior years mayors of cities with large immigrant populations sometimes imposed limits on city employee cooperation with federal immigration agents.[282]

. . .

Prior to September 11, immigration inspectors were focused on facilitating the entry of travelers to the United States. Special agents were focused on criminal aliens and alien smuggling, and those handling immigration benefits were inundated with millions of applications. Thus, on the eve of the 9/11 attacks, the INS found itself in a state of disarray. Although a few offices were attempting to carry out counterterrorism initiatives,

their efforts were severely limited by a lack of recognition, both national and local, of the connection between border security and national security. As we will see in chapter 5, the failure to link available information with government action unwittingly facilitated the entry of the September 11 hijackers.

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[1] Annual Strategic Intelligence Review for Counterterrorism, Oct. 1995, p8. Terrorist surveillance capabilities were directly linked to their ability to travel unimpeded around the world, which is why training in document forgery was a part of al Qaeda's terrorist instruction.
[2] Annual Strategic Intelligence Review for Counterterrorism, Apr.1998, p. 13.
[3] For example, in June 1998 a joint USG-Albanian operation acted on information that a forgery operation was producing passports, visas and other documents to support the travel of al Qaeda operatives. A raid turned up visa stamps, blank Egyptian birth certificates, and a forged passport; CIA took exemplars of all stamps. FBI CART Report, Aug. 14, 1998. In another case, the arrest of a suspected operative turned up a photo-substituted Italian passport and a British passport previously reported stolen and various other passports, photographs and identity cards, FBI CART Report, July 16, 2002.
[4] The Terrorist Mobility Unit was created in October 2001.
[5] Memorandum for the Record, Keith M.
[6] Ibid.
[7] DOS report, 1990 Report of the Visa Office, released Oct. 1991.The INS shared with State the authority for administering immigrant visa and refugee applications, inspecting all travelers arriving at ports of entry, adjudicating applications for change of status, and (through its Border Patrol component) interdicting aliens attempting to enter without inspection. INS Special Agents were responsible for enforcement of immigration laws in the interior of the United States. On an average day, INS inspectors at ports of entry collectively handled the admission to the United States of over one million individuals, 85 percent of whom entered through the land borders with Canada and Mexico. Agencies playing a lesser role in the immigration system were the Federal Bureau of Investigation (FBI), which participated in the screening of visa applicants for certain domestic national security-related concerns; the CIA and other intelligence agencies, which participated in screening visa applicants for counter-intelligence and counterterrorism concerns and which participated in overseas anti-smuggling efforts, and the Coast Guard, which addressed significant episodes of migration by sea.
[8] U.S. House of Representatives Committee on Government Reform transcript, "Telephone Interview of Consular Officer 1," Aug. 1, 2002 (Consular officer in Saudi Arabia discussing visa policy as supportive of other U.S. policy goals in the country).
[9] DOS report, Bureau of Consular Affairs, "1990 Report of the Visa Office," Oct. 1991.
[10] Ibid.
[11] Ibid.
[12] INA § 221(h), "Nothing in this Act shall be construed to entitle any alien, to whom a visa or other documentation has been issued, to be admitted [to] the United States, if, upon arrival at a port of entry in the United States, he is found to be inadmissible under this Act, or any other provision of law."
[13] Immigration officers today work within the Department of Homeland Security.
[14] In fiscal year 2001, approximately 175 million U.S. citizens were inspected at U.S. ports of entry.
[15] 22 C.F.R. § 53.2(b). According to the Department of Homeland Security, Bureau of Customs and Border Protection, a U.S. citizen entering from Canada "may use" a certified copy of their birth certificate to reenter the United States under this regulation. However, the regulation itself contains no such requirement.
[16] 22 C.F.R. § 41.2(a).
[17] The Immigration Reform and Control Act of 1986 (P.L. 99-603) created the Visa Waiver Program as a pilot. It became a permanent program in 2000 under the Visa Waiver Permanent Program Act (P.L. 106-396, Oct. 30. 2000). The countries in the program at the time of the September 11 attacks were: Andorra, Austria, Australia, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan,

Liechtenstein, Luxembourg, Monaco, The Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and Uruguay.
[18] GAO report, "Implications of Eliminating the Visa Waiver Program," GAO-03-38, Nov. 2002.
[19] DOS report, Bureau of Consular Affairs, "2000 Report of the Visa Office," June 2002.
[20] Ibid.
[21] Ibid.
[22] Ibid.
[23] In addition, Zacarias Moussaoui, an al Qaeda operative suspected of being primed as a possible pilot in the 9/11 plot, entered the United States February 23, 2001, from London England using a French, "visa waiver" passport. He overstayed his term of admission under that program, and was arrested by the INS for this immigration violation on August 16, 2001.
[24] DOS report, Bureau of Consular Affairs, "2000 Report of the Visa Office," June 2002.
[25] Mary Ryan interview (Sept. 29, 2003).
[26] The 1952 Immigration and Nationality Act (P.L. 82-414; 8 U.S.C. Sec. 1101 et seq.) has been amended several times since 1952, more recently by the Immigration Act of 1990, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208), the USA PATRIOT Act of 2001 (P.L. 107-56), the Enhanced Border Security and Visa Entry Reform Act of 2002 (P.L. 107-173), and the Homeland Security Act of 2002 (P.L. 107-296).
[27] Before 9/11, neither the Office of the Secretary of Homeland Security nor the Department of Homeland Security existed. Under the Homeland Security Act, the INS was transferred to the Department of Homeland Security (Section 402), and control over the policy governing the issuance and denial of visas to enter the United States was also transferred to DHS (Section 403).
[28] INA section 101(a)(3).
[29] See Immigration and Nationality Act of 1952, as Amended; Title 8 Code of Federal Regulations—Aliens and Nationality; Title 22 Code of Federal Regulations—State Department (Parts 40-53). 22 CFR Sections 41.103 (Filing an Application and Form OF-156), 41.104 (Passport requirements), 41.105 (Supporting documents and fingerprinting).
[30] The assistant secretary for consular affairs reports to the under secretary of state for management, who, in turn, reports to the deputy secretary of state. Richard Moose interview (Jan. 14, 2004).
[31] See, e.g., *Centeno v. Schultz*, 817 F.2d 1212 (5th Cir. 1987), *cert. denied*, 484 U.S. 1005 (1988).
[32] Before this time, a name check was mandatory but it was performed with a number of systems, including scanning microfiche for the names of potential terrorists. This weakness in the name-check system was laid bare in the Blind Sheik episode, referred to in chapter 3, and was corrected by the mid-1990s.
[33] 22 C.F.R. §41.121(a)–(c).
[34] 22 CFR § 41.121(d).
[35] INA § 222e, 22 CFR § 41.102.
[36] This aspect of State Department policy is described in the next chapter.
[37] DOS report, Bureau of Consular Affairs, "2000 Report of the Visa Office," June 2002.
[38] 8 U.S.C. § 1184 (2002).
[39] DOS Office of Inspector General report, "Review of Nonimmigrant Visa Issuance Policy and Procedures," Dec. 2002.
[40] DOS report, Bureau of Consular Affairs, "2000 Report of the Visa Office," June 2002.
[41] The statutory language reads: "No visa or other documentation shall be issued to an alien if (1) it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law, (2) the application fails to comply with the provisions of this Act, or the regulations issued thereunder, or (3) the consular officer knows or has reason to believe that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law."
[42] A denial under 221(g) was considered a "soft" refusal because the applicant could overcome the denial and obtain a visa fairly easily by reapplying with the necessary documentation. Hanjour did this and acquired his student visa on September 25, 2000. By contrast, a 214(b) refusal was considered a "hard" refusal: it was much more difficult to overcome and had far more lasting consequences. In the pre-9/11 era, many posts used section 221(g) as a workload-processing tool. They would deny a visa application using 221(g) by sending a letter to the applicant and without interviewing the applicant. If the applicant persisted

and was unable to overcome this initial denial—after a personal interview—then they would deny the applicant under 214(b).

[43] *Terrorist activity* means any of the following acts if illegal where committed or unlawful in the United States: (1) the hijacking or sabotage of any conveyance (regardless of type); (2) the seizing or detaining, and the threat to kill, injure, or continue to detain, any person in order to compel an action by a third party as a condition for releasing the detained individual; (3) a violent attack on an internationally protected person or on his or her liberty; (4) an assassination; (5) the use of any biological or chemical agent, nuclear weapon or device, or explosive or firearm (other than for mere personal monetary gain) to endanger the safety of another individual or to cause substantial property damage; or (6) a threat, attempt, or conspiracy to commit any of the above actions. INA § 212(a)(3)(B); 9 FAM 40.32 (note N2.1).

[44] Under the INA, such acts include (1) preparing or planning a terrorist activity, (2) gathering information on potential targets for terrorist activity, (3) providing any type of material support to any individual or entity that the alien knows or has reason to believe has committed or plans to commit a terrorist act, (4) soliciting funds or other things of value for terrorist activity or for any terrorist organization, and (5) recruiting any individual to engage in terrorist activity for membership in any terrorist organization or government. INA § 212(a)(3)(B); 9 FAM § 40.32 (Note N2.2).

[45] Section 601 of the Immigration Act of 1990 (P.L. 101-649). This Section amended and renumbered the grounds for immigrant and non-immigrant visa refusal under section 212(a) of the INA, effective June 1, 1991.

[46] INA § 212(a)(27).

[47] Below are the number of aliens found ineligible for a non-immigrant visa on grounds of terrorism for the fiscal years 1992, when the grounds for denial explicitly included terrorism, through 2001.

Year	# Ineligible on Terrorism Grounds	Year	# Ineligible on Terrorism Grounds
1992	28	1997	35
1993	73	1998	63
1994	38	1999	101
1995	79	2000	99
1996	41	2001	83

[48] DOS memo, "Machine Readable Visa Program," Mar. 9, 1990. Although the machine-readable visa (MRV) took State officials an additional one minute and 48 seconds to process, the MRV program helped State to resolve problems stemming from internal control weaknesses in the visa issuance process and the physical weakness of the then-current U.S. visa. Ibid. These weaknesses included inaccurate counting of visas issued by the old Burroughs visa-issuing machines, relative ease of counterfeiting the old visa, and a lack of biographical data included in the old visa. Ibid.

[49] Other bureaus who work closely with CA in fulfilling its mission are the Bureau of Diplomatic Security, the Bureau of Intelligence and Research (INR), and the various regional bureaus within whose regions consular officers work.

[50] Mary Ryan interview (Oct. 9, 2003).

[51] DOS record, "History of the Department of State During the Clinton Presidency (1993-2001)," Chapter 9, The Consular Function, www.state.gov/r/pa/ho/pubs.

[52] DOS Congressional Presentation Document, Fiscal Year 2003, Bureau of Consular Affairs "Strategic Goals," Oct. 31, 2000, p. 369.

[53] INA § 222 (h) states, "**Nonadmission upon arrival**. Nothing in this Act shall be construed to entitle any alien, to whom a visa or other documentation has been issued, to be admitted [to] the United States, if, upon arrival at a port of entry in the United States, he is found to be inadmissible under this Act, or any other provision of law. The substance of this subsection shall appear upon every visa application."

[54] By July 2001, INS officials were posted at approximately 40 of the 230 visa-issuing posts.

[55] As discussed later, State and INS did cooperate on the creation and operation of the terrorist watch list. Beginning in 1991, State provided the INS with a subset of the information in its TIPOFF watch list which the INS used to scan visitors at ports of entry. This was a subset because TIPOFF included information on potential terrorists that was not specific enough to use when screening passengers quickly at a port of entry. For example, TIPOFF might include a data file on an Egyptian terrorist named "Ahmad" reported to have participated in a meeting of other terrorists at a certain date and time. This information, while important to

keep and build upon, almost certainly would not be sufficient to justify an INS decision to stop all Egyptians using the name "Ahmad" attempting to enter the United States upon suspicion of involvement in terrorism unless extraordinary circumstances warranted.

[56] DOS record, "History of the Department of State During the Clinton Presidency (1993-2001)," Chapter 17, Personnel and Professional Development, www.state.gov/r/pa/ho/pubs.

[57] Richard Moose interview (Jan. 14, 2004).

[58] Ibid.

[59] Ibid.

[60] DOS record, "Program Performance Report FY 2001," at www.state.gov/m/rm/rls/perfpt/2001/pdf.

[61] Richard Moose interview (Jan. 14, 2004).

[62] The Inman Commission's recommendations in June 1985 continue to be the standards for the State Department's overseas security measures to this date. Congressional Research Service Report for Congress, "Embassy Security: Background, Funding and the Budget," updated Oct. 4, 2001.

[63] Ibid.

[64] Ibid.

[65] It recommended spending in three basic categories: (1) enhancement of work place security, (2) improvement of crisis management systems and procedure, and (3) improvement of intelligence and information sharing and assessment. "Embassy Security: Background, Funding and the Budget," Congressional Research Service Report for Congress, updated October 4, 2001. State's Bureau of Diplomatic Security proposed a Global Security Enhancement Strategy to improve security at all U.S. embassies, especially those formerly considered "low risk." DOS record, "History of the Department of State During the Clinton Presidency (1993-2001)," Chapter 3, Security Policies, www.state.gov/r/pa/ho/pubs.

[66] During this same time period, State also increased funding from machine-readable visa (MRV) fees to the Diplomatic Security (DS) section for increased personnel, antiterrorism and crime programs, and visa fraud investigations. "Embassy Security: Background, Funding and the Budget," Congressional Research Service Report for Congress, updated October 4, 2001. MRV funding of DS increased from $13.3 million in FY 1997 to $18.5 million in FY 2001.

[67] DOS record, "History of the Department of State During the Clinton Presidency (1993-2001)," Chapter 17, Personnel and Professional Development, www.state.gov/r/pa/ho/pubs.

[68] Ibid.

[69] Ibid.

[70] Ibid.

[71] It was not until fiscal year 2001, that State began to hire above the attrition rate. See DOS record, "Program Performance Report FY 2001," at www.state.gov/m/rm/rls/perfpt/2001/pdf ("After years of downsizing, we began to hire above attrition in FY [Fiscal Year] '01").

[72] It was not until fiscal year 2001, that State began to hire above the attrition rate. Mary Ryan interview (Sept. 29, 2003).

[73] Because of the Visa Waiver Program, nonimmigrant visa demand shrank from a high of 8,769,709 visas issued in 1988 to a low of 5,359,620 visas issued in 1993. After 1993, nonimmigrant visa demand rose again through the 9/11 terrorist attacks. In FY 2001, State issued 10,569,194 nonimmigrant visas.

[74] The Immigration Reform and Control Act of 1986 (P.L. 99-603) created the Visa Waiver Program as a pilot in 1986. It became a permanent program in 2000 under the Visa Waiver Permanent Program Act (P.L. 106-396, October 30, 2000). Persons traveling to the United States for other purposes, for example to study or work, are required to have a visa.

[75] The Departments of State and Justice also evaluate the country's political and economic stability. DOS memo, "Creating a Permanent Visa Waiver Program," Mar. 15, 1990, listing the four criteria for inclusion as 1) average visa refusal rate of 2% or less in the previous two fiscal years, 2) visa refusal rate of no more than 2.5% in each of those years, 3) reciprocal waiver of visa requirements for U.S. citizens, 4) no detriment to U.S. national security, and 5) a program to develop a machine-readable passport. Based on the first two of these criteria, Saudi Arabia, Kuwait, the United Arab Emirates, Bahrain, and Qatar all qualified for inclusion in the visa waiver program. DOS letter, Eagleburger to Thornburgh, Jan. 28, 1991, with attachment stating "Countries meeting the statistical criterion whose inclusion in the VWPP is not recommended: Saudi Arabia," and stating as the reason: "The government does not extend reciprocal visa

waiver privileges to American nationals. We do not believe it would be useful to again approach them on this matter."
[76] 8 U.S.C. § 217(c)(1) (1986).
[77] DOS memo, "Continuation of a Nonimmigrant Visa Waiver Program," Jan. 11, 1990; DOS memo, "Creating a Permanent Visa Waiver Program," Mar. 15, 1990.
[78] DOS memo, "NIV Waiver Pilot Program," Jan. 20, 1988. However, State believed there would be very few permanent position savings. Rather, the savings would come from not having to hire employees in the future to handle projected increases in demand for nonimmigrant visas from the affected countries. Initially, the Justice Department, at the urging of the INS -- and based on security concerns -- sought to require any potential participating country to "consent to the presence of an INS pre-inspection operation at that country's principal international airport," DOS memo, "Implementation of the NIV Waiver Pilot Program," Dec. 11, 1987. However, this desire was quelled by the substantial objections of the State Department, which feared such an expansion of U.S. personnel abroad would result in demand for increased resources, raise host country sovereignty concerns, and prove infeasible because of "airport facility constraints." Ibid.
[79] Ibid.
[80] Ibid.
[81] DOJ memo for William Bradford Reynolds, Aug. 8, 1987.
[82] DOS memo, "The nonimmigrant Visa Waiver Pilot Program, July 28, 1988.
[83] DOS memo, "Continuation of a Nonimmigrant Visa Waiver Program, Jan. 11, 1990.
[84] Ibid.
[85] Ibid.
[86] Because of the Visa Waiver Program, nonimmigrant visa demand shrank from a high of 8,769,709 visas issued in 1988 to a low of 5,359,620 visas issued in 1993. After 1993, nonimmigrant visa demand rose again through the 9/11 terrorist attacks. In FY 2001, State issued 10,569,194 nonimmigrant visas. DOS congressional presentation document, Bureau of Consular Affairs "Strategic Goals," Oct. 31, 2000 ("Most visas now issued at high visa risk posts.")
[87] Ibid.
[88] DOS memo, "Creating a Permanent Visa Waiver Program," Mar. 15, 1990; DOS memo, "Draft Report to Congress on the Visa Waiver Pilot Program," Apr. 6, 1990.
[102] Mary Ryan interview (Oct.9, 2003).
[103] Not all U.S. diplomatic posts issue visas.
[104] DOS record, Presentation to the Consular Systems Information Resources Management Program Board, Apr. 25, 1995. The MRV was mandated by the Anti-Drug Abuse Act of September 1988, and installation began in September 1989 in Santo Domingo, Dominican Republic. Although the MRV took an additional one minute and 48 seconds to process, the MRV program helped State to resolve problems stemming from internal control weaknesses in the visa issuance process and the physical weakness of the then-current U.S. visa. These weaknesses included inaccurate counting of visas issued by the old Burroughs visa-issuing machines, relative ease of counterfeiting the old visa, and a lack of biographical data included in the old visa. Ibid. State also developed a Machine Readable Passport at the same time, pursuant to the same Act. DOS memo, "Machine Readable Visa Program," Mar. 9. 1990.
[105] GAO report, "Passports and Visa: Status of Efforts to Reduce Fraud," GAO/NSIAD-96-99, May 1996.
[106] DOS record, Presentation to the Consular Systems Information Resources Management Program Board, Apr. 25, 1995. By February 1993—when the World Trade Center was bombed—104 posts were on the real-time network, 17 used the distributed name check system, and 111 posts were still relying on microfiche to perform name checks. In general, posts in the so-called "first world" were more automated, while posts in remote and undeveloped locations tended to be the ones using the more archaic technology.
[107] Chaired by State and funded by the Defense Department.
[108] The TIPOFF database was searchable using a sophisticated language algorithm that allowed a searcher to identify multiple variations on a name, for example, transliterated from Arabic to English. For example, the Blind Sheik, Sheik Omar Ali Abdal Rahman would produce 486 "hits" in State's name check system. DOS record, Presentation to the Consular Systems Information Resources Management Program Board, Apr. 25, 1995.

[109] The agreement with Canada, while signed by the State Department, required a separate memorandum of agreement among the intelligence community members in which they agreed to supply their TIPOFF data with Canada.
[110] DOS record, TIPOFF power point presentation, "History of the Visas Viper Program," Nov. 1, 2003.
[111] The criteria for inclusion were that there was reasonable suspicion that the subject has or might engage in terrorism, and that there was sufficient biographic data for positive identification of the individual. Ibid.
[112] GAO report, "Passports and Visa: Status of Efforts to Reduce Fraud," GAO/NSIAD-96-99, May 1996.
[113] Following the 9/11 attacks, CA Assistant Secretary Mary Ryan met with CIA Director George Tenet, and expressed her frustration with the CIA's failure to provide State with the names of two 9/11 hijackers: Khalid al Mihdhar and Nawaf al Hazmi, whose names were in the possession of the CIA as early as January 2000. In the wake of the 9/11 attacks and this meeting between Ryan and Tenet, Visas Viper experienced a "dramatic" increase in submissions. Mary Ryan interview (Sept. 29, 2003).
[114] On April 30, 1994, President Clinton signed the Foreign Relations Authorization Act, which authorized the Secretary of State to charge and retain a fee for processing MRVs. P.L. 103-236 (1994).
[115] History of the Department of State during the Clinton Presidency (1993-2001), Chapter 9, The Consular Function.
[116]DOS record, Supplementary Information provided in connection with interview of Travis Farris, Nov. 26, 2003. A Hispanic algorithm was implemented beginning in September 2002. Ibid.
[117] Travis Farris interview (Sept. 29, 2003).
[118] DOS record, Supplementary Information provided in connection with interview of Travis Farris, Nov. 26, 2003.
[119] Ibid.
[120] GAO report, "Border Security: Visa Process Should be Strengthened as an Antiterrorism Tool," GAO-03-132NI, Oct. 2002.
[121] Mary Ryan interview (Sept. 29, 2003). According to the State Department, each post received a single hard copy of the *Best Practices Handbook* (an edition dated February 19980, which included a series of 14 cables. Over time, additional cables were added to the *Handbook* by posting them to the Consular Affairs Web site. The last cable (No. 49) was dated April 1999. DOS record, Consular Best Practices Handbook, 2000 edition.
[122] General Accounting Office, "Border Security: Visa Process Should be Strengthened as an Antiterrorism Tool," GAO-03-132NI, Oct. 2002.
[123] Ibid.
[124] DOS record, "History of the Department of State During the Clinton Presidency (1993-2001)," Chapter 9, The Consular Function.
[125] Ibid.
[126] GAO report, "Border Security: Visa Process Should be Strengthened as an Antiterrorism Tool," GAO-03-132NI, Oct. 2002; Mary Ryan interview (Sept. 29, 2003)("They were telling us they were burned out.")
[127] See DOS record, Consular Best Practices Handbook, 2000 edition, Section 1.1 Overview which states "One reason best practices have been developed in consular work is to help those sections with growing workloads and static resources to 'get the job done.'"
[128] Ibid.
[129] Ibid.
[130] DOS record, Consular Best Practices Handbook, 2000 edition, Cable No. 6: The Context for Best Practices, Oct. 1997.
[131] Ibid.
[132] Cable No. 6: The Context for Best Practices, State 185823, October 1997; RDOS03004151.
[133] Id. at p.2, Letter of Assistant Secretary Mary Ryan introducing the *Handbook* addressed "Dear Consular Colleagues."
[134] As of March 1, 2003, the Immigration and Naturalization Service (INS) was reorganized, renamed and removed from the Justice Department and housed in the Department of Homeland Security.
[135] The Naturalization Act of 1790 was the first immigration law passed that set federal standards for naturalization, permitting citizenship within two years of residency. Article 1, section 8, clause 3 of the Constitution gives Congress the power to "regulate commerce with foreign nations, and among the several states and with the Indian tribes."

[136] By Acts passed Aug. 3, 1882, 47 Cong. Chap. 376, §§ 2, 3; 22 Stat. 214, and Feb. 23, 1887, 49 Cong. Chap. 220, 24 Stat. 415, charging the Secretary of the Treasury with "supervision over the business of immigration to the United States." States were required to process, deny entry, and care for passengers arriving within their state from abroad.
[137] By Acts passed March 3, 1891, 51 Cong. chap. 551, § 7 and March 2, 1895, 53 Cong. Chap. 177.
[138] By Act passed March 3, 1891. This act set out some of the basic parameters of federal immigration authority, including the list of persons to be excluded from entry, see § 1; the discretion of border inspectors to determine admissibility; the requirement that incoming vessels provide lists of incoming passengers including the "name, nationality, last residence, and destination of every such alien, before any of them have landed" and for pre-landing inspections by U.S. border officials; the authority to remove "unlawful" aliens and create rules to facilitate travel over the land borders, see § 8.
[139] In 1895, the Bureau of Immigration was created and placed under the Secretary of the Treasury. In 1903, the bureau moved to the newly created Department of Commerce and Labor, taking the name the Bureau of Immigration and Naturalization in 1906. When the Department of Labor was created in 1913, the bureau moved with it. In 1933, these functions were consolidated to form the Immigration and Naturalization Service under a commissioner. In 1940, the Service was transferred to the Department of Justice where it remained until March 2003. See "History of Immigration and Naturalization Agencies," 8 U.S.C. § 1551. In addition, there are at least 150 statutes providing the legislative history of immigration.
[140] An example of the interdependence of the enforcement and services sectors of INS is a 1984 memo addressing the priorities of INS interior enforcement: "More broadly, interior enforcement capabilities were to have a significant effect on the deterrence of illegal immigration through the prosecution of fraud facilitators, removal of criminal aliens, reduction of employment opportunities for illegal aliens and prevention of alien access to entitlement benefits." INS memo, "Control of Nonimmigrant Students" Dec. 13, 1984.
[141] George Regan interview (Oct. 21, 2003), former Assistant Commissioner for Intelligence (1989-Nov. 1996) and subsequently Acting Associate Commissioner for Enforcement through Aug. 1997.
[142] INS records, INS organizational charts signed by Attorney General Reno, 1998 and 2000.
[143] Mary Ann Wyrsch interview (Oct. 10, 2003), Deputy Commissioner, March 1998-October 2000 and Acting Commissioner, November 2000–March 2001.
[144] Jamie Gorelick interview (Jan. 13, 2004); Eric Holder interview (Jan. 28, 2004). Budget and national security issues pertaining to the INS were handled out of separate offices at main Justice, including the Terrorism and Violent Crime Section, the Office of Immigration Litigation, and the Justice Management Division.
[145] When James Ziglar became INS Commissioner on Aug. 4, 2001, he found an agency he described as severely lacking enforcement agents- he estimated that to address the illegal population in the United States, INS would need 46,000 agents as opposed to the 2,000 of the previous decade, see Ziglar power point to Attorney General Ashcroft, Nov. 2001. In addition, Ziglar also noted that technology development had been ad hoc, and there were no systems interconnecting INS. Development of a technology platform became a priority. James Ziglar interview, Nov. 14, 2003.
[146] Doris Meissner interview (Nov. 25, 2003); DOJ records, INS Weekly agendas 1997-1998; Janet Reno interview (Dec. 16, 2003); Jamie Gorelick interview (Jan. 13, 2004); Eric Holder interview (Jan. 28, 2004). For example, when the White House Counterterrorism Security Group sought INS information on special interest cases and student tracking, or when FBI director Louis Freeh sought help from Deputy Attorney General Gorelick on the same subject.
[147] She had previously served as an Acting INS Commissioner.
[148] Gustavo de la Vina interview (Nov. 19, 2003).
[149] Doris Meissner interview (Nov. 25, 2003).
[150] House Appropriations Committee Report 105-636 (1999) and Congressional Appropriations Conference Reports (1996-1998).
[151] See Dan Cadman interview (Oct. 7, 2003), of the INS National Security Unit; Bill West interview (Oct. 3, 2003), INS supervisory special agent in South Florida; Harvey Adler interview (Apr.16, 2004), INS detailee to the CIA; George Regan interview (Oct. 21, 2004), of the INS Intelligence Unit; Laura Baxter interview (Feb. 26, 2004), of the INS National Security Law Unit; Sarah Kendall (Mar.15, 2004), of the INS National Security Law Unit; Tim Goyer interview (Oct. 1, 2003), of the INS Lookout Unit, which also discusses the TIPOFF liaison, Bob Neighbors of the INS Lookout Unit; Greg Bednarz interview (Oct. 9,

2003), an Acting Assistant Commissioner for INS investigations policy and budget); Morrie Berez interview (Oct. 2, 2003), of the INS Student Tracking Task Force and its first coordinator.
[152] The 9/11 hijackers only used international airports to gain entry to the United States.
[153] Customs and Border Protection (CBP) power point record, Sept. 12, 2003, stating the legacy INS mission.
[154] Zacarias Moussaoui, an al Qaeda operative suspected of being primed as a possible pilot in the 9/11 operation, used a French, "visa waiver" passport to come into the United States and attend flight school.
[155] Although visitors from a Visa Waiver country could only stay in the United States for 90 days, they were not required to show a return airplane ticket out of the United States valid within those 90 days. Rather, the ticket could be valid for up to one year.
[156] At the international airports the immigration inspectors worked the immigration lines, determining aliens' admissibility, prior to a selective review of the luggage and currency accompanying those same aliens by the Customs Service. At many land border ports of entry INS and Customs officials worked in tandem processing U.S. citizens and aliens. On the northern border, this included 86 land ports of entry and 124 crossings, which were smaller stations with limited working hours. On the southern border it included 24 land border ports of entry and 43 crossings.
[157] INA § 286. INS News, October, 1997, *Service Reaching 45-Minute Flight Inspection Goal,* "The Service is close to reaching the 45-minute flight-inspection time mandated by Congress in Section 286 of the INA on most flights…" See also 8 USCS § 1752, which altered the law, requiring adequate staffing so as not "compromise the safety and security of the United States." To put the atmosphere in which the inspectors worked in context, in 2001, 90 percent of aliens entering the United States were visitors for pleasure (tourists). Total nonimmigrant visitors in 2000 were over 30 million, nearly a doubling in entries from the 17 million in 1995, see *Annual INS Statistical Report*, 2001.
[158] Many of the inspectors interviewed by the Commission complained these lights were often broken. Inspectors had the option of conducting an "Accelerated Citizen Examination" of U.S. citizens, called "ACE," consisting only of a document check but not a watchlist name check. The watchlist also contained information on lost or stolen passports. The INS was wholly dependent for this information on the State Department and the intelligence community. Prior to 2004, the real-time Interpol database of lost and stolen passport numbers was not available to immigration inspectors. On details of how travelers are processed at airports of entry, see JFK International briefing (July 28, 2003); Dulles International site visit (Feb. 27, 2004). See also Commission work product, *Results of interviews of border inspectors with 9/11 hijacker contacts: Answers regarding Primary Inspections prior to 9/11*, May 20, 2004.
[159] If the traveler was a hit on any of the watchlists, specific instructions appeared on the computer monitor visible only to the inspector. Instructions varied depending on the type of record. An outstanding arrest warrant could result in an immediate arrest. On the other hand, the inspector could be told to admit the individual for operational reasons, such as to gather intelligence on the individual's contacts and activities while in the United States.
[160] "Pocket litter" consists of paper, documents, receipts, photos, etc. carried on the person or in the baggage of the traveler.
[161] A translator and IDENT were used to screen Kahtani. The photographing and fingerprinting of Kahtani on August 4, 2001, at Orlando International Airport would later help federal authorities identify him as the same individual captured in Afghanistan subsequent to September 11.
[162] The State Department was consistently responsive to TIPOFF hits at ports of entry, according to the INS Lookout Unit manager.
[163] Prior to September 11, the FBI-led Joint Terrorism Task Forces, which usually had INS detailees, would be called in occasionally on watchlist hits. On these occasions, sometimes the JTTFs would show up at the port for more information or to interview the individual.
[164] Danny Chu interview (May 28, 2003).
[165] INS Commissioner Meissner responded to the 1993 World Trade Center bombing by providing funds to the State Department's Consular Affairs bureau to automate its paper terrorist watchlist, known as TIPOFF, for use by consular and border inspectors. (Meissner MFR)
[166] Commission work product, *Results of interviews of border inspectors with 9/11 hijacker contacts: Answers regarding Primary Inspections prior to 9/11*, May 20, 2004.
[167] Only one inspector out of 26 interviewed had heard of TIPOFF prior to September 11.

[168] This agreement gave only the INS, not Customs, the authority to deny entry to visitors reasonably suspected of terrorist activity.
[169] The standard of "reasonable suspicion" was taken from a confidential task force report written in the early 1980s. The report suggested a border watchlist be created to improve national security. The task force suggested that the watchlist database hold names of those who may seek admission for criminal purposes. The reasoning was that since the database only compiled names of those who may seek admission, the higher standard of excludability need not be met.
[170] According to the INS Lookout Unit manager, beginning in 1997, the INS would receive new TIPOFF referrals for entry into the INS database in weekly batches on a compact disc, along with supporting intelligence. The six person staff of the INS Lookout Unit would then review the materials for entry into the lookout database, NAILS, which was available to primary inspectors at ports of entry.
[171] Tim Goyer interview (Oct. 2, 2003).
[172] Ibid.
[173] The initial hits totaled 327 at all U.S. ports of entry out of a total 40,000 records, but many of these were mismatches or lacking sufficient information to deny entry. These numbers do not contain terrorist exclusions that were based on reasons other than terrorism, such as Kahtani, who, as we shall see, was excluded for suspicious behavior. DOS report, DOS power point presentation, 1998.
[174] Ibid. Total TIPOFF exclusions included 36 Saudis, 53 Egyptians, 125 Lebanese, and 1 Emirati. The largest number of exclusions came from the United Kingdom, a visa waiver country, with 328.
[175] The program operated out of Rome, Italy; Jakarta, Indonesia; Thailand, and countries in Europe. The INS Forensic Document Lab provided expert advice in training carriers on the most common types of fraudulent travel documents. Taxes applied to airline tickets helped pay for the program. Airlines selected for the program were those who tended to bring a higher quantity of improperly documented, and thus inadmissible, aliens to the United States. Tim Goyer interview (Oct.2, 2003).
[176] In 2000 Saudia, the Saudi airline, requested training due to its concern about improperly documented non-Saudis traveling on their airline. Saudi Arabia was a popular transit point for travel in the Middle East. Neither the State Department, nor INS, nor Saudia expressed concerned about Saudi nationals themselves or the possibility that they might carry fraudulent documents. Only one 9/11 hijacker used Saudia airlines on a return flight through JFK International Airport on July 4, 2001. Tim Goyer interview (Oct. 2, 2003).
[177] Passenger Analytic Units (PAUs) used inspector expertise at large airports of entry to replicate the work of the Lookout Unit, which also conducted checks on selected flights prior to their arrival at ports of entry. The purpose of the PAUs was to prepare for travelers identified through lookouts that were arriving on an incoming flight. This included information gathering, paperwork, and escorting the traveler directly from the plane to the secondary inspection area.
[178] What started out as a handful of experts grew to approximately 20 experts by September 11, including five fingerprint specialists, twelve document examiners, and a half dozen intelligence analysts producing fraud alerts for the field. Forensic Document Lab briefing (July 18, 2003).
[179] Forensic Document Laboratory briefing (July 18, 2003). DHS document, "Tripwire," Dec.2003.
[180] Forensic Document Laboratory briefing (July 18, 2003).
[181] When the Forensic Document Laboratory was asked to analyze the surviving hijacker travel documents, they did not note the fraudulent stamps now associated with al Qaeda. See INS reports, Forensic Document Lab analyses of passports of Satam al Suqami and Abdul Aziz al Omari, Nov. 2, 2001 and Sept. 19, 2001.
[182] Testimony of Phyllis Coven, INS Director, Office of International Affairs, before the House Appropriations Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, May 1, 1996.
[183] Dan Cadman interview (Nov. 21, 2003).
[184] Testimony of Phyllis Coven, INS Director, Office of International Affairs, before the House Appropriations Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, May 1, 1996.
[185] INS memo, Investigations Assistant Commissioner to Deputy Commissioner, "Discontinuance of Arab Nonimmigrant Overstay Program," May 21, 1974.
[186] INS memo, Enforcement Associate Commissioner to Regional Commissioners, Sept. 26, 1994; INS memo, Deputy Commissioner Chris Sales to Special Assistant to the Deputy Attorney General Amy Jeffress, "Policy Instructions regarding Locating and Processing Certain Libyan Students in the United States," July 11, 1983.

[187] On the quality of this student/school compliance database, see Morrie Berez interview (Oct. 2, 2003).
[188] Memorandum from FBI Director Louis Freeh to Deputy Attorney General Jamie Gorelick, "Improving DOJ's law enforcement capabilities re: aliens entry and departures from the U.S.," ("Status Report on Foreign Student Controls Task Force," (September 26, 1995) see also DOJ memo, Meissner to Gorelick, "Immigration Controls on Foreign Students," May 11 1995, stating that a "top-down review of the current process of scrutinizing, admitting, and monitoring foreign students in the Untied States, and assessing risks and vulnerabilities relative to issues of security." The memo notes that the FBI, U.S. Information Agency, and the State Department will be part of the review team.
[189] INS report, *INS Final report by the Task Force on Foreign Student Controls: Controls Governing Foreign Students and Schools that Admit Them,* Dec. 22, 1995.
[190] Ibid.
[191] Ibid. *INS Final report by the Task Force on Foreign Student Controls: Controls Governing Foreign Students and Schools that Admit Them,* Dec. 22, 1995.The Introduction states: "Americans have a fundamental, basic expectation that their Government is effectively monitoring and controlling foreign students. While the extent of any individual student being involved in a terrorist or major criminal activity is unknown, history tells us it does occur. Because there have been high profile instances where terrorists and criminal aliens have been linked to student visas, there is a growing degree of public concern about this issue. The American people need to have some basic level of comfort in the knowledge that its government is guarding against this danger. Americans deserve and expect it. Although there is no quantitative way to measure the intangible benefits gained through Americans having confidence and trust in their Government, it is fundamental to the mission and role of government. Without it, our nation's stability can be adversely impacted. This guiding principle was fundamental to the Task Force's effort." The reference to terrorist use of student visas here is a reference to Eyad Ismoil, the Jordanian who had driven the truckload of explosives into the parking garage at the World Trade Center on February 26, 1993. Ismoil had entered the United States in 1989 on a student visa, attending Wichita state University in Kansas for three semesters. He then dropped out of school and continued living in the United States illegally. See also, DOS letter, Frank Moss to Nancy Sambaiew, "Systems Priorities-Coordinated Interagency Partnership Regulating International Students," Feb. 5, 1999, stating at p. 3, "Development of a fully deployed CIPRIS is considered to be an important and valuable tool for countering both fraud and terrorism."
[192] P.L. 104-208 § 641 (1996). The legislation states that the first foreign students to come into the new tracking system should be those from state sponsors of terror.
[193] Congressional appropriation conference reports for the INS (1996-2000).
[194] Morrie Berez interview (Oct. 2, 2003). The INS received $800 million in technology monies between 1995 and 1997, but examiners were generally critical of its technology efforts, see GAO Report 01-046, Information Technology: INS Needs to Strengthen its Investment Management Capability, Dec.2000. DOJ OIG Audit Report 99-19, Follow Up Review Immigration and Naturalization Service Management of Automation Program, July 1999.
[195] See INS report, CIPRIS Information Packet, 1998. The success of the biometric student card was acknowledged by senior management at an INS Policy Council meeting in August 1998. The minutes read: "The CIPRIS pilot is in operation and appears to be working well. Current plans for the pilot call for the introduction of a new card that would replace the [paper forms now required of schools and students]. Advantages of proceeding to introduce the card as planned include the desire of the stakeholders, especially the participating schools. The card would replace some of the workload on schools with respect to entries and exits. It would also be more durable and more counterfeit-resistant than the current paper documents carried by students. Concerns about the card include the fact that it is… not a travel document. The Policy Council decided that issuance of the student cards should be deferred to allow time to explore other options." INS record, INS Policy Council Meeting minutes, Aug. 28, 1998. The Commission also spoke to John Smith, a former IBM vice president who helped develop the project. He stated the "biometrics were feasible at the time," see electronic communication to Commission staff, Oct. 21, 2003. The biometric scanners were linked between the Atlanta airport, the Texas Service Center and the United States Information Agency.
[196] Doris Meissner interview (Nov. 25, 2003); Mary Ann Wyrsch interview (Oct. 20, 2003), Dan Cadman interview (Oct. 7, 2003); Tom Cook interview (Jan. 14, 2004); Morrie Berez interview (Oct. 2, 2003). See also Daniel Benjamin and Steven Simon, "A Problem of Distance" in *The Age of Sacred Terror* (Random House, 2002), pp. 307-311.

[197] See Presidential Decision Directive 62, 1998.
[198] INS letter, Rep. Chuck Schumer to Attorney General Reno, "Student Visas and the implementation of CIPRIS," Feb. 19, 1998; INS letter, Senators Jon Kyl and Rick Santorum to Commissioner Meissner, "Implementation of CIPRIS," Mar.31, 1998.
[199] Testimony of Tom Fischer before the House Judiciary Subcommittee on Immigration, Border Security, and Claims re *Immigration Student Tracking: Implementation and Proposed Modifications*, (Sept. 18, 2002).
[200] INS record, INS Senior Leadership Policy Council meeting, Aug. 26, 1998.
[201] INS electronic communications, "CIPRIS Stop Work, Task 402," Feb. 4-9, 1998.
[202] The National Association of International Educators supported an amendment that would have repealed the 1996 legislation mandating the program. Website of NAFSA: Association of International Educators, "NAFSA Endorses CIPRIS Repeal Legislation, Issues Action Alert,"2000.
[203] Mary Ann Wyrsch interview (Oct. 20, 2003) and Tom Cook interview (Jan. 14, 2003).
[204] Tom Cook interview (Jan. 14, 2003). See also Doug Pasternak, "American Colleges are Weapons U. for Iraq," *U.S. News and World Report*, Mar. 9, 1998; American Council of Education (ACE) letter to its members, "CIPRIS Foreign Student Fee Collection System Issue Summary," Jan. 10, 2000; ACE letter, Terry Hartle, Senior Vice President to Kevin Rooney, Acting INS Commissioner, April 4, 2001, "Implementation of the Student and Exchange Visa Program/Coordinated Interagency Partnership Regulating International Students (SEVP/CIPRIS);" and Bob Bach interview (May 14, 2004), Executive Associate Commissioner for Policy and Planning, 1994-2000.
[205] INS record, INS Senior Leadership Policy Council meeting, Aug. 26, 1998.
[206] Tom Cook interview (Jan. 14, 2003). See also Bob Bach interview (May 14, 2004). Mary Ann Wyrsch, however, states she removed the project manager because he did not have a "good technology plan." Mary Ann Wyrsch interview (Oct. 20, 2003). John Smith, the technology consultant on the program, states he never did brief Wyrsch, but did brief the research group that reported to her. Smith to Commission staff email,, Oct. 21, 2003.
[207] INS letter, Senator Spencer Abraham and 20 other senators to Meissner, "INS Student Tracking," Feb. 22, 2000.
[208] American Camping Association website, "CIPRIS," Nov. 1, 2000, states: "Appropriation language introduced by Senator Judd Gregg, Chairman of the Commerce, Justice, State Appropriations Subcommittee, would essentially eliminate CIPRIS altogether."
[209] Mary Ann Wyrsch interview (Oct. 20, 2003)
[210] Tom Cook interview (Jan. 14, 2003).
[211] Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) § 110, 1996.
[212] Congressional appropriations conference reports, 1996–2000.
[213] Ibid.
[214] Doris Meissner interview (Jan. 12, 2004). See also INS record, contemporaneous notes on conversations between Meissner, Bach, and the Canadian government regarding the implementation of (IIRIRA) § 110, June 1999. See Canadian/American Border Trade Alliance record, notes on a presentation from Commissioner Meissner: "[Commissioner Meissner] thanked CAN/AM BTA for its pivotal role in educating Congress on the realities and needs of the northern Border and especially in its involvement in convincing Congress to delay the implementation of Section 110;" INS electronic communication, Jackie Bednarz to senior management, stating that Governor Howard Dean of Vermont said that entry-exit would be a "disaster" for Vermont, 1998.
[215] See Congressional bill, S. 1217 § 102: "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (Placed on Calendar in Senate)," at. It reads, "Section 110 of Public Law 104-208 is repealed." See also Doris Meissner interview (Jan. 12, 2004).
[216] Ibid.
[217] The INS website at the time stated that the intelligence unit "collects, evaluates, analyzes, and disseminates information relating to all INS mission, both enforcement and examination. Intelligence also directs the Headquarters Command Center, which maintains communications with other offices and agencies 24 hours a day."
[218] Doris Meissner interview (Nov. 25, 2003).

[219] That briefing was by the CIA in 1995 with the goal of pulling INS detailees to the CIA. INS email, Bednarz to Meissner, "CIA Briefing of INS Top Management—current Threat Assessment of Islamic Fundamentalist groups and Impact upon INS" (Oct.16, 1995).
[220] Doris Meissner interview (Nov. 25, 2003); Gregory Bednarz statement (Oct. 9, 2003).
[221] Doris Meissner interview (Nov. 25, 2003).
[222] Cliff Landsman interview (Oct. 27, 2003). Landsman ran the intelligence unit from 1998-2003, when the INS was abolished. See also George Regan interview (Oct. 21, 2003).
[223] Janet Reno interview (Dec. 16, 2003).
[224] Cliff Landsman interview (Oct. 27, 2003).
[225] See Majority Staff Report, Hearing on "Foreign Terrorists in America: Five Years after the World Trade Center," Feb. 24, 1998, p. 138-139. On the 2,000 special agents, see Gregory Bednarz statement, (Oct. 9, 2003). On the 4,500 inspectors, see Immigration and Naturalization News Release, "INS to Hire More Than 800 Immigration Inspectors Nationwide," Jan. 12, 2001: "The new inspectors will join the ranks of a current staff of more than 4,500 who perform more than 500 million inspections of people entering the United States each year." See also, INS Communique, Vol. 23. No. 1, "INS Commissioner Doris Meissner Announces Departure," Jan. 2001: "The Service is significantly bigger, with a workforce of 18,000 to now 32,000 employees. The Border Patrol alone has doubled in size, from 4,036 to 9,100 in the past seven years."
[226] Majority Staff Report, Hearing on "Foreign Terrorists in America: Five Years after the World Trade Center," Feb. 24, 1998, p. 152.
[227] Cliff Landsman interview (Oct. 27, 2003).
[228] Harvey Adler interview (Apr. 16, 2004) and Cliff Landsman interview (Oct. 27, 2003).
[229] INS records, INS enforcement personnel statistics, 1990-2000.
[230] On the 1986 plan, see INS report, Investigations Division, "Alien Terrorists and Undesirables: A Contingency Plan," May 1986; Daniel Cadman interview (Oct. 17, 2003). On the 1995 plan, see INS memo, Bramhall to Bednarz and Hurst, "Draft Counter-Terrorism Strategy Outline," Aug. 11, 1995. On the 1997 plan, see INS email from Cadman, "EAC briefing document," Dec. 5, 1997, with attachment entitled "Counterterrorism/national Security Strategy and Casework Oversight".
[231] Doris Meissner interview (Nov. 25, 2003) and Dan Cadman (Oct.17, 2003). The manager of the unit put together a report for the INS investigations division in 1986 titled, "Alien Terrorists and Undesirables: A Contingency Plan," which recognized the INS as "the agency charged with manning those borders and screening potential entrants to ensure that they are not entering with the intent to commit acts of terror either against our own government and people, or those of any other nation."
[232] INS report, "National Security Unit Strategy proposal," 1997.
[233] Dan Cadman interview (Oct. 17, 2003).
[234] Ibid.
[235] INS memo, Ken Elwood to the field, "Advisement to all offices and employees of the indictment of Usama bin Laden, international terrorist, and direct heightened security measures," (Nov. 4, 1998).
[236] Dan Cadman interview (Oct. 17, 2003) and Laura Baxter interview (Feb. 26, 2004).
[237] Rocky Concepcion interview (June 15, 2001).
[238] Veronica Cates interview (May 25), Rocky Concepcion interview (June 15, 2004), DHS email, Cadman to Commission staff and subsequent phone conversation (June 14 and 16, 2004), and Kevin Rooney interview (Jan. 8, 2004). See also, INS report, Cates to Cadman, "White House briefing," July 5, 2001.
[239] Doris Meissner interview (Nov. 25, 2003).
[240] A supervisory special agent in Florida wrote memos to headquarters beginning before the first World Trade Center bombing in 1993 urging the INS and the Department of Justice to take on counterterrorism investigations under its broad immigration authority. He also suggested using classified evidence to help remove terrorist aliens. The memos never received a response. See INS memos, Bill West to Bill Yates and headquarters, 1993-1995.
[241] INS Memo, William Slattery, INS Field Operations Executive Associate Commissioner, to Alexander Alienikoff, Program Executive Associate Commissioner, "INS Task Force Report," Oct. 29, 1996.
[242] INS Memo, Meissner to John Keeney, DOJ Acting Assistant Attorney General, Feb. 7, 1997.
[243] Ibid. It took until 1999 for the Justice Department, White House and Congress to establish a baseline for INS commitment to supporting JTTFs and until 1999, after the African embassy bombings, for Congress to specifically fund INS "participation in joint task forces on terrorism, to assist in the identification and

apprehension of alien terrorists." By 2000, Congress allotted more than 900 new positions to interior enforcement, for a total of 3,024 available positions, and INS detailees were considered integral to the Joint Terrorism Task Forces. See Congressional Conference Committee Report 105-825, 1999.
[244] Individuals still could claim political asylum and receive a hearing to determine if the fear of persecution was credible. Resolution of such a claim cold delay the expedited removal charge. See Antiterrorism and Effective Death Penalty Act §§ 422, 403; IIRIRA § 302.
[245] Ibid.
[246] INS Fact Sheet, "Update on Expedited Removals," July 9, 1997.
[247] INS record, INS Policy Council Meeting Minutes, June 4, 1997 and Laura Baxter interview (Feb. 26, 2004).
[248] INS record, Immigration "A" (Alien) file of Abu Mezer.
[249] INS record, INS Policy Council Meeting Minutes, June 4, 1997 and Laura Baxter interview (Feb. 26, 2004).
[250] Testimony of Seth Waxman before the Senate Judiciary Committee during consideration of the proposed Omnibus Counterterrorism Act of 1995, quoted in Senate Judiciary Committee Hearing record 105-703, p. 149.
[251] See Rules for the Alien Terrorist Removal Court of the United States, May 28, 1997.
[252] Majority Staff Report, Hearing on "Foreign Terrorists in America: Five Years after the World Trade Center," Feb. 24, 1998, p. 152.
[253] James Reynolds interview (Mar.31, 2004).
[254] 8 U.S.C. section 1534 (e)(1)(A), INA § 504.
[255] Doris Meissner interview (Nov. 25, 2003); Dan Cadman interview (Oct. 7, 2003); Laura Baxter interview (Feb. 26, 2003); and James Castello (Nov. 7, 2003). See also, DOJ memo, Laura Baxter memo, "The Use of Classified Evidence in Immigration Proceedings: Background Information and Legislation," Feb. 16, 2001. One example of the difficulties in pursuing a suspected terrorist through immigration violations is the case of Sami al Arian, which was initiated in 1994 and was repeatedly reviewed by the Justice Department for possible prosecution or initiation of removal proceedings prior to September 11. See Bill West interview (Oct. 3, 2003) and testimony of Steven Emerson before the Senate Judiciary Subcommittee on Technology, Terrorism and Government Information, Feb. 24, 1998, p. 101. The Justice Department brought charges after September 11.
[256] Doris Meissner interview (Nov. 25, 2003).
[257] James Castello interview (Nov. 7, 2003) and Laura Baxter interview (Feb. 26, 2003).
[258] Dan Cadman interview (Oct. 17, 2003) and Rocky Concepcion interview (June 15, 2004).
[259] Those in the latter two groups sought U.S. residency on the basis of fear of persecution in their home country: asylees made their claim after entering the United States or at the border, and refugees made it from abroad.
[260] INS record, "A" file of Aimal Kansi.
[261] INS record, "A" files of Mohamed and Mahmud Abouhalima.
[262] The SAW applicants had to provide evidence that they had worked on perishable crops for at least "90 days" between May 1, 1985, and May 1, 1986; their residence did not have to be "continuous" or "unlawful." Nearly 1 million illegal aliens had received legal permanent residence under SAW, twice the number of foreigners normally employed in agriculture.
[263] Testimony of Paul Virtue before the House Judiciary Subcommittee on Immigration, 1999.
[264] The Patrol's official mission statement read as follows: "To detect and prevent the illegal entry of aliens into the United States. The Border Patrol helps maintain borders that work- facilitating the flow of legal immigration and goods- while preventing the illegal trafficking of people and contraband." See CBP power point record, Sept. 12, 2003.
[265] Gus de la Vina interview (Nov. 19, 2003), a 31-year Border Patrol veteran and its Chief, 1999- 2003.
[266] The primary entry points were San Diego, California followed by El Paso, Texas.
[267] Gus de la Vina interview (Nov. 19, 2003)
[268] Where the Patrol did receive outside federal help and support was from the Defense Department in three areas: (1) military personnel who, until the mid 1990s, worked at listening posts as "eyes and ears" on land and water; (2) National Guard units constructed such things as fences, gates, and towers; and (3) technological "leftovers" such as binoculars, infrared glasses, and sensors. The Defense Department no longer supplied military personnel at listening posts after a mistaken shooting of a civilian by military

personnel. Known as the Redford incident, its ramifications were to be felt in the aftermath of September 11, as the Patrol's request to DOD for military personnel help at listening posts was denied, and the Patrol received instead technology and intelligence analysts.

[269] INS newsletter, "INS Commissioner Meissner Announces Departure," Jan. 2001.

[270] Numbers derived from statistics set forth in DOJ OIG report, *Border Patrol Efforts Along the Northern Border*, Apr.2000.

[271] For numbers of agents on the Canadian border, the Canadian situation generally, and the Inspector General's recommendations, *see* DOJ OIG *Follow-up Review of the Border Patrol Efforts Along the Northern Border*, Apr.2000. On terrorists entering the U.S. via Canada, see e.g. INS report, *Record of Deportable Alien Abu Mezer*, June 24, 1996. Mezer was able to stay in the United States despite three apprehensions for illegal entries along the northern border. In regard to the detailing of northern border patrol agents to the southern border, Doris Meissner stated in a memo to Mary Demory, Assistant Inspector General for Inspections at DOJ, that the INS would stop detailing border patrol agents to the southern border, p. 5 of above-mentioned report.

[272] Gus de la Vina interview (Nov. 19, 2003).

[273] Gus de la Vina interview (Nov. 19, 2003).

[274] DOJ, Executive Office for Immigration Review, Statistical Year Book 2000, p. D-1, 214; 982 immigration hearings were held for deportation, exclusion and removal.

[275] BJA, Compendium of Federal Justice Statistics, 2000, p. 1. Immigration offenses for FY 2000 totaled 16,495.

[276] INS has assigned special agents to the Organized Crime Drug Enforcement Task Forces since 1987.

[277] There was also the problem that the paper "Alien" files that were located throughout the U.S. were not available for review after hours.

[278] The term "aggravated felon" refers to aliens who have been convicted of serious felony crimes such as illicit trafficking in drugs or firearms, money laundering, and alien smuggling. 8 USC § 1101(a)(43).

[279] Access to the center was available through an existing dedicated law enforcement telecommunication system, the National Law Enforcement Telecommunications System (NLETS). The first state to have access to the LESC was Arizona. To obtain immigration information on a possible criminal alien suspect, a simple query screen on the NLETS system was completed. Basic biographical information was required with optional fields available to better define the search. The query screen was available to all law enforcement agencies in the state. The INS attempted to answer all queries and returned any information within 20 minutes. The LESC conducted extensive training to officers in the state on immigration law and the new system.

[280] The LESC was also used to locate criminal aliens who were detained in county jails for criminal activity. The Maricopa County Jail in Phoenix was the first detention facility to program an automated interface with the LESC so that all foreign-born inmates who were booked into the jail on criminal charges were checked for immigration status.

[281] 8 U.S.C. § 1357 (1996).

[282] This "sanctuary" policy was first published by Mayor Edward Koch on August 7, 1989, and directed city "line workers" who had contact with the public to not transmit information respecting any alien to federal immigration authorities. However, it exempted the police and the Department of Corrections and directed them to continue to work with federal authorities "in investigating and apprehending aliens suspected of criminal activity." Koch, executive order, Aug. 7, 1989.

5
Planning and Executing Entry for the 9/11 Plot

5.1. The State Department

Overview

After the 9/11 attacks, as the country struggled to comprehend the enormity of the tragedy, one question was asked over and over: "How did these people get in?" In the search for government officials potentially responsible for failing to prevent the attacks or, worse, enabling them, the spotlight turned on the State Department. The hijackers needed visas to apply for entry to the United States, and it was the State Department that supplied the hijackers with those visas: 15 in Saudi Arabia, 2 in the United Arab Emirates, and 2 in Germany. But for State's actions, critics argued, the 9/11 attacks could not have taken place. When the visa applications of the hijackers were scrutinized, and some were disseminated in the media, State drew fire for approving incomplete applications, particularly for the 15 Saudi hijackers. The department's officials were also criticized for speeding the process of issuing visas and interviewing few if any applicants in Saudi Arabia and the UAE, where 17 of the 19 hijackers acquired their visas. With its reputation as a friend of foreigners, State was an easy target.

Our investigation has determined that some of the criticism leveled against the State Department was warranted. State officials did approve incomplete visa applications and did expedite the issuance of visas, requiring few interviews of Saudi and Emirati applicants during a time of rising extremism in Saudi Arabia and, during the summer of 2001, heightened threat reporting in the Middle East generally. However, the reasons for the State Department's adoption of these visa policies in Saudi Arabia, the UAE, and Germany have never been adequately explained. More specifically, no one has discussed the differences in visa policy between the Jeddah and Riyadh visa posts in Saudi Arabia, the extent to which individual consular officers in were actually aware of the extremist threat, and the true effect on visa issuance of the ill-named Visa Express Program. We explore these topics in this section.

As noted in the previous chapter, the basis for immigration law applied by the State and Justice Departments before 9/11 was the Immigration and the Nationality Act (INA) and its accompanying regulations. To comply with the portions of these laws regarding visa applications, the Department of State created a form to be completed by all applicants. Form OF-156 consisted of 35 questions covering each applicant's biography, visa and travel history, purpose for visiting the United States, intended destination, means of financial support, and occupation. Applicants were also asked if they fell within certain categories of persons who are inadmissible to the United States, including those afflicted with a communicable disease "of public health significance" and those who "seek to enter the United States to engage in export violations, subversive or terrorist activities, or any unlawful purpose."

Visa Policy in Berlin

September 11 hijacker, ringleader, and pilot Mohamed Atta and his fellow pilot hijacker Ziad Jarrah received their visas in Berlin, Germany, in May 2000.[1] Conspirator Ramzi Binalshibh tried and failed to obtain a visa in Berlin around the same time. German citizens do not need a visa to come to the United States for business or pleasure, because they qualify for the Visa Waiver Program (VWP). All three 9/11 conspirators, however, were so-called third country nationals (TCNs)—that is, persons living in a country other than their own. Thus, because they did not hold passports from another VWP country, they were required to apply for a visa to come to the United States.

With rare exceptions, TCNs applied for a U.S. visa by mail or through a drop box at the embassy in Berlin. In addition to the application, they were required to submit their passport, some proof of residence status from the local German police district where they lived, and documents indicating their source of income. This was more documentation than was typically required of Emirati or Saudi Arabian citizens applying in their home countries, as the discussion of those countries, below, will make clear. The application papers would be reviewed by a State local employee who would categorize them according to their qualifications for a visa.

Consular officers working in Berlin at that time told us that if the papers indicated that the applicant "might be an intending immigrant we would interview that person. Our focus was on stopping intending immigrants."[2] The basic criteria used to screen out intending immigrants centered on the applicant's ties to Germany. In general, all TCNs with "less than 18 months to two years of residence were interviewed," a consular officer told us. If they met this threshold, then the consular officer would look to additional factors—including nationality, family, job, and school status—to see whether applicants presented a good visa risk.[3] These criteria were not put in writing but rather were conveyed to officers orally in training when they arrived at the Berlin post to perform consular work.

Individuals who clearly demonstrated they were qualified for a visa were put into a "routine processing" pile. Applicants who clearly did not qualify were put into a "high-risk" pile.[4] The Consular Lookout and Support System (CLASS)—State's automated lookout and watchlist system—was checked early in the process as part of the data input for each applicant, and any derogatory information was taken into account.[5] For example, a prior refusal for a visa would "kick someone out instantly."[6]

Applicants in the high-risk pile were sent a letter alerting them of the need to schedule an interview. If the interview confirmed the officer's initial suspicion, then they were denied a visa, and that denial was recorded in the CLASS system. Applications considered routine were processed in a number of ways. As a consular officer described it to us, if the application was strong—that is, if the applicant had submitted all the necessary paperwork and had overcome the presumption of being an intending immigrant—then he or she was issued a visa. If, however, the application was in some way incomplete, consular staff would do one of two things. Sometimes, they would call up the applicant to get the missing data.[7] In other cases, when they believed the applicant had not yet met the

INA's statutory burdens, they would send the applicant a letter stating that the application had been denied under INA section 221(g) and inviting the submission of additional supporting information.

A consular officer we interviewed told us that by putting the ball back into the court of the visa applicant, they reduced their workload. They described the technique as a "quasi-refusal in order to avoid interviewing" some visa applicants.[8] An applicant who wanted to continue the visa application had one year within which to submit additional documentation and seek an interview. If this supplemental material succeeded in persuading the officer that the original 221(g) denial was in error, then this denial could be "overcome" and a visa issued.

If, on the other hand, the applicant's interview failed to demonstrate to the officer that he or she qualified for a visa, then the applicant could be denied a visa as an intending immigrant under INA section 214(b), a denial with far greater significance. Although such a denial could be overcome, its presence in an applicant's electronic records made consular officers adjudicating future applications regard them more closely. A denial under the more general 221(g) did not carry the same weight, since it could be based merely on an applicant's failure to submit necessary paperwork. Because of the way they used 221(g)—as a delaying tactic when applications were questionable—Berlin consular officials considered it "one case" when an applicant applied, received an initial denial on 221(g) grounds, and then pursued his or her application through to an interview followed by a denial under 214(b).

Citizens of countries that were relatively advanced economically stood a better chance of obtaining a visa. Conversely, applicants whose home countries were more impoverished were more likely to be seen as potential economic immigrants to the United States. In this respect, Berlin visa policy toward third country nationals mirrored the policy toward citizens of those countries in their own countries.[9]

But TCNs who were long-term German residents were basically treated like German citizens. As participants in the Visa Waiver Program, German citizens did not fill out visa applications or apply for visas to travel to the United States. All they needed was a passport. Berlin considered third country nationals who were successful students in Germany to be good visa risks.[10] Their view was that German was a difficult language and matriculation in a German university was a major accomplishment, both factors that provided TCNs with an incentive to return to Germany.[11]

Visa Policy in the United Arab Emirates

Two of the 9/11 hijackers—Marwan al Shehhi, the pilot of United Airlines 175, and Fayez Banihammad, a hijacker on the same flight—acquired their visas in the United Arab Emirates.

Beyond the visa law contained in the INA and Department of State regulations, visa policy in the UAE was not codified in writing; rather, it was conveyed to incoming

consular officers by their colleagues and supervisor.[12] Like their colleagues serving in other posts around the world, consular officers in the UAE were not trained to use the visa application to screen for terrorists or to conduct visa application interviews to discover terrorists. They were also not familiar with al Qaeda.[13]

There had never been a terrorist attack in the UAE, nor had any UAE national been a terrorist before 9/11, one consular officer told us.[14] Consequently, consular officials did not consider UAE nationals to be security risks before 9/11, although there were some concerns with their passport issuance regime.[15] UAE passports, while of "excellent quality," often contained inaccurate information.[16] For example, the year of birth often reflected the person's vanity rather than reality, and before 1970 births in the country were not recorded. In addition, people were issued UAE passports that falsely listed the UAE as their birthplace.[17] Passports also were issued through patronage from tribal sheikhs.[18]

Nevertheless, UAE nationals generally enjoyed a high standard of living and were not considered likely economic immigrants. One consular officer told us that Emiratis were considered "low-risk applicants who had lots of money, left the UAE to escape the summers, and were Western-oriented [people] who simply wanted to visit the U.S. There was little fear of Emiratis overstaying their visits."[19] Emirati nationals had "an incredibly low refusal rate."[20] Indeed, before 9/11, consular officials in the UAE had tried on at least two occasions to have the UAE included in the Visa Waiver Program, pointing to the applicants' strong economic status and low refusal rate. Officials believed the only reason these attempts failed was that the UAE was unwilling to reciprocate and allow Americans to enter it without a visa, one of the program's requirements.[21] The INS provided no negative feedback about Emiratis from encounters with them at ports of entry.[22] State thus considered the UAE a de facto visa waiver country, and concentrated on facilitating the issuance of visas to them.[23]

One result of this attitude was a very low interview rate before 9/11. One consular officer observed, "I would guess that about 95 percent of the Emiratis . . . were not interviewed"; they were "almost never interviewed unless we got a 'hit' on the CLASS lookout system indicating derogatory information about the applicant."[24] Said another, "Virtually all UAE nationals were the beneficiaries of personal appearance waivers."[25] This officer, who served in the consular section for more than a year before 9/11, told us that they "did not do one interview of an Emirati during my time."[26] UAE nationals submitted their applications through a travel agency referral program akin to Saudi Arabia's Visa Express Program (discussed below) or through a drop box at the embassy. Their applications were almost always approved.[27]

Another result was consular officers' lack of interest in carefully scrutinizing all aspects of the visa application. In the view of a number of officers, questions regarding occupation, financial support, address in the United States, and purpose of visit "shed little light on the applicant's intentions," and were "not important" because "the UAE looks after the financial needs of its nationals."[28]

Visa Policy in Saudi Arabia

> This place really is Wonderland.
>
> —Tom Furey, consul general in Riyadh, Saudi Arabia, June 2001

Fifteen of the 9/11 hijackers acquired their visas in Saudi Arabia at either the U.S. consulate in Jeddah or the U.S. embassy in Riyadh, the only two visa-issuing posts in Saudi Arabia. Because visa policy in Saudi Arabia has been the focus of much controversy and criticism since the 9/11 attacks, we explore it as some length. Though visa policy in Saudi Arabia is in many ways similar to that in other Persian Gulf countries, including the UAE, Saudi policy and practices also exhibit some unique aspects.

Visa policy in Saudi Arabia derived from several sources. The law—the INA and its accompanying regulations—applied in every foreign post. In addition, each country's policy was shaped by larger U.S. foreign policy interests. One high-ranking U.S. diplomat who served in Riyadh described the U.S-Saudi relationship as having "very deep roots; it was a close relationship rooted in common interests." Pertinent facts included Saudi Arabia's status as the world's largest oil producer and the largest market for U.S. goods and services in the Middle East, as well as the U.S. and Saudi interest in a stable Middle East.[29]

These common interests resulted in what one senior consular official serving in Saudi Arabia described as "a culture in our mission in Saudi Arabia to be as accommodating as we possibly could."[30] Another explained that the "liberal visa policy" supported U.S. policy goals, such as encouraging good relations with wealthy future leaders of Saudi Arabia.[31] When we asked consular officials whether they felt pressure from their superiors or others to issue visas, they answered that pressure was applied from several sources, including the U.S. ambassador, Saudi government officials or businesspeople, and members of the U.S. Congress.[32] Some officials told us, however, that this pressure was no different from what they experienced at other posts and did not affect them.

Visa applicants in Saudi Arabia fell into two distinct groups who applied in roughly equal numbers: Saudi citizens and third country nationals.[33] Because the socioeconomic profiles of these groups were perceived differently by State consular personnel, visa policies for the groups differed.[34] Although none of the September 11 hijackers were third country nationals, the TCN policy is relevant for understanding visa policy applied to Saudi citizens.

Third Country Nationals. TCN visa applicants were considered a high risk of becoming intending immigrants. Prior to June 2001, they were generally required to apply for their visas in person, and about 75 percent were interviewed.[35] Indeed, consular officials we interviewed uniformly said that they interviewed most TCN nonimmigrant visa applicants, who sought to come to the United States for pleasure, business, or school. Officers said this policy was due to TCNs' low social and economic status in Saudi Arabia.[36] TCN applicants were often servants of Saudi citizens—maids, butlers, or "tea

boys" whom the Saudis sought to bring with them to the United States.[37] Much of the work in Saudi Arabia was performed by third country nationals brought to Saudi Arabia specifically for that purpose, who needed a Saudi sponsor to enter or leave the country.[38] If TCNs did not present letters from their Saudi employer in support of their application, then they were, in the words of a consular officer, a "clear refusal."[39] Consular officials also requested that TCNs supply proof of ties to their home country, bank statements, and clear evidence of their intended destination in the United States.[40] Consular officials described attempts by Saudi citizens to help their servants acquire visas in order to aid their illegal immigration to the United States.[41]

In fact, some of the most egregious examples of consular officials being pressured to issue visas concerned the applications of TCNs who were servants of the Saudi royal family or of Saudi diplomats. In one case, U.S. Ambassador Wyche Fowler ordered a consular officer to issue a visa to a diplomat's servant even though the diplomat refused to provide proof he was paying his servants minimum wage as required by U.S. law. The diplomat was "a Saudi . . . a Saudi!" Fowler said, adding, "they never pay them what they say anyway."[42] In a more serious incident, Fowler, frustrated with the consul general's insistence that servants of the Saudi royal family come in for visa interviews, ordered him to leave Saudi Arabia within 24 hours. Fowler then gave him a poor performance rating, on the grounds that he was not cooperating with embassy policies.[43] The consul general apparently retired to avoid having the negative performance rating made a permanent part of his record.[44]

Generally, TCNs would apply for a U.S. visa using a passport from their birth country; but during the 1990s, evidence of fraud by TCNs in the visa process grew. Non-Saudis who are not employed have no lawful permanent residence status in the Kingdom, and the Saudi government's stated policy was to replace foreign workers with Saudi nationals.[45] In addition, the government began a campaign in 1997 to expel millions of illegal aliens living within its borders.[46] As a result, TCNs began fraudulently applying for U.S. nonimmigrant visas to avoid being sent back to their countries of origin. According to memos and cables prepared by consular officers in the year 2000,

> Some Saudi businessmen have provided assistance to illegal employees in the form of false employment letters or even passports. Saudi VIPs have included unqualified TCNs in their entourage when applying for visas. *Fraudulent Saudi passports have become a concern.* Saudi Arabia issues Saudi travel documents to non-citizens with the only difference being an Arabic notation on page six of the passport. *In addition, it appears that Saudi citizens have sold their passports containing valid NIVs [nonimmigrant visas].* Several have been detected being used as far afield as Mali. Both Jeddah and Riyadh have detected photo-substituted Saudi passports being submitted by TCNs with NIV applications.[47]

When a TCN was detected using a Saudi passport, one consular official said, "we'd cull those out" and give them greater scrutiny.[48]

These cases in which TCNs were involved in passport and visa fraud demonstrated that the TCNs were significant risks for becoming intending immigrants. However, more systematic attempts by consular officials to investigate whether a representative sample of TCN visitor visa applicants stayed in compliance and returned to Saudi Arabia were unsuccessful, "since most employers did not cooperate with consulate survey efforts."[49] One official described an "informal tickler system, though, especially for servants of Saudis," to make sure they did, in fact, return as their visas required.[50]

Evidence that we reviewed suggests that the concerns expressed above about the fraudulent use of Saudi passports did not significantly influence degree the visa policy applied to Saudi citizens.

Saudi Citizens. Prior to September 11, 2001, it was State Department policy that Saudi citizens, *as a group*, had overcome the presumption under section 214(b) of the INA that every alien is to be considered an immigrant "until he establishes to the satisfaction of the consular officer, at the time of application for a visa . . . that he is entitled to nonimmigrant status."[51] This presumption applied to any concern that Saudi citizens were at risk of becoming *economic* immigrants to the United States. One consular officer who issued a visa to a 9/11 hijacker said, "It was factual, as far as our statistics showed, that they just weren't economic immigrants, they went, they spent a lot of money, they went on their vacations, they loved to go to Florida and then they came back."[52]

Consular officers were not given written guidance that the 214(b) presumption had been overcome,[53] although the policy was recognized in written materials about consular work produced in Saudi Arabia before September 11.[54] Consular officers in Saudi Arabia were advised of this policy orally when they arrived at the post.[55] They were told that Saudi Arabia met the criteria for inclusion in the Visa Waiver Program because of its citizens' low visa refusal rates and that the country had applied for inclusion in the program. But, like the UAE, the Saudis refused to reciprocate and allow U.S. citizens to travel to Saudi Arabia without a visa.[56] Thus, although Saudi Arabia was not technically a part of the VWP, consular officers were told it was unwritten State Department policy to consider Saudi Arabia a "virtual visa waiver" country.[57]

This virtual visa waiver policy led to a number of outcomes. First, since most Saudi applicants were presumed to be eligible for a visa, consular officers did not generally demand that they fully complete their visa application forms.[58] Second, unlike applicants from Middle Eastern countries who applied in Germany, Saudis generally were not required to present supporting documentation such as proof of financial means, proof of academic standing, or proof of home address. Third, most Saudi citizens were not required to appear for a personal interview.

According to one high-ranking consular official in Riyadh, the State Department's Bureau of Consular Affairs (CA) and the Visa Office leadership within CA were well aware of this policy and tacitly agreed that personal appearances generally could be waived for Saudi citizens.[59] As discussed earlier, consular officers relied on a check of

the TIPOFF terrorist watchlist to prevent terrorists from obtaining visas. Thus, under this policy, a Saudi citizen who was a terrorist not included in the TIPOFF watchlist stood a very good chance of acquiring a U.S. visa without ever having a face-to-face encounter with a U.S. consular official and without presenting a fully completed visa application or any supporting documentation.

Implicit within the policy decision to consider Saudi Arabia a virtual visa waiver country was an assumption that Saudi citizens were not security risks. Inclusion in the *actual* Visa Waiver Program before 9/11 required that both the State and Justice department weigh not only visa overstay and refusal rates but also the security risks posed by citizens of the particular country being considered for inclusion in the program. By treating Saudi Arabia as if it were in the Visa Waiver Program, State arguably had arrogated to itself that portion of the visa waiver calculation. And even before 9/11, evidence was accumulating that this assumption was in error. The CIA had analyzed and reported on Saudi Arabia's Islamic awakening as early as 1993.[60]

Beyond this judgment that Saudis were not security risks was a determination that they were not economic risks either. INS records show little evidence that Saudi citizens overstayed their visas or tried to work illegally in the United States. For example, out of a total of 1,387,486 deportable aliens located by the INS in fiscal year 2001, only 36 were Saudi nationals.[61] Nevertheless, there were significant signs of economic stagnation in Saudi Arabia before September 11, 2001. As early as 1991, consular officers noted that "while many Saudis are well off[,] . . . a surprising number of the younger generation [are] scraping by on incomes which cannot support the large families and high prices typical of Riyadh."[62] Indeed, studies indicate that Saudi per capita income peaked at $16,700 in 1981 (when U.S. per capita income was $13,960), and had dropped to around $8,000 by 2000.[63] Furthermore, the Saudis had a "youth bulge," with a significant percentage of their population under 30 years of age and unemployed.[64]

Consular officers who adjudicated the visas of the 9/11 hijackers said they were aware of these strains. One testified that there was a growing concern about Saudis "because, with the economic problems of Saudi Arabia and the population explosion, you've got the potential . . . that . . . people . . . might not, you know, want to stay in Saudi Arabia. . . . We realized that Saudi Arabia has big economic problems, it's getting worse, because they've got an unbelievable population growth. And so, therefore, we need to keep that in mind as we're looking at Saudi applicants."[65]

Nevertheless, most consular officials in Saudi Arabia did not regard unemployment as an impediment to getting a visa, since "they have a terrible unemployment problem in Saudi Arabia, and a lot of people have money but they don't have jobs."[66] At other posts, an applicant's lack of employment would have been significant; but according to consular officials in Saudi Arabia, there it was not, because Saudis were not actually looking for jobs. Said one consular officer, "It's their choice to be unemployed."[67] Another was more blunt: "The Saudis do not work."[68] Though this viewpoint was widespread it was not universal. One consular officer in Saudi Arabia before September 11, concerned about issuing visas to people with no apparent economic prospects, recalled, "We were issuing

visas to people who, if you just covered the 'nationality' block on the application form with your thumb, we would deny in any other country."[69]

Saudis were not completely excused from visa interviews. Formal communications between the Riyadh embassy and the Department of State described the policy as one of "interview by exception."[70] This term was borrowed from the title of a cable in the *Consular Best Practices Handbook*, which urged visa-issuing posts to calibrate visa policy so as to interview only those applicants who truly needed to be interviewed.[71]

In general, "interview by exception" meant that Saudi citizens were interviewed only if their applications contained something out of the ordinary or an indication of visa ineligibility, such as an applicant failing to include the necessary INS form (I-20) to support a request for a student visa. An interview might also be triggered by an applicant indicating a desire to stay beyond the ordinary six-month period authorized by the INS for tourists, or, as in one instance described to the Commission, an applicant stating on his application that the purpose of his visit was "terrorism" when he meant "tourism."[72] In the specifics of this approach, there were some significant differences between the two visa-issuing posts, Riyadh and Jeddah.

The Difference between Jeddah and Riyadh. Our investigation has revealed a lack of uniformity in Saudi interview policy. It changed over time according to personnel changes at Jeddah and Riyadh, security threats to the embassy and consulate, and difference in consular management. We also found that some consular officers serving in Jeddah believed before 9/11 that Saudi citizens posed potential security risks to the United States and that they therefore more carefully scrutinized Saudi visa applicants.

Despite the disparities in the accounts of consular officers, there is strong evidence that for several years prior to September 11 a more aggressive policy of interviewing visa applicants was in place at the consulate in Jeddah than at the embassy in Riyadh. Many pilgrims arrived and passed through Jeddah, sometimes called "Gateway to the Hajj," on their way to the Muslim holy sites; a rich assortment of individuals entered the consulate, some of whom applied for visas. Partly for these reasons, consular officers serving in Jeddah were particularly sensitized to the possibility that Saudis could be security threats to the United States. This sensitivity in turn led to a policy—more or less in evidence at various times—under which Jeddah consular officers were "tougher" than those in Riyadh on Saudi applicants.[73]

A consular officer who served in Jeddah in 1996 estimated that they interviewed 50–60 percent of Saudi visa applicants.[74] A consular officer in Jeddah two years later told us that they interviewed "a majority" of male Saudi visa applicants between the ages of 16 and 40. When we asked why, the latter officer said that they knew who Usama Bin Ladin was, they knew that he was dangerous, and they were concerned about the possibility that Saudi visa applicants might be intending to go to the United States to participate in terrorist attacks.[75] When we asked this consular officer if State Department personnel in Saudi Arabia lacked any reason to believe that Saudi citizens were security threats to the United States, he responded, "That's absurd; that's patently ridiculous."[76] He pointed out

that the U.S. embassies in East Africa had been attacked days before his arrival in Jeddah. Security concerns were high.[77]

Their practice, according to this officer, was to look for potential extremists: Saudi applicants who had long beards, a short robe, or other indicators of fundamentalism and fundamentalist Muslim clerics who were seeking a visa to chant the Qur'an in a U.S. mosque around the time of Ramadan would receive greater scrutiny. In addition, even an applicant who did not look like an extremist who was from a location known to have produced extremists, such as al Qassim Province, "and he doesn't have a good explanation, and he wants to go to the U.S. for an extended stay, that person didn't get a visa."[78] Though these individuals would be denied visas for security reasons, the officer told us he would use 214(b)[79]—that is, the section of the INA that states, "Every alien . . . shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a nonimmigrant status[.]"

Another officer corroborated the existence of an interview policy in Jeddah in 1998 that focused on potential Muslim extremists. He said it was instituted "in about August 1998, a month after I arrived," and described the policy somewhat differently. He said they would interview 100 percent of Saudi citizens who were first-time student visa applicants, 80 percent of all students, and 5 percent of all other Saudi applicants.[80]

By contrast, officers in Riyadh at that time seem not to have displayed the same level of concern about Saudi visa applicants posing a potential security risk. As discussed earlier, Saudis were generally seen as good visa risks, exempt from the presumption of intending immigrants under INA section 214(b). Riyadh consular officers, including those who issued visas to the September 11 hijackers, said that they reviewed the visa applications of Saudi citizens and interviewed them "if something was unusual or indicated that we had a concern,"[81] such as an applicant answering "yes" rather than "no" to one of the ineligibilities on the visa form.[82] Another officer said they would interview the applicant if the application "looked odd" or "funny," or the applicant "hadn't been clear about where he was going."[83]

Although officers in both posts appear to have scrupulously used the State Department's CLASS name-check system to screen visa applicants for any connections to terrorism, the evidence suggests that consular officers in Riyadh apparently did not pursue potential terrorists beyond that system as assiduously as did the officers in Jeddah. Their approach may have contributed to the creation of the Visa Express Program, discussed below.

The 1998 interview policy in Jeddah apparently continued, though somewhat less aggressively, into the early fall of 2000. According to one officer, whom we will call "Tom," when he arrived in August 2000 they were interviewing a significant percentage of Saudi citizen visa applicants and all first-time students.[84] "Tom" told us that they were suspicious of Saudi citizens who were from locations where they knew extremists lived and who had only a vague notion of where they were headed in the United States.[85] They further believed that previous assumptions about the eligibility of Saudis for visas needed

to be rethought because of the downturn in the Saudi economy.[86] For these reasons, this officer who processed visa applications on a part-time basis in Jeddah turned down a significant percentage of Saudi visa applicants as well as third country applicants.[87]

The other consular officer at Jeddah during this time period, whom we will call "Steve," took a different approach to adjudicating visa applicants. "Steve"—who worked full-time and processed most of the approximately 30,000 applications handled in Jeddah every year—told us he was "never really afraid of Saudis." Moreover, they never made the connection between the known presence of al Qaeda members in Saudi Arabia and the possibility that the Saudis applying for visas were terrorists.[88] "Steve" sought to adhere to the "tougher" Jeddah visa policy, and he interviewed all first-time student visa applicants.[89] However, he believed that "Tom"—whose approach led to large numbers of rejections—was denying Saudi applicants "for the wrong reasons."[90]

Documents supplied to us by the State Department corroborate "Tom's" contention that his refusal rate for Saudi citizens was higher than "Steve's" while they served together in Jeddah.[91] Apparently because, as "Steve" put it, some of "Tom's" denials to visa applicants were made "for the wrong reasons," "Tom" was rebuked by the Consul General in Jeddah for denying too many Saudi visa applicants.[92] "Tom" and his supervisor told us that notwithstanding this criticism, "Tom" did not alter his approach to visa adjudication during his time in Jeddah, and that his approach was "validated" by the events of September 11.[93] "Steve" issued visas to 11 of the 9/11 hijackers.

This disagreement between consular officers in Jeddah reflected a disagreement we observed in a number of locations about the proper use of INA section 214(b)—the intending immigrant provision. "Tom"—and other consular officers stationed in Jeddah whose views were discussed earlier—believed that suspicions about an applicant that caused the officer to view the individual as a security concern were sufficient under INA section 214(b) to deny him or her a visa. "Steve" and others, in contrast, were uncomfortable with this approach and believed it was inconsistent with the proper interpretation of INA section 214(b). This lack of clarity about the proper interpretation of section 214(b) was noted as well by the General Accounting Office in their study of visa issuance to the 9/11 hijackers.[94]

Thus, although Saudi visa policy before 9/11 was that Saudi citizens as a group had overcome the presumption of Section 214(b) that all visa applicants they were *economic* immigrants, some consular officers in Jeddah nevertheless sought to give Saudi citizens greater scrutiny because of *security* concerns, which arose from their knowledge of extremist activity in Saudi Arabia and the connections between Saudi citizens and the al Qaeda terrorist organization.

Such was the situation when Thomas Furey arrived in late 2000 to take over management of all consular functions in Saudi Arabia as Consul General in Riyadh. As will become clear, the opinions of consular officers who were concerned about Saudi citizens as terrorists did not reach Furey's ears before the 9/11 attacks.

Visa Express. When Thomas Furey became the Consul General on September 11, 2000, his initial impressions were that the Riyadh visa operation was "chaotic"[95] and "dysfunctional."[96] Morale was low. Because visa applications were increasing by about 5 percent per year, consular officers were overworked, often processing applications until 8 P.M. The waiting room could not hold the masses of applicants who came each day; sometimes there were fistfights between Saudi citizens and third country nationals.[97] Meanwhile, large crowds caused problems for the Saudi and U.S. guards both inside and outside the embassy compound.

A consular officer serving in Riyadh at that time agreed with Furey's general observations, describing the atmosphere as "total chaos, which you cannot imagine."[98] "The crowds were unbelievable," he said.[99] The consular operation in Jeddah was similarly overworked. One officer and one part-time officer received about 30,000 visa applications a year. During the busy summer season, the section routinely processed 450 applicants every day.[100]

At the same time that Furey made these observations about the state of visa processing in Riyadh, he also came to several other conclusions based on his discussions with other embassy personnel:

- Saudis, and all other citizens of the countries who form the Gulf Cooperation Council, had overcome the presumption of INA section 214(b) because they did not overstay their visas, did not work in the United States, were not deported by the INS, and did not commit crimes in the United States.[101]
- Saudis often did not submit their applications in person.
- Saudis had a very low interview rate.
- Saudis had a very low refusal rate (below 2 percent).
- There were many security threats to the embassy and consulates in Saudi Arabia.
- Saudis were not security risks.[102]

Furey was adamant in his interview with the Commission that he did not think Saudis were security risks when he arrived in Riyadh, or at any time before 9/11.[103] It is difficult to understand how the strong views of consular officers in Jeddah about the security risk posed by Saudi citizens—views informed by growing intelligence supporting their outlook and by commonsense conclusions from recent events, such as the East Africa bombings—could apparently be unknown to the most senior State Department official making visa policy in Saudi Arabia. A number of factors seem to have been at work.

First, Consul General Furey believed, as did Assistant Secretary of State for Consular Affairs Mary Ryan, that if there was intelligence information he needed to know about possible terrorism threats, he would have received it. However, he apparently did not receive any such information from either intelligence or consular officials. Furey told the Commission that had he been told Saudis were a security risk—something he said he learned on September 11, 2001—he would not have established the Visa Express Program. Second, Furey, like most others in the State Department, apparently believed that border security should be addressed primarily through improved automated consular

systems and reliance on the TIPOFF terrorist watchlist. And third, Furey seems not to have solicited the views of his consular staff on this topic.

Before serving in Riyadh, Furey had been Ministerial Counselor for Consular Affairs (1997–2000). In Mexico City, Furey supervised the largest consular operation in the world: 150 consular officers and 350 Foreign Service nationals, or local staff, handling 2 million nonimmigrant visa applications in 2000.

Furey discussed the problems he observed in Riyadh with officials in the Bureau of Consular Affairs in Washington. His superiors made clear to him that his troubles did not justify having more consular officers; rather, the difficulties were caused by a lack of efficiency.[104] Furey, determined to address the problems he was observing, consulted with embassy staff and his predecessor in the Riyadh post. He also turned to the *Consular Best Practices Handbook* for guidance..[105] In seeking ways to improve visa processing in Saudi Arabia, Furey drew heavily on the "mandate" contained in cable number 6 of the handbook to use "waiver of personal appearance programs, drop boxes and prescreening approaches to cut down on the number of applicants who have a full interview."[106]

As an initial matter, Furey sought to set up an appointment system for Saudi visa applicants as directed by cable 10.[107] Unfortunately, Furey said, the appointment system outlined there relied on a "900 number"—a fee-for-service phone reservation system—whose use was illegal in Saudi Arabia. Furey examined the possibility of accepting visa applications through the Saudi postal system, but learned that it was considered too unreliable for transporting passports.[108]

Furey then pursued the recommendation in cable 7 of the *Best Practices Handbook*: "Drop Box and Personal Appearance Waiver (PAW) Programs." This cable addressed the core advice of handbook—reducing resources consumed by reducing the number of interviews: "Elimination of the personal interview clearly saves time and resources and spares applicants the inconvenience of appearing in person."[109] Although the cable refers to a "drop box," the term is clearly used loosely. For example, two approved forms of "drop boxes" discussed were "mail-in applications" and "third-party screening," which included travel agency referral of visa applications.[110]

First, in the fall of 2000 Furey installed a literal drop box on the Riyadh embassy wall through which people could submit their visa applications. This alone could not address all the inefficiencies associated with visa adjudication in Saudi Arabia. For example, information still had to be entered into a computer by consular personnel after the applications and passports were dropped off at the embassy.[111]

Furey then worked to develop a program combining several "best practices." He combined a form of drop box with the personal appearance waiver for certain classes of applicants, third-party screening by travel agencies who would receive the applications, "interviews by exception," remote data entry, and off-site fee collections.[112]

The concept was simple. Instead of going to the U.S. consulate to apply for a U.S. visa, the person would fill out an application at one of ten approved travel agencies. The travel agency would collect the application, the visa application fee, and the applicant's passport and deliver these documents to the embassy in Riyadh or to the consulate in Jeddah; it would then pick up the package of documents on the following day. If the application was approved, the agency would be responsible for returning the passport, now containing a visa, to the applicant. If the consular officials determined that an interview was necessary, the travel agency would be responsible for providing the applicant with a letter of notification from the consular section. Applicants were rejected only after an in-person interview.

The consular officers developing Visa Express solicited proposals from more than 20 travel agencies seeking to participate in the program.[113] Consular officials screened them in ten major categories, including experience, computer capability, commitment to advertising, office security, geographic breadth of branch networks, and general reputation nationally or regionally.[114] According to the official overseeing the program's development, the prospective participants were vetted by "all elements of the embassy."[115] The agencies selected signed memoranda of understanding with the U.S. government.[116] Once the ten agencies were chosen, consular officials spent seven months developing and implementing a training program for them.[117] Visa Express was mandated to begin Kingdom-wide on June 1, 2001, for all Saudis and for TCNs who had previously traveled to the United States.

The cable heralding its arrival described why this program was adopted in Saudi Arabia:

> Embassy Riyadh, in coordination with consulates general in Jeddah and Dahran, has launched a new, mandatory service for processing nonimmigrant visas. Naming the new program "U.S. Visa Express," Embassy Riyadh established the service to reduce the number of public visitors entering the posts. The program draws on CA Best Practices—travel agencies as NIV reception agents, remote data entry, and interview by exception. As a result, the workload on the consular sections' staff has been made manageable, customer service to NIV applicants has improved, and general post security has improved. The program has transformed the U.S. consular scene throughout Saudi Arabia.[118]

The cable makes clear that security concerns played a significant role in the creation of the Visa Express Program. However, these concerns were connected not to Saudi citizens with terrorist ties. but to the physical security of posts in Saudi Arabia and the Middle East generally. Nor were they entirely new. The drive to alter visa policy had grown significantly following the embassy bombings in Kenya and Tanzania in August 1998.[119]

As we mentioned in chapter 4, after the 1998 embassy attacks, Accountability Review Boards were established by Secretary of State Madeleine Albright to examine the facts and circumstances surrounding the bombings.[120] One of their recommendations was that

the Department of State should increase the number of posts with full-time regional security officers (RSOs), who should be trained in "terrorist methods of operation" and provided "with the ability to examine their areas of responsibility from the offensive point of view, to look for vulnerabilities as seen through the eyes of the attacker."[121]

From August 2000 through the summer of 2001, the RSO in Riyadh looked at the embassy and saw the large crowds congregating outside and inside as a security threat. He was "very much in favor of ideas to minimize people coming into the embassy unnecessarily." One RSO in Riyadh during this time told the Commission that "people were very sensitive to the fact that we were the most targeted embassy on Earth." During the height of the travel season, as 800 people a day came into the embassy in Riyadh to apply for visas. When Furey suggested there might be a way to significantly lower this number through the Visa Express Program, the RSO said he "jump[ed] at the opportunity to lower it to 50 [a day]."[122]

On June 26, 2001, Furey wrote to Mary Ryan touting the security virtues of the program:

> The number of people on the street and coming through the gates should be only 15 percent of what it was last summer. The RSO is happy, the guard force is happy, the public loves the service (no more long lines and they can go to the travel agencies in the evening and not take time off from work), we love it (no more crowd control stress and reduced work for the FSNs) and now this afternoon [we] discovered the most amazing thing—the Saudi Government loves it.[123]

Thus, in late June 2001, when intelligence indicated that al Qaeda was planning a major attack against U.S. interests in the near future, the Visa Express Program in Saudi Arabia was expanded to include all applicants in Saudi Arabia.[124]

This extension generated some controversy in Jeddah. The consular officer processing most applications believed it created havoc with the visa workflow in the busy summer months of 2001.[125] It also established uniform procedures in the two visa issuing posts. In so doing, the program largely ended the differences in visa and interview policy between Jeddah and Riyadh.[126]

At the same time, Visa Express eliminated an important aspect of visa work that had existed before its creation: the ability of consular officers and staff to eyeball visa applicants when they presented their applications. It also became impossible for the consular officer to select an individual for an interview on the basis of some concern—including one related to security—without drawing attention to the decision. In other words, the Visa Express Program removed the element of surprise from visa interviews. Whereas previously a consular officer could decide to interview an applicant for any reason, or—as one said they sometimes did—for no reason, after the program's implementation, the consular officer was required to send formal notice to the applicant via a travel agency that an interview was requested.[127]

Visa Express required those making visa decisions to rely heavily on paper. One consular officer in Jeddah in the summer of 2001 worried that the program created a built-in bias to issue a visa to an applicant whose documents looked good and even to someone whose application was borderline.[128] He worried that applying this program, with its over reliance on the paper application, to third country nationals—as was mandated in late June 2001—would allow someone who should be denied a visa under 214(b), the intending immigrant provision, to slip through.[129]

Although Visa Express did lessen the intelligence that might be gleaned from the physical presence of particular applicants in the embassy or consulate, Saudi citizens often did not submit their applications in person even before the program began. The precise percentage who formerly submitted their applications via third parties before the implementation of Visa Express cannot be determined, because the State Department did not collect the relevant data. Consul General Furey said he believed that a "majority" of Saudis submitted their applications through third parties before Visa Express.[130] A consular officer in Jeddah believed that a "significant percentage" of Saudis did not submit their applications in person.[131] This officer also pointed out that some groups had expediters who worked for them. For example, one individual routinely came into the Jeddah consulate to expedite visas for all members of the air crews of Saudi Arabian Airlines. In addition, "all 15,000" members of the Saudi royal family used a designated expediter.[132]

Officials involved in adjudicating visas in Saudi Arabia during and after the implementation of Visa Express have stated emphatically that the program did not change the frequency with which people were interviewed or the approval rates of Saudi applicants.[133] One officer in Riyadh stated that they interviewed "the same people that we were looking at before."[134] The General Accounting Office similarly concluded that the Visa Express Program "did not affect the likelihood that Saudi applicants would be interviewed."[135] Others, however, including one officer who served in Jeddah and who saw Saudi citizens as potential security threats, told the Commission that drop box programs were a "bad idea" because they removed most Saudi visa applicants from the view of consular officers evaluating their cases.

We have not found any evidence that the Visa Express program increased the approval rates for either Saudi or TCN visa applicants in Saudi Arabia between June 2001 and September 11, 2001. In general, it lengthened by at least one day the time needed to process visa applications.[136]

While Visa Express may not changed the quantity or quality of the interviews conducted in Riyadh, the same was not true in Jeddah. Specifically, it eliminated the program to interview first-time student visa applicants; more generally, the Jeddah consulate's more aggressive interview policy came to an end.

Four of the 9/11 hijackers were issued their visas in June 2001, during the Visa Express program, and all applied in Jeddah: Saeed al Ghamdi, Khalid al Mihdhar, Abdul Aziz al

Omari, and Salem al Hazmi. In addition, 9/11 mastermind Khalid Sheikh Mohammed acquired a visa in Jeddah in July 2001 using an alias.

Armed with their visas, all that stood between the hijackers and the United States was an immigration inspection.

5.2 The Immigration and Naturalization Service

Overview

A review of the entries and immigration benefits sought by the hijackers paints a picture of conspirators who put the ability to exploit U.S. border security while not raising suspicion about their terrorist activities high on their operational priorities. Evidence indicates that Mohamed Atta, the September 11 ringleader, was acutely aware of his immigration status, tried to remain in the United States legally, and aggressively pursued enhanced immigration status for himself and others.

Despite their careful efforts to understand and operate within the legal requirements, however, the hijackers were not always "clean and legal." For example, they utilized fraudulent documents and alias names as necessary. And when the hijackers could, they skirted the requirements of immigration law. Ziad Jarrah, for example, failed to apply to change his immigration status from tourist to student, and Satam al Suqami failed to leave the country when his length of stay expired. They thus were vulnerable to exclusion at ports of entry and susceptible to immigration law enforcement action. In this section, we explore how the hijackers succeeded in making it through U.S. airports of entry in 33 of 34 attempts, drawing on interviews of the immigration and customs inspectors who had contact with the hijackers, immigration law, port of entry policy, training, and resources available to inspectors in primary and secondary inspections.

Commission Interviews

To more fully understand how and why the hijackers were permitted entry on 33 occasions and refused entry only once, the Commission interviewed 26 of the 38 inspectors involved in 28 of the attempted entries.[137]

One inspector told the Commission that the FBI interviewed her in regard to her deferred inspection of Atta on May 2, 2001, but never followed up with a promised second interview, which might have provided the FBI with an identification of at least one of Atta's companions that day.[138]

Eight of the 11 inspectors who had contact with Atta and Shehhi in their seven entries and one deferred inspection, including the one mentioned above, were interviewed previously by the Department of Justice's Office of the Inspector General (DOJ OIG) during late 2001 and early 2002 in preparation for Justice's May 2002 report, "The Immigration and Naturalization Service's Contacts with Two September 11 Hijackers." A few of the inspectors were interviewed by the inspector general's office multiple times. The Commission has copies of these DOJ OIG interviews.

To our surprise, many of the inspectors we interviewed, almost two and a half years after September 11, had never been interviewed by the FBI or the DOJ OIG and were often

unaware that they had admitted a hijacker. Thus, except in a few cases, memories were lost. Nevertheless, it is possible to note some common themes.

In general, these interviews underscored a critical lack of counterterrorism training, a lack of standard operating procedures at airports, and wide variations in inspectors' understanding and application of immigration law to travelers seeking entry.

Hijacker Immigration

Inspections in Context. Prior to 9/11, immigration inspections were not considered a counterterrorism tool. Rather, they were viewed in the context of travel facilitation. As a result, inspectors often did not have the tools, training, or clear guidance in immigration law that they required in order to properly do their jobs. They were unable, for example, to verify that the identity of the person seeking admission was the same as that of the person who acquired a U.S. visa, because they did not have access to the photo each visitor was required to submit along with his or her visa application at a U.S. embassy or consulate overseas.[139]

Nor were immigration inspectors given any information about terrorist indicators in documents that could have enabled them to recognize the anomalies we know existed in some of the hijackers' passports. After the early 1990s, inspectors, senior INS management, and the intelligence community collectively did not associate terrorists with fraudulent documents.[140] As a result, inspectors looked for generic document fraud about which they had information, while they remained oblivious to some fairly obvious terrorist alterations and indicators.

Inspectors were mainly concerned about three types of travelers: intending immigrants, criminals, and drug couriers, all of whom were known to present fraudulent documents. Most inspectors interviewed by the Commission said that they relied on equipment such as black lights to help them detect certain types of passport fraud, but it was often broken. One inspector said he was so frustrated with equipment being out of order that he bought his own to use on the job. Travel stamps were reviewed merely to determine whether a prior visitor had overstayed or was intending to overstay the terms of the visa. Marwan al Shehhi, for example, was referred to a secondary immigration inspection out of concern that he was an intending immigrant.

Equally problematic was the immigration inspectors' lack of discretion in determining a tourist's length of stay. Tourists in the United States on visas, such as the hijackers, were automatically allowed to stay in the country for six months and were not required to present a return ticket. Even if a tourist asked for only a two-week stay, the inspector was legally required to grant six months. Indeed, it was this six-month stay rule that enabled 13 muscle hijackers to legally remain in the United States in the spring and early summer of 2001.

In contrast, an inspector had complete discretion to determine the length of stay for a business traveler. Individual airports, and even inspectors at those airports, had different standards for allotting time to these business visitors. For example, most but not all of the inspectors from JFK in New York and Miami International thought that one month was the standard length of stay for a business visitor. At Newark, however, one inspector gave business travelers one month, another 90 days, and another up to six months. Most

thought that these policies were port-specific, but some believed them to be national.[141] These local variations explain why on January 10, 2001, Atta was initially granted a one-month business stay by an inspector at the Miami airport, but on February 25, 2001, Jarrah was granted a six-month business stay by an inspector at Newark.[142]

The four pilots, who went into and out of the United States 17 times, were admitted on business four times. Only one muscle hijacker, Suqami, was given a one-month stay as a business traveler when he entered at Orlando on April 23, 2001, with Waleed al Shehri. Both hijackers had filled out their Customs declarations stating that they intended a 20-day stay. The immigration arrival record did not require information about the length of stay, however; and since immigration inspectors checked the Customs declarations only for completeness and not for substance, the 20-day stay request was ignored—to their advantage, in fact.

Indeed, the 30-year INS veteran inspector who admitted both hijackers told the Commission that the Customs declaration had no bearing on the length of stay he gave Suqami, which was based solely on Suqami's answer regarding the purpose of his visit.[143] That Suqami was limited to a business instead of a tourist stay meant that he and Nawaf al Hazmi (who overstayed his tourist visa despite filing for an extension of his stay in July 2000) were the only operatives who had overstayed their authorized lengths of stay as of September 11.

Particularly significant for the 9/11 story is the lack of secondary training for inspectors. As we detailed in the chronology, the hijackers (and Kahtani) were referred to a total of six secondary inspections, four by immigration and two by Customs. Inspectors interviewed by the Commission all said they learned the criteria for secondary inspections at their assigned airport. Because of the lack of standardized training and guidance in this area, each inspector looked for different red flags for referrals to secondary. For example, some inspectors were adamant that a traveler's apparent lack of adequate funding for a certain length of stay was a "bread-and-butter" case of referral to secondary; others did not consider this set of facts to be noteworthy. Insufficient funding was part of the basis of referral for Saeed al Ghamdi, but was not seen as significant by the inspector who admitted him.

Most, however, agreed that a pattern of entries and exits from the United States that looked like the traveler was actually living in the United States would be cause for a more in-depth interview. Such a pattern was exhibited by Atta on his last entry into the United States on July 19, 2001. The inspector that admitted him told us that upon reviewing Atta's travel history, he likely would have asked Atta more questions to determine if he was in fact living in the United States.[144] Assuming that these questions were asked, Atta's answers must have satisfied the inspector that he was admissible, since he was not referred to secondary.

All of the inspectors agreed that failure to have the proper visa for the stated purpose was a solid basis for referral to secondary. Thus, when Atta entered on January 10, 2001, and told the immigration inspector that he was still a student while he was traveling on a tourist visa, he was referred to secondary. Some inspectors added that in the pre-September 11 atmosphere of facilitation at the ports, Atta most likely would have been admitted with a waiver for a fee or a deferred inspection, even if he did not technically

qualify for the admission. Admitting Atta as a tourist, however, should not have been an option for the secondary inspector. In addition, every inspector said that giving a tourist a stay of more than six months required a supervisor's approval. Atta was given an eight-month length of stay without such approval.

Immigration inspectors also agreed that forms—the immigration arrival record called an I-94 and the customs declaration—were always checked for completeness. Immigration inspectors checked the I-94 but not the Customs declaration for substance: the latter was the responsibility of the customs inspectors. The forms were also not always compared for consistency. Thus, Fayez Banihammad got away with using two completely different names on his I-94 ("Fayez Rashid Ahmed Hassan") and his customs declaration ("Banihammad"). In addition, inspectors differed significantly on constituted a "complete" I-94 form. Some wanted a full address. Others accepted "Hotel Orlando FL," which was used by Saeed al Ghamdi in a secondary inspection; it satisfied the inspector, who admitted him.

Customs Inspections of the Hijackers. At airports, about 5 percent of travelers were subject to a customs inspection of their personal effects, which occurred only after their admission through the immigration inspection line. The customs inspectors were required to report declared amounts of currency greater than $10,000. Majid Moqed and Ahmed al Ghamdi, who arrived together at Washington Dulles International Airport on May 2, 2001, were the only hijackers whose surviving customs declarations[145] reported an amount in excess of $10,000.[146] There is no record of the required electronic report that should have been generated about Ghamdi's declaration. On 4 of the 13 hijacker Customs declarations available to the Commission, the question was left blank. While our focus is on the admission of the hijackers through immigration, this evidence suggests that Customs inspections of the hijackers were, at best, incomplete.

Customs, unlike INS, had access to advanced passenger manifests before a flight arrived. They reviewed these for criminal indicators, mostly with an eye to preventing narcotics trafficking. Five different hijackers' names were on advanced passenger manifests voluntarily provided by the airlines and reviewed by Customs prior to the hijackers' reaching U.S. soil.[147] None of these hijackers was on a watchlist, so their names did not set off any alarm bells.

Pressures to Facilitate Travel

It is important to note that the hijackers' entries occurred in an environment of "travel facilitation." Much pressure was placed on immigration inspectors to process travelers rapidly. Individuals were refused entry only rarely, with many airports permitting "waivers" or "deferrals" of documents normally required for admission. In some cases, such as entries by Atta on January 10, 2001, at Miami International Airport and Shehhi on January 18 at Newark International Airport, the inspectors did not recall nor did records indicate that they asked either hijacker to provide any documentation to support their stories about attending school and acquiring additional pilot training.[148]

Pressure was applied by embassies and by members of Congress who wrote letters requiring INS to justify decisions to deny entry in specific cases. The travel industry—and, according to inspectors, the airlines in particular—loudly insisted on efficient passenger processing. Most inspectors said that their supervisors would monitor

processing times and "remind" inspectors to keep within 45 seconds for each passenger. One inspector stated that if processing times were not kept to a minimum, a supervisor would threaten to send the inspector back to training. Indeed, immigration inspectors were graded on how fast airline passengers were processed and how many "nonfrivolous" referrals to secondary immigration inspections they made.[149]

Driving this emphasis on speed was a 1990 congressional guideline that limited the total amount of time for a visitor to disembark from a plane and be processed through immigration inspection to 45 minutes, regardless of the number of passengers on the flight.[150] Supervisors were expected to calibrate the number of staff to the number of arriving passengers. The practical effect of this guideline was that inspectors, depending on the port of entry, generally had between 30 seconds and one minute to decide whether a visitor was admissible, and if so, how long that visitor was legally allowed to stay in the country. Both determinations by the inspector were important, as a violation either of the terms of admission or of length of stay would render the visitor's status in the United States illegal.

The prevailing view at the time was that the role of immigration was to facilitate the rapid entry of visitors to the United States. With few exceptions, speed was everything. Neither the INS nor others in government ever viewed the agency as having a pivotal role in preventing terrorist entry into the United States.

Inspector Training

The problems of the environment of facilitation in which the inspectors worked were compounded by a weak training regime. Indeed, the deficiencies in the immigration inspection process that we have discussed stem largely from inadequate training. Throughout the 1990s, immigration inspectors such as those the Commission interviewed were often hired on a temporary basis. They worked long hours for a year and more without any formal training in immigration law or policy and received no information about terrorists.[151] Only when an inspector was hired as a full-time INS employee did he or she receive the standard four-month immigration inspector training at the Federal Law Enforcement Training Center (FLETC) in Glenco, Georgia. A few inspectors received further training when promoted or given special operations assignment.

These inspectors all similarly characterized their training, which occurred from the 1970s through 2000. The inspectors did not recall substantial differences in training as the 1990s progressed, although information had become available that terrorists had entered, stayed, and committed violent acts in the United States. The focus was on passing tests. One inspector who received his training in 2000 said that "at FLETC, it is not about how much you learn—it was learn this now and pass the test, and then get rid of it. It was expected you would learn what you needed to at the port."[152]

Counterterrorism Training. The counterterrorism mission that seems so obvious today was barely acknowledged then. For example, although non-Spanish speaking inspectors received five weeks of Spanish-language instruction—which was important—there were only a few hours devoted to terrorism; these focused on Usama Bin Ladin after the 1998 bombings of the American embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya.[153] Indeed, no inspector interviewed by the Commission, whether a 30-year veteran or a student of multiple trainings, ever recalled receiving any operational guidance on the role

of the immigration inspector in counterterrorism. None recalled seeing "The Threat Is Real," a film intended to educate border inspectors on the travel document tactics of terrorists, which was produced by the CIA in the early 1980s.[154] The film, as noted above, was based on the Redbook, the terrorist document manual last published in 1992 (discussed in chapter 3). Three inspectors were aware of the Redbook's existence, but only one had ever seen it.[155]

Primary and Secondary Inspection Training. Significantly, only about a half-day over the four-month course was devoted to conducting mock primary inspections. Inspectors did not receive any training in secondary inspections until they reached their assigned airport. All received training in land border inspections. The lack of training in conducting primary immigration inspections is somewhat surprising, for it is this initial inspection that identifies potentially inadmissible travelers.

Document Fraud Training. Course materials were offered on document fraud generally, including training from the Forensic Document Lab on anomalies and security features to look for in travel documents. None of this training was specific to known terrorist document fraud. Most inspectors thought this limited training was valuable, but the critical continuing education on document fraud was rare. Instead, most ports left it up to the inspectors to review the binders of fraudulent document alerts issued by the Forensic Document Lab on an as-needed basis. The task was so cumbersome and the numbers of passengers awaiting processing so great that the inspectors rarely had a free moment to assimilate new information on fraud, let alone review binders of fraud alerts that contained information on passports and visas in every language in the world.

The Commission did learn that a dedicated Arabic-speaking inspector at JFK Airport in New York in the mid-1990s produced a "bluebook" that translated into English commonly used Arabic, Farsi, Yemeni, and Saudi travel documents and stamps.[156] This bluebook was never disseminated outside of JFK, however, although it was appreciated by the inspectors we interviewed who were familiar with it.

Database Training. Similarly, although there was training in the existence of the 20-plus databases available in primary and secondary immigration and customs inspection, immigration inspectors were not taught the content and value of these databases. Thus most inspectors who had contact with the hijackers did not know that suspected terrorists were included in these databases and that they should be looking for them. All the inspectors said INS databases, including lookouts, were learned on the job,. There was also only limited behavioral training and no cultural training to help inspectors better discriminate between legitimate and mala fide travelers.

The Preferential treatment of Saudis[157]

Inspectors from Orlando, Los Angeles, and Dulles International airports all recalled an unwritten policy of preferential treatment enjoyed by Saudis prior to September 11. In these airports, which admitted eight hijackers and refused one, Saudi travelers generally received less scrutiny. They were often escorted to the front of the immigration lines by airline personnel.

In Orlando, one inspector recalled being presented with the travel documents of an entire Saudi family by his supervisor and asked to process them all even if he personally interviewed only one or two of the family members. This, he said, happened on multiple occasions. Another inspector remembered being told he had "better be careful" in seeking to refuse entry to Saudis, since the pressure from the port, the Saudi embassy, and Congress was strongly in favor of facilitating their admission. Upon request, female Saudis would be interviewed by female inspectors, in deference to Saudi culture. Another inspector from Los Angeles International Airport recalled an incident prior to September 11 when he was required to board an arriving private Saudi 727 jet and process all the travel documents in the back of the jet, and to do so quickly and without a thorough examination of the travelers. He reluctantly complied.

At other ports that admitted hijackers, inspectors reported no preferential treatment of Saudis. No inspector considered Saudis a threat to national security. Almost all the Saudis they screened could speak English. In fact, most shared the common perception that Saudis were U.S. allies, spent a lot of money in the United States, did not overstay their visas, did not work here, and were generally good travelers to admit. The only problem that might have occurred was an occasional overstay of a student visa, for which waivers would be given "95 percent of the time."

Immigration Violations Committed by the Hijackers in the United States

Once a non-U.S. citizen is admitted to the United States, he or she remains subject to U.S. immigration laws and may be deported if any are violated. The hijackers violated many laws while gaining entry to, or remaining in, the United States.

- **Every hijacker** submitted a visa application falsely stating that he was not seeking to enter the United States to engage in terrorism. This was a felony, punishable under 18 U.S.C. § 1546 by 25 years in prison and under 18 U.S.C. § 1001 by 5 years in prison, and was a violation of immigration law rendering each one inadmissible under 8 U.S.C. § 1182(a)(6)(c).

- **The hijackers**, when they presented themselves at U.S. ports of entry, were terrorists trained in Afghan camps who had prepared for and planned terrorist activity to further the aims of a terrorist organization—al Qaeda—making every hijacker inadmissible to enter the United States under 8 U.S.C.§ 1182(a)(3)(b).

- At least two (**Satam al Suqami** and **Abdul Aziz al Omari**) and possibly as many as seven of the hijackers (**Suqami**, **Omari**, **Mohand al Shehri**, **Hamza** and **Saeed al Ghamdi**, **Ahmed al Nami,** and **Ahmad al Haznawi**) presented to State Department consular officers passports manipulated in a fraudulent manner, a felony punishable under 18 U.S.C. § 1543 by 25 years in prison and a violation of immigration law rendering them inadmissible under 8 U.S.C. § 1182(a)(6)(c).

- At least two hijackers (**Suqami** and **Omari**) and as many as eleven of the hijackers (**Suqami; Omari; Waleed, Wail,** and **Mohand al Shehri; Hani Hanjour; Majed Moqed; Nawaf al Hazmi; Haznawi;** and **Hamza** and **Ahmed al Ghamdi**) presented to INS inspectors at ports of entry passports manipulated in a fraudulent manner, a felony punishable under 18 U.S.C. § 1543 by 25 years in prison and a violation

of immigration law rendering them inadmissible under 8 U.S.C. § 1182(a)(6)(c).

- **Ziad Jarrah** attended flight school in June 2000 without properly adjusting his immigration status, thereby violating his immigration status and rendering him inadmissible under 8 U.S.C. § 1182(a)(7)(B) each of the subsequent six times he reentered the United States between June 2000 and August 5, 2001.
- **Hanjour** did not attend school after entering on a student visa in December 2000, thereby violating his immigration status and making him deportable under 8 U.S.C. § 1227(a)(1)(B).
- **Mohamed Atta** failed to present a proper M-1 (vocational school) visa when he entered the United States in January 2001. He had previously overstayed his tourist visa and therefore was inadmissible under 8 U.S.C. § 1182(a)(7)(B).
- **Nawaf al Hazmi** and **Suqami** overstayed the terms of their admission, a violation of immigration laws rendering them both deportable under 8 U.S.C. § 1227(a)(1)(B).

Were the Hijackers' Legal Violations Detectable?

As the accompanying text box clearly indicates, all of the hijackers violated some aspect of immigration U.S. law. The key question is whether these violations could have been detected by U.S. border security officials at the time the hijackers presented themselves for review and inspection. We know the following:

- At least three of the hijackers (**Khalid al Mihdhar** and **Nawaf** and **Salem al Hazmi**) were in the information systems of the intelligence community and thus potentially able to be watchlisted. Had they been watchlisted, their terrorist affiliation could have been exposed at the time they applied for a visa (in the case of Mihdhar and Salem al Hazmi) and applied for admission at a port of entry (in the case of all three) a decision could have been made to deny them entry or to track them in the United States.
- At least two of the hijackers, and possibly as many as seven, presented travel documents to the State Department manipulated in a fraudulent manner that indicated possible association with al Qaeda. We do not believe that the consular officers who reviewed these documents were aware of this manipulation or were told to be on the lookout for evidence of it.
- **Three** of the hijackers had passports that contained an indicator of Islamist extremism and thus were worthy of additional scrutiny. We do not believe that the consular officers who reviewed these documents were aware of this indicator of extremism or were told to be on the lookout for it.
- Two of the hijackers made false statements about prior visa and travel history on their visa applications during the course of the plot. These lies were potentially detectable. The State Department did have the ability to determine whether an applicant had applied previously for a nonimmigrant visa. However, prior to September 11, because its computer system did not automatically display this information in connection with a visa application, the consular officer would have had to specifically look for it.

5. 3 Fair Verdicts

The State Department

The State Department began the 1990s with a consular corps largely untrained to address the threat of transnational terrorism. It used outdated and insecure technology to produce visas, with a patchwork of name-check technology systems at 230 visa-issuing posts overseas, and with an innovative but funding- and information-starved terrorist watchlist known as TIPOFF. Moreover, the budget picture was bleak, as resources declined and demand for visas was expected to grow. State's Bureau of Consular Affairs suffered disproportionately from these budget cuts because many consular positions were customarily filled by junior Foreign Service officers—and they simply were not being hired. The only positive news was the temporary decline in visa demand in the early 1990s caused by growth of the Visa Waiver Program.

The State Department received a wake-up call when it was discovered that it had issued visas to come to the United States to the terrorists involved in the World Trade Center bombing in 1993, and that the spiritual leader of the group—Sheikh Omar Abdel Rahman—obtained a visa despite being on a watchlist. State's outdated technology and poor controls over watchlist screening had allowed the visa to be issued.

In response to the shock of that attack, the State Department took some significant steps during the 1990s to improve its ability to counter terrorism. Specifically, the department

- established the Visas Viper Program to force better interagency information sharing on known or suspected terrorists;
- improved the security of its visa technology;
- Modernized its name-check technology by establishing a real-time connection to the watchlist located in Washington and by creating several language algorithms; and
- made available TIPOFF terrorist data to the INS—for use at the ports of entry—and to foreign partners Canada and Australia.

Many of these changes were accomplished because of the 1994 law that allowed State to fund its border security initiatives with fees collected from applicants for the machine-readable visa (MRV). For example, State used MRV fees to fund antifraud programs in the Bureau of Diplomatic Security. Unfortunately, these funds did not arrive quickly enough to prevent damage to State's counterterrorism capabilities from the continued budget shortfalls.

In response to the 1998 East Africa embassy bombings, State spent more than $3 billion to improve overseas embassy security. And while overseas embassy security had been in desperate need of improvement—a fact well-known since the Beirut bombings a decade earlier—the $3 billion spent after the 1998 bombings and before 9/11 to improve U.S. facilities appears in hindsight to demonstrate that we were fighting the last war. While

embassy security was being improved, State took steps to streamline its work processes in ways that cut back on the scrutiny given individual visa applicants. Posts were encouraged to reduce interviews and speed processing of applications. Reducing face-to-face contact with visa applicants through programs such as Visa Express was even seen as enhancing security by reducing the crowds tat potentially threatened our overseas facilities.

Despite its acknowledgment that consular officers were the "outer ring" of border security, during the 1990s State strongly resisted the notion that consular officers were responsible for ferreting out terrorists in visa interviews. State never sought to increase the training for consular officers to identify terrorists or unravel their travel trails by carefully examining their often-fraudulent documents. State also refused to give consular officers the latitude to deny visas to individuals they suspected might be terrorists, fearing that this discretion would be abused. Instead, consular officers were trained to spot intending economic immigrants, not terrorists, and to leave decisionmaking about potential terrorists to officials in Washington.

Faced with increasing demand for visas and pressure to improve customer service, State began to rely too much on technology and a terrorist watchlist name check to prevent terrorists from obtaining visas. Senior State officials trusted intelligence community agencies to provide data on terrorist identities for inclusion in the watchlist, but no law required that this information be given to State. Assistant Secretary of State for Consular Affairs Mary Ryan was naïve about the willingness of the intelligence community to supply this critical information, believing that it was being provided to State when in fact, for at least three hijackers, it was not.

Citizens of wealthy Persian Gulf nations or third country nationals from the Middle East with established lives in Germany were seen by State as good visa risks because they rarely overstayed their terms of admission or sought to work in the United States. The U.S. foreign policy interest in stable relations with the oil-rich Gulf countries also played a role. Even though al Qaeda leader Usama Bin Ladin had held Saudi citizenship, Saudi funding for terrorism was well established, and CIA personnel working shoulder to shoulder with State consular officials were well aware of the presence of Saudi extremists in Saudi Arabia, State Department personnel in Saudi Arabia and in Washington never acted to increase the scrutiny given Saudi visa applicants.

Indeed, it was not until July 2002 that the State Department reversed course and ordered that all visa applicants be interviewed. Today, consular training for interviewing techniques to spot terrorists is still in its infancy, and State still has not fully operationalized knowledge of terrorist travel practices.

Ultimately, the individual consular officers who adjudicated visas for the 9/11 hijackers were following State Department policy. They were not trained to spot terrorists. They were told not to give great scrutiny to applicants with the hijackers' socioeconomic backgrounds. They believed their job was to deny visas to intending immigrants and to check all applicants against the terrorist watchlist, and they did these tasks scrupulously.

It is difficult to blame them for acting according to and within the discretion of policies provided them by their superiors. However, it is striking that they and their superiors—senior consular officials in Washington and in Saudi Arabia—did not recognize the yawning disconnect between the increasing terror threat in Saudi Arabia, which reached a peak in the summer of 2001, and their actions in response to that threat, which reduced the number of face-to-face encounters with Saudi visa applicants.

In all aspects of State's approach to counterterrorism—its successes and its failures, its improvements and its lapses—Congress was directly complicit. State officials told us that prior to 9/11, members of Congress rarely if ever questioned consular officers' decisions to issue visas. In fact, they told us, consular officers' most frequent correspondents were members of Congress advocating on behalf of constituents seeking the issuance of visas. It was Congress (with White House support) that, starved the State Department of resources and that, persuaded that border security deserved greater attention, provided the lifeline of MRV fee collection.

In any case, though the decisions to issue visas now seem questionable, in every case State consular officers followed their standard operating procedures and adhered to the visa policy as they understood it. For the five conspirators and would-be hijackers who were denied visas, in every case those denials appear to have been grounded in concerns other than terrorism—usually the fear that they were intending immigrants. Those 9/11 hijackers and co-conspirators not pulled from the stream of visa applicants and interviewed were spared because consular officers believed they satisfied the legal requirements for obtaining a visa. In each case, consular officials performed a name check using their lookout database, including the TIPOFF watchlist. At the time these people applied for visas, none of them—or at least none of the identities given in their passports—was in the database.

The Immigration and Naturalization Service

> The INS has no articulated counterterrorism policy.
>
> —Senate Judiciary Committee report (1998)

Under the Immigration and Nationality Act, the INS has always had the statutory responsibility to determine who may enter, who may remain, and who must be removed from the United States. However, neither INS leadership nor any other entity in government ever fully recognized that within INS's overall responsibility to determine admission for all travelers was an important responsibility to exclude and remove terrorists, a task that no other agency could perform.

The failure of the INS to recognize the value of its immigration authority in identifying and removing terrorists was manifested throughout the agency. It stemmed from a general lack of a counterterrorism strategy. As we have seen, the fledgling INS counterterrorism activities of the late 1990s were carried out by a handful of dedicated employees in middle management whose resources were minimal and whose strategies and recommendations were mostly ignored. But the INS was not alone in failing to

identify a counterterrorism role for itself. The White House was concerned in the 1990s with human smuggling and trafficking, illegal entries, naturalization backlogs, refugee crises, employer sanctions, criminal alien deportations and detention space, and INS restructuring. Even when presidential decision directives assigned a role to the INS in countering terrorism, the INS was not sent those directives. Attorney General Reno and her deputies, along with Congress, made their highest priorities shoring up the Southwest border to prevent the migration of illegal aliens and selectively upgrading technology systems. And while some parts of the Justice Department were preoccupied with counterterrorism investigations, its leadership never saw a significant role for INS in counterterrorism other than to support the FBI.

Programs initiated by Congress with a counterterrorism capability, notably foreign student tracking and an entry-exit system at the ports of entry, never received adequate support from the Congress or the INS leadership and so never materialized. Financial and human resources were also lacking. The budget for interior enforcement remained static in the face of an overwhelming number of immigrants outside the legal framework. Many INS agents were overwhelmed and disheartened.

Immigration benefits applications were backlogged for months and even years. Technology moneys were spent, but often for stand-alone computer systems that lacked essential information. As a result, the officers adjudicating these applications did not have access to immigration or law enforcement histories of applicants requesting extended stays or naturalization or to intelligence information. Thus, immigration benefits were obtained by many terrorists in the 1990s even when they were being investigated or prosecuted as terrorists by other personnel in the Justice Department.

These immigration cases against suspected terrorists were often mired for years in bureaucratic struggles over alien rights and the adequacy of evidence. The quality of intelligence within the agency was low; Commissioner Meissner had never heard of Usama Bin Ladin until after she left government service.

The verdict for the INS as an institution is that a poorly organized agency with a poor public image and low self-esteem never received adequate support from within its own leadership, its parent Justice Department, the Congress, or the White House to take itself seriously or be taken seriously as having a key role in counterterrorism. Thus no one at the White House or in the Justice Department noticed that INS leadership was unaware of the White House after-action work on the northern border in 2000 or of the July 5, 2001, White House meeting of enforcement agencies to discuss the heightened state of threat under which the rest of the government was operating. Meanwhile, the hijackers were seeking entry into the United States—and succeeding in an atmosphere in which the priority was neither enforcement nor counterterrorism.

Given the lack of a defined counterterrorism role for the INS, it should not be surprising that training for inspectors at ports of entry lacked a counterterrorism component. That training did not, for example, include information on terrorists' use of fraudulent travel documents, which forensic specialists stopped examining in the early 1990s, or the

critical role of the inspector in preventing terrorists' entry. Our study also suggests that training in immigration law, procedures, and regulations was similarly insufficient. Indeed, immigration law was, and remains, so intricate and confusing that some inspectors lacked a clear understanding of issues of admissibility, and therefore mistakenly admitted some hijackers into the country. Other inspectors were simply worn down by the culture of facilitation, in which travelers with questionable admissibility were almost inevitably given the benefit of the doubt and admitted.

Different conclusions can be drawn regarding a few of the immigration inspections of some of the hijackers. Most immigration inspectors, operating under severe time constraints and an expectation of facilitation, and lacking standard operating procedures and basic visitor information, conducted fair adjudications. The primary immigration inspectors who referred Atta, Shehhi, Saeed al Ghamdi, and Kahtani to secondary inspection to be questioned further used the tools available to them and their training to make good decisions.

But the secondary inspectors for the first three men failed to ask the kinds of questions that might have elicited information that the hijackers could not substantiate. For example, Atta's secondary inspector misjudged him as a tourist, even though Atta presented him with a student/school form as a basis for entry. Rather than admit him as a tourist, which he did, this inspector could have given Atta a deferred inspection to gather his school papers and return to an INS district office in 30 days to verify his status. Atta would have been unable to do so, since he had received his pilot's license a month earlier. The inspector also violated length of stay requirements by giving Atta an eight-month stay without a supervisor's approval. It took an astute inspector at the Miami INS District Office to roll back his length of stay to July 9, 2004, after Atta unwittingly made a mistake in seeking a longer length of stay for a fellow hijacker. When Kahtani was refused entry, the secondary inspector had a weaker legal basis for denial than existed for Atta. But he took the time to determine mala fide intent and, basing his decision on evidence Kahtani intended to immigrate to the United States, he denied him entry, thereby preventing at least one hijacker from participating in the plot.

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[1] Atta is believed to have piloted Flight 11 and Jarrah Flight 93.
[2] DOS OIG MOC, Consular Officer No. 9, Feb. 5, 2003. The names of consular officers, immigration inspectors, and intelligence officials have been changed or omitted, in accordance with Commission policy and agreements.
[3] Consular Officer No. 9 interview (Feb. 20, 2004).
[4] Ibid.
[5] Consular Officer No. 9 interview (Feb. 20, 2004).
[6] Ibid.
[7] Ibid.
[8] Ibid.
[9] Ibid.
[10] DOS OIG MOC, Consular Section Chief Levy and ACS Officer Wolfson, Jan. 27, 2003.
[11] Ibid.
[12] Consular Officer No. 10 interview (Mar. 1, 2004); DOS OIG MOC, Consular Officer No. 7, Feb. 11, 2003; DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
[13] DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003; Consular Officer No. 10 interview (Mar. 1, 2004).

[14] Consular Officer No. 10 interview (Mar. 1, 2004).
[15] Ibid., stating "From a security standpoint, we viewed them as safe bets."
[16] DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
[17] Ibid.
[18] Consular Officer No. 10 interview (Mar. 1, 2004).
[19] DOS OIG MOC, Consular Officer No. 7, Feb. 11, 2003.
[20] Ibid.
[21] Consular Officer No. 10 interview (Mar. 1, 2004); DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
[22] DOS OIG MOC, Consular Officer No. 7, Feb. 11, 2003.
[23] DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
[24] DOS OIG MOC, Consular Officer No. 7, Feb. 11, 2003.
[25] DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
[26] Consular Officer No. 10 interview (Mar. 1, 2004).
[27] Ibid., estimating that 70% used the drop box and 30% the travel agency.
[28] DOS OIG MOC, Consular Officer No. 7, Feb. 11, 2003; DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
[29] Albert A. Thibault, Jr. interview (Nov. 5, 2003).
[30] Arthur M. interview (Oct. 14, 2003).
[31] Testimony of Consular Officer No. 1 before the U.S. House of Representatives, Aug. 1, 2002.
[32] Carl C. interview (Oct. 29, 2003). Consular officials in Saudi Arabia and in Washington uniformly told the Commission that they could not recall receiving any letters from Congress urging them *to deny* visas before 9/11. Rather, consular officials told the Commission that members of Congress were their most faithful correspondents and were constantly urging them *to issue* visas to individuals in Saudi Arabia who were constituents' family members or other individuals with connections to their legislative districts.
[33] Consular Officer No. 6 interview (Oct. 14, 2003); Consular Officer No. 11 interview (Dec. 30, 2003).
[34] Ibid.
[35] This statistic is an estimate prepared by consular officials in Saudi Arabia at the request of the General Accounting Office and memorialized in GAO workpapers. The difficulty in measuring this more precisely is that the State Department electronic record-keeping system did not record whether a visa applicant was interviewed prior to September 11, 2001. Travis Farris interview (Sept. 29, 2003).
[36] Carl C. interview (Oct. 29, 2003).
[37] Consular Officer No. 11 interview (Dec. 30, 2003).
[38] Ibid.
[39] Ibid.
[40] Ibid.
[41] Carl C. interview (Oct. 29, 2003).
[42] DOS memo to Riyadh Consul General Allen K., May 7, 2000.
[43] GAO record, telephone interview of Allen K., July 10, 2002.
[44] Ibid.
[45] DOS cable, Jeddah 001185, Dec. 10, 2001.
[46] DOS cable, "Riyadh Fraud Issues," Aug. 4, 2000.
[47] Ibid. (emphasis added).
[48] Carl C. interview (Oct. 29, 2003).
[49] DOS cable, Jeddah 001225, Nov. 9, 1999.
[50] DOS email, from Allen K. to Judith McCloskey, Aug. 5, 2002.
[51] INA sec. 214(b), 8 U.S.C. sec. 1184(b); testimony of Consular Officer No. 1 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
[52] Testimony of Consular Officer No. 3 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
[53] Tom Furey interview (Dec. 5, 2003); testimony of Consular Officer No. 2 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
[54] See DOS cable, Riyadh Fraud Issues, Aug. 2000, stating "Saudis are generally good visa risks, and most Saudi applicants are processed without interview."

[55] DOS OIG MOC, Consular Officer No. 11, Jan. 20, 2003; testimony of Consular Officer No. 3 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
[56] Consular Officer No. 11 interview (Dec. 30, 2003); DOS OIG MOC, Tom Furey, Jan. 28, 2003.
[57] Consular Officer No. 11 interview (Dec. 30, 2003); DOS OIG MOC, Consular Section Chief Miguel O., Jan. 23, 2003; testimony of Consular Officer No. 3 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002, stating "It was the same way that that's the presumption for many Europeans;" Tom Furey interview (Dec. 5, 2003), stating Saudis were treated like citizens of countries in the Visa Waiver Program and for the same reasons.
[58] DOS OIG MOC, Consular Officer No. 11, Jan. 28, 2003.
[59] DOS OIG MOC, Tom Furey, Jan. 28, 2003; DOS OIG MOC, Catherine Barry, Dec. 13, 2002, quoting Ms. Barry as saying that both Saudi Arabia and the UAE were "de facto visa waiver countries."
[60] CIA research paper, "Saudi Arabia's Islamic Awakening," Feb. 1993.
[61] INS record, 2001 Statistical Yearbook, Table 58 (Deportable Aliens Located by Status at Entry and Region and Country of Nationality Fiscal Year 2001). This was fewer than from Liechtenstein (42) and Norway (49), and contrasts with the 1,315,678 from Mexico.
[62] DOS cable, Riyadh 10070, Nov. 25, 1991.
[63] GAO analysis of economic data on Saudi Arabia, prepared by Bruce Kutnick, July 16, 2002.
[64] **(S)** CIA research paper, "Saudi Arabia's Islamic Awakening," Feb. 1993.
[65] Testimony of Consular Officer No. 2 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
[66] Testimony of Consular Officer No. 3, before U.S. House of Representatives Committee on Government Reform, August 1, 2002.
[67] Testimony of Consular Officer No. 2, before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002; testimony of Consular Officer No. 3 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002, stating "they weren't looking for jobs even though they were unemployed."
[68] Testimony of Consular Officer No. 4 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
[69] DOS OIG MOC, Consular Officer No. 13, Jan. 23, 2003.
[70] DOS memo, Tasker #252, prepared in the summer of 2000, "Best Practices already in effect at post include… interview by exception for applicants from Saudi Arabia, Bahrain, Oman, Qatar, Kuwait, and the United Arab Emirates;" Consular Officer No. 11 interview (Dec. 30, 2003).
[71] DOS cable, "Interviews by Exception," 98 State 160236.
[72] Consular Officer No. 11 interview (Dec. 30, 2003)
[73] This view is supported by findings of the General Accounting Office which compiled statistics on the refusal rates for Riyadh and Jeddah during the year before September 11, 2001. According to the GAO, consular officers in Riyadh refused .15 percent of Saudi citizen visa applicants during the period from September 11, 2000 to April 30, 2001, while consular officers in Jeddah refused approximately 1.07 percent of Saudi citizen applicants in the same time period. For reasons discussed, infra, the interview rate for Saudi citizens applying in Jeddah probably dropped beginning in September 2000, so the difference may have been greater before that date.
[74] Consular Officer No.5 interview (Mar. 2, 2004); DOS Office of Inspector General Memorandum of Conversation, Consular Officer No. 5, Feb. 5, 2003.
[75] Consular Officer No. 12 interview (Feb. 24, 2004).
[76] Ibid.
[77] Ibid.
[78] Ibid.
[79] Ibid.
[80] Consular Officer No. 6 interview (Oct. 14, 2003).
[81] Testimony of Consular Officer No. 1 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
[82] Ibid.
[83] Testimony of Consular Officer No. 2 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
[84] Consular Officer No. 13 interview (Feb. 24, 2004).

[85] Ibid.
[86] DOS OIG MOC, Consular Officer No. 13, Oct. 9, 2002.
[87] DOS OIG MOC, Consular Officer No. 11, Jan. 20, 2003.
[88] Consular Officer No. 11 interview (Dec. 30, 2003).
[89] DOS OIG MOC, Consular Officer No. 11, Jan. 20, 2003.
[90] DOS OIG MOC, Consular Officer No. 11, Jan. 20, 2003.
[91] Consular Officer No. 14 interview (Feb. 2, 2004).
[92] DOS OIG MOC, Consular Officer No. 13, Jan. 23, 2003; Consular Officer No. 14 interview (Feb. 2, 2004). Consular Officer No. 13's supervisor said that he had taken "a lot of flack" about Consular Officer No. 13's high refusal rate. He said there had been "overt hostility" to Consular Officer No. 13's high refusal rate before 9/11.
[93] Consular Officer No. 14 interview (Feb. 2, 2004); Consular Officer No. 13 interview (Feb. 24, 2004).
[94] GAO report, "Visa Process Should be Strengthened as an Antiterrorism Tool," GAO-03-132NI, Oct. 2002, stating "For example, consular officers held different opinions about whether they should use INA section 214(b) to refuse visas to questionable applicants, that is, those who either did not appear credible or who could not convince them of the purpose of their visit, regardless of the applicant's income or ties to a residence abroad. Many consular officers told us they were using the provision for this purpose. Consular managers and individual consular officers whom we interviewed differed on whether consular officers should be using INA section 214(b) to screen applicants in this manner."
[95] DOS OIG MOC, Tom Furey, Jan. 28, 2003.
[96] Tom Furey interview (Dec. 5, 2003); DOS OIG MOC, Tom Furey, Jan. 28, 2003.
[97] Tom Furey interview (Dec. 5, 2003).
[98] Testimony of Consular Officer No. 2 before the U.S. House of Representatives, Committee on Government Reform, Aug. 1, 2002.
[99] Ibid.
[100] DOS OIG MOC Consular Officer No. 11, Jan. 20, 2003.
[101] The Gulf Cooperation Council countries are: Saudi Arabia, Bahrain, Kuwait, Oman, Qatar and the United Arab Emirates.
[102] Tom Furey interview (Dec. 5, 2003).

[104] Ibid.
[105] Ibid.
[106] DOS cable no. 6, The Context for Best Practices, Oct. 1997.
[107] DOS cable no. 10, Non-Immigrant Visa Appointment Systems, State 227586, Nov. 1997.
[108] Tom Furey interview (Dec. 5, 2003).
[109] DOS cable no. 7, Drop Box and Personal Appearance Waiver (PAW) Programs, Nov. 1997.
[110] Ibid.
[111] Testimony of Consular Officer 2 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.
[112] DOS cable no. 19, Interviews By Exception, 98 State 160236, Aug. 1998; DOS cable no. 9, Remote Data Entry, State 223398, Nov. 1998; DOS cable no. 4, Off-Site Fee Collection, State 059404, Apr. 1997.
[113] DOS cable, "U.S. Visa Express Program Transforms NIV Scene in Saudi Arabia," Riyadh 02326 (Aug. 19, 2001).
[114] Ibid.
[115] Tom Furey interview (Dec. 5, 2003); testimony of Consular Officer No. 2 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.
[116] See, e.g., Memorandum of Understanding Between Kanoo Holidays Travel Company in Saudi Arabia and the United States Embassy in Riyadh and U.S. Consulate General in Jeddah, Saudi Arabia Concerning U.S. Visa Express (Nonimmigrant Visa Service).
[117] DOS cable, "U.S. Visa Express Program Transforms NIV Scene in Saudi Arabia," Riyadh 02326 (Aug. 19, 2001); testimony of Consular Officer No. 2 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.
[118] DOS report, "U.S. Visa Express Program Transforms NIV Scene in Saudi Arabia," Riyadh 02326, Aug. 19, 2001.

[119] Testimony of Consular Officer No. 2 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.
[120] DOS Report of the Accountability Review Boards on the Embassy Bombings in Nairobi and Dar Es Salaam, Jan. 1999. In his introduction to the Report, Review Boards Chairman Admiral William J. Crowe said the following: "In our investigation of the bombings, The Boards were struck by how similar the lessons were to those drawn by the Inman Commission over 14 years ago. What is most troubling is the failure of the U.S. Government to take the necessary steps to prevent such tragedies through an unwillingness to give sustained priority and funding to security improvements."
[121] Ibid., Recommendations 7 and 8.
[122] Kevin O. interview (Feb. 12, 2004).
[123] DOS email from Tom Furey to Mary Ryan, dated "Tuesday, June 26, 2001, 8:06 a.m."
[124] Testimony of Consular Officer No. 2 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.
[125] Testimony of Consular Officer No. 3 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002. In a cable this officer drafted but did not send during this time period, the officer stated, "requiring all applicants to apply through travel agents has gummed-up the process in Jeddah. The NIV officer must now review the applications of those who were previously ineligible for Visa Express twice, once on paper and then again several days later at the window." The officer recommended returning Visa Express to the "original guidelines (Saudi nationals and TCNs with prior visas)." Visa Express in Jeddah—Suggested Modifications (undated).
[126] Consular Officer No. 11 interview (Dec. 30, 2003); State OIG MOC with Consular Officer No. 11, Jan. 20, 2003, "The program also eliminated the need for interviews of first time student visa applicants."
[127] Testimony of Consular Officer No. 3 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.
[128] Consular Officer No. 11 interview (Dec. 30, 2003).
[129] Testimony of Consular Officer No. 3 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002; Visa Express in Jeddah—Suggested Modifications (undated), "It also created incentives to issue 'borderline' cases in order to decrease interview workload."
[130] Tom Furey interview (Dec. 5, 2003).
[131] Consular Officer No. 11 interview (Dec. 30, 2003).
[132] Ibid.
[133] Testimony of Consular Officer No. 4 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002, p. 10, "Nothing changed. Only the way the applications were coming to me," Tom Furey interview (Dec. 5, 2003), Visa Express did not change Saudi interview policy since "[t]hey were already not being interviewed."
[134] Testimony of Consular Officer No. 4 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.
[135] GAO report, "Border Security: Visa Process Should be Strengthened as an Antiterrorism Tool," GAO-03-132NI (Oct. 2002), p. 19, fn. 29. Although the State Department's Inspector General concluded that "the consular officers who issued visas to the terrorist hijackers . . . acted in accordance with policies that prevailed at their missions at the time the visas were issued," the State OIG did not specifically address whether the Visa Express Program affected the quality or quantity of interviews in Saudi Arabia. DOS OIG report, "Review of the Issuance of Visas to the September 11, 2001, Terrorists," ISP-CA-03-27 Mar. 2003.
[136] All the Memoranda of Understanding between the U.S. Government and the Visa Express travel agencies contained language mandating that "the American embassy and consulate agree to return the processed visas (barring any need for personal interview of applicant) the following day."
[137] Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, "Answers Regarding Primary Inspections Prior to 9/11" (May 20, 2004); Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, "Answers Regarding Red Flags Resulting in Secondary Inspections" (May 20, 2004). The remaining 12 inspectors were no longer employed by the INS (now in the Department of Homeland Security) and were unavailable to the Commission. Our interviews were conducted between March and June 2004.
[138] The inspector told us she is "75 percent sure" his companion was Adnan Shuhkrijumah, now on the FBI's most wanted list of terrorists. Immigration inspector of Mohamed Atta on May 2, 2001 interview (Mar. 25, 2004).

[139] Because none of the hijackers was from a visa waiver country, they all had to obtain visas.
[140] Despite the well-known information about the use of fraudulent travel documents in the prosecutions of the Blind Sheikh and the World Trade Center conspirators, the Department of Justice failed to make systematic use of this information as a counterterrorism tool.
[141] Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, "Answers Regarding Primary Inspections Prior to 9/11" (May 20, 2004).
[142] The inspector subsequently changed his mind and sent Atta to secondary where he—incorrectly—received an eight-month tourist stay.
[143] Commission interview of immigration inspector for Suqami and al Shehri's April 23 inspection (May 19, 2004). Other inspectors verified that the I-94 arrival record and customs declaration had little to no bearing on the length of stay determination. Sometimes a return ticket would be requested as well, but this was not a consistent request by inspectors since return tickets are not required by law as they are, for example, in the United Kingdom.
[144] Commission interview of immigration inspector for Atta's July 19 inspection (May 17, 2004). Atta came to the United States first in June 2000 and was admitted for six months. He overstayed his six month length of stay by five weeks, and left again in early January 2001, returning January 10, 2001. Atta left again after six months in early July 2001, and returned July 19, 2001, staying until the execution of the plot.
[145] Of 34 attempted hijacker entries, only 13 of these declarations were available for Commission review. This is because Customs' declarations are all paper and destroyed every six months. None of the information is made a permanent electronic record, which is what the INS does with I-94 arrival records, manually downloading them into an entry database.
[146] The answers to questions about how much currency the hijackers were carrying did not result in secondary inspections. Seven hijackers declared less than $10,000. The currency amounts on the declarations of Majid Moqed and Ahmed Al Ghamdi, was initially left blank and then later apparently completed by an inspector, who circled that both Moqed and al Ghamdi possessed more than $10,000 in cash.
[147] This information was provided by a DHS intelligence office to the Commission.
[148] In general, the information contained in this section is derived from Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, "Answers Regarding General Questions" (May 20, 2004).
[149] Indeed, no inspector interviewed by the Commission could read Arabic, or ever checked the authenticity of travel stamps in passports. Arabic speakers were rare at ports of entry in general and if an inspector could not communicate with a visitor, the inspector would either reluctantly rely on an airline representative for translation, if someone was even available, or refer the traveler to a secondary immigration inspection where an interpreter was available by phone. A lack of communication skills was the basis of the referral of Kahtani.
[150] Immigration and Nationality Act § 286.
[151] In general, information in this section is derived from Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, "Answers Regarding Training Prior to 9/11" (May 20, 2004).
[152] Primary inspector of Saeed al Ghamdi interview (Mar. 25, 2004).
[153] Inspectors also received extensive firearms training. However, no inspector interviewed was ever permitted to carry a firearm while conducting airport line inspections. Firearms were carried in secondary inspection areas, general aviation and sea cargo inspections.
[154] This was the only version ever produced.
[155] Two were familiar with the later version of the book, the Passport Examination Manual, which focused on generic document fraud, not documents used by terrorists.
[156] Secondary inspector of Marwan al Shehhi on Jan. 18, 2001 interview (Mar. 22, 2004). The Commission obtained a copy of this bluebook from JFK airport immigration officials.
[157] Information in this section is derived from Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, "Answers Regarding General Questions" (May 20, 2004).

6
Crisis Management and Response Post-September 11

6.1 The Intelligence Community

> The main thing now is security, do you understand? We must be most careful above all with documents and identities, because without them . . . we're lost.
>
> —al Qaeda operative

The attacks of 9/11 did what policy guidance and evidence had failed to do: it focused at least one intelligence agency, the CIA, on the critical need for terrorist travel information.

CIA's Directorate of Science and Technology set up a Passport Analysis Program. Its mission is to identify terrorists according to the documents they use. The program looks for individuals whose passports incorporate indicators of terrorist affiliation; develops automated detection tools that identify in near real-time the bearers of fraudulent foreign passports, and helps to verify the citizenship of individuals attempting to enter the United States.

Integration of the Passport Analysis Program's proven methods is languishing. No government component responsible for interdicting illegal travelers has incorporated the automated detection tools at the front end of its screening process where the tools would have the greatest utility for consular officers and immigration inspectors.

A second program was created in October 2001, when most of the CIA's Office of Transnational Issues (OTI) moved to the Office of Terrorism Analysis (OTA) of the Counterterrorism Center (CTC) to form a new Terrorist Transportation and Travel Branch. The unit was later renamed the Terrorist Mobility Branch.[1] Before its creation there was no programmatic effort at CTC—or anywhere else in government—that focused on broad trends and methodologies of terrorist travel.

The goal of the Terrorist Mobility Branch has been to identify key groups and individuals that facilitate terrorist travel, such as travel agencies, corrupt government officials, fraudulent document vendors, and document forgers, as well as patterns of document fraud and other travel tactics associated with al Qaeda and other terrorists.[2] In order to "operationalize" the intelligence produced by the Terrorist Mobility Branch, in the fall of 2002 a new branch was formed in the Directorate of Operations.[3] Since January 2002, 17 facilitators have been disrupted in coordinated CTC-law enforcement efforts.[4]

Yet anecdotal evidence suggests that much of the analysis being generated by the Terrorist Mobility Branch is failing to reach critical audiences whom it would greatly benefit. An informal survey indicates that border inspectors at primary immigration stations at ports of entry do not receive it systematically because of classification and security issues.[5] It is not hard to see why. There is no electronic dissemination system capable of sending highly classified reports to field units who need them. The clearances

of INS officers are insufficient to allow the transfer of important and relevant information to them. And some agencies are culturally opposed to sharing information.[6]

For its part, the FBI did not endeavor to analyze terrorist travel information and does not include such analysis as a terrorist disruption technique. Generally speaking, there is no systematic and centrally directed collection and analysis of suspect travel documents.

6.2 The Department of State

In the immediate aftermath of 9/11, the State Department responded to requests for information from the FBI and other law enforcement agencies investigating the 9/11 attacks.[7] When it was discovered that two of the 9/11 hijackers were known to the CIA in 1999 but this information had not been passed to State for watchlisting purposes, Assistant Secretary for Consular Affairs Mary Ryan requested a meeting with CIA Director George Tenet at which she expressed her outrage over this failure to share information.[8] Tenet promised Ryan there would be changes; shortly thereafter, CIA contributions to the TIPOFF watch list increased dramatically.[9]

Initially, the State Department did not begin to reevaluate its visa-issuing processes. Instead, investigations of visa-issuing policies and how they related to the 9/11 attacks were launched by the General Accounting Office (GAO), Congress in its oversight capacity, and the State Department Inspector General. Consular officers in the field became frustrated by the lack of direction on visa policy from Washington. Dissatisfaction ran especially high in Saudi Arabia, where 15 of the 19 hijackers had acquired their visas. Consular officials in Jeddah believed that it was "business as usual," with the consulate continuing "to waive interviews for the vast majority of Saudi applicants."[10] They were chastised by the State Department for publicly stating this view.[11]

The period from 9/11 to 2003 was spent responding to law enforcement needs regarding the 9/11 attacks, tightening up visa issuance procedures at the margins, and implementing a number of programs in cooperation with the Justice Department and other agencies. These included the 20-day hold and Condor name-check programs developed in the interagency process, the NSEERS (National Security Exit and Entry Registration System) program, and the relevant provisions of the USA PATRIOT Act, the Enhanced Border Security Act, and the Homeland Security Act, discussed in the next section.

Following 9/11, State also expanded its Terrorist Interdiction Program (TIP) to include 60 priority countries. This foreign assistance program is designed to enhance border security around the globe by providing state-of-the-art border control technology to specific nations.[12] The system has been installed in approximately ten countries.

By 2003, State's approach for the future was coming into focus. It included making dramatic changes in visa processing, retooling consular work for counterterrorism, supporting the development of U.S. and international biometric border and travel document standards, and enhancing the security of the U.S. passport system.

State established the Vulnerability Assessment Unit to systematically review issued visas for patterns that might indicate malfeasance, and began checking the database of issued visas against any new terrorist watch list information.

On August 1, 2003, State issued new regulations that limited the waiver of personal appearances for nonimmigrant visa (NIV) applicants to only a few categories of exceptions, among whom were diplomats, children, and the elderly.[13] This was a major change from the era before 9/11, when State policies encouraged consular managers to decrease the frequency of visa interviews in order to save resources. Beginning on October 17, 2003, State also lengthened its basic consular course, also known as ConGen, from 26 to 31 days, in order to add material on visa security, counterterrorism awareness, and interviewing techniques. The new training included a two-day course on ways to identify deception by applicants, a half-day program on counterterrorism at CIA headquarters, and a module on terrorist travel patterns. State also expanded intranet resources for consular officers to assist them in reading and verifying entry/exit cachets in Arabic or Persian script.[14]

On September 22, 2003, State began the worldwide deployment of biometric nonimmigrant visa (NIV) software that provided for the collection of fingerprints in the NIV application process.[15] State is on schedule to have all visa-issuing posts collecting biometrics for all applicants by October 26, 2004, the statutory deadline. A few months later, on December 1, 2003, the TIPOFF terrorist watchlist, created by State in 1987, was transferred to the Terrorist Screening Center (TSC) for integration with other government watchlists. The TSC maintains watchlist information—including intelligence on foreign persons and information from FBI terrorism investigations into U.S. persons—from all sources, and through the National Crime Information Center (NCIC) it provides a link to state and local law enforcement.

State is working with countries eligible for the Visa Waiver Program and with the International Civil Aviation Authority to meet the requirement that those countries incorporate biometric identifiers in their passports by October 2004, as mandated by the Enhanced Border Security Act. State recently asked for an extension to November 30, 2006.

With the passage of the Homeland Security Act—which transferred the task of setting visa policy from State and to the Department of Homeland Security (DHS)—State entered into a memorandum of understanding with DHS formalizing the division of responsibility on visa policy. State now coordinates visa determinations with DHS's Immigration and Customs Enforcement officers in some overseas posts, including Saudi Arabia.

6.3 The Department of Justice

Immediately after September 11, Attorney General John Ashcroft developed an antiterrorism plan with two strategic goals: to develop intelligence to identify and

apprehend terrorists, and to undertake law enforcement operations to disrupt terrorist planning and operations.[16] Thereafter, the Department of Justice, on its own and through the interagency process, created a number of programs that singled out for greater scrutiny aliens from predominantly Muslim or Arab countries, both those inside the United States and those outside the United States who were seeking visas.

These programs—in roughly chronological order—were the Interview Project, the 20-day hold, the Absconder Apprehension Initiative, Visas Condor, and NSEERS. In addition, beginning on September 11 throughout this period, the Justice Department directed its subcomponents, the FBI and the INS, in actions that led to the detention of 768 individuals, mostly Muslims and Arabs, considered by Justice to be of investigative interest following the September 11 attacks.[17]

The Interview Project

On November 9, 2001, the Attorney General announced that the Department of Justice would interview several thousand nonimmigrant aliens from countries with an al Qaeda terrorist presence about their knowledge of terrorist elements within the United States,[18] an undertaking known as the Interview Project. Ashcroft described the purposes of the project as threefold: (1) the department wanted to have law enforcement presence in the community, (2) it wanted the agents "off their duffs," and (3) it was hoping to get some investigative leads.[19] The interviews were voluntary, although in some cases interviewees may have felt they had no choice but to participate. Between November 9 and February 26, 2002, law enforcement officers under the direction of U.S. Attorneys conducted 2,261 interviews; out FBI and INS database searches had identified 4,793 potential interviewees.[20]

In March 2002, the Attorney General started a second phase of interviews of 3,189 nonimmigrant aliens from 26 countries—the same as the Condor countries (discussed below)—and from a broader age range than was represented in the first phase.[21] Although data from all the interviews conducted were entered into a database maintained by the Justice Management Division, they were never analyzed by the Justice Department. We asked Justice to provide us with documents summarizing the origin, mission, and results of the Interview Project, including the "intelligence, counterterrorism, and law enforcement benefits which resulted from the program," but we received no documents prepared after February 2002, shortly before the second phase began.[22]

Justice asserts that the project met its two goals, intelligence gathering and disruption, a judgment based mostly on anecdotal reporting and speculation.[23] However, as the GAO pointed out, there has been no analysis of the value of the law enforcement leads it yielded, and law enforcement officials differed on whether the interview project helped build ties to the communities involved or created greater hostility within them. The GAO concluded that without such analysis, it was difficult to draw lessons from the project. We agree, and add that the system was never designed to allow its results to be analyzed. Under guidance provided to officers conducting interviews, any valuable counterterrorism leads from interviews in the field were to be forwarded directly to FBI

agents in the field for follow up.[24] Thus, the centralized database simply served the interests of management and oversight and aided little in assessing the program's benefit to counterterrorism.

Twenty-Day Hold

Effective November 14, 2001, the State Department—at the urging of Justice—issued a blanket 20-day hold before any visa could be issued to males 16 to 45 years old from 26 countries in the Middle East and North Africa, plus Bangladesh, Malaysia, and Indonesia. This program was discontinued on October 18, 2002. Records we have reviewed suggest it yielded no useful antiterrorist information and led to no visa denials.[25]

The Absconder Apprehension Initiative (AAI)

Under U.S. immigration law, absconders are noncitizens who willfully fail to depart the United States after receiving a final order of deportation from an immigration judge. They may be prosecuted for a federal felony.[26] After September 11, INS Commissioner James Ziglar proposed that the names of 314,000 absconders be placed in the Wanted Persons file in the National Crime Information Center database accessible by state and local law enforcement.[27] To meet NCIC standards, every absconder entry had to be supported by a full set of fingerprints and a photograph so that the INS Law Enforcement Support Center (LESC) could electronically transmit those identifiers to the querying law enforcement official within ten minutes.[28] If the absconder's identity was confirmed, then the INS could place a federal detainer—requiring that the alien already in custody only be released into federal custody--or arrange for an INS agent to take the individual into custody and proceed with removal. Finding terrorists was not a focus of the program.[29] Attorney General Ashcroft liked the idea, and Commissioner Ziglar announced it on December 5, 2001.[30] Shortly thereafter, the initiative was recast as a counterterrorism program.[31]

Deputy Attorney General Larry Thompson on January 25, 2002, provided guidance for the newly renamed Absconder Apprehension Initiative (AAI). He explained that the object of the initiative was to deport the 314,000 alien fugitives in two phases. The first phase would focus on several thousand priority absconders "who come from countries in which there has been al Qaeda terrorist presence or activity . . . because some of them have information that could assist our campaign against terrorism."[32] The second phase would locate and deport the remaining absconders.[33] The Deputy Attorney General directed the FBI's Foreign Terrorist Tracking Task Force to remove any names that were subjects of active terrorist investigations.[34]

At the INS, the National Security Unit (NSU) was tasked with the project.[35] The AAI effort was a massive undertaking for this small unit, which was the INS's primary counterterrorism unit.[36] The NSU developed a special project staff of its own agents and INS intelligence analysts from the Office of Intelligence, and it detailed agents from the INS field offices, as many as ten at a time, to develop the project.[37] For each absconder case in which a last known address could be found, the NSU created a work file and sent

it to a designated supervisory special agent in the INS field office located in that geographic area for follow-up. The administrative tasks associated with the AAI priority cases required that many field officers be assigned to the NSU headquarters unit, leaving fewer special agents available to investigate the AAI priority cases in the field.[38]

Phase 1 of the AAI covered 5,932 cases.[39] In order to help immigration authorities locate these absconders, some of their records were entered into the National Crime Information Center database.[40] In addition, criminal record checks were conducted on all AAI cases.[41] A total of 863 absconders had a criminal history, but in many cases the final disposition of these criminal cases was not recorded in the NCIC database. As a result, case agents had to obtain additional court documents to determine what action was appropriate in each of these cases.

NCIC hits resulting from routine record checks conducted by law enforcement agencies led to the location of 95 absconders.[42] In these cases, the LESC placed a detainer on the alien and referred the case to the local Immigration and Customs Enforcement field office for follow-up.[43]

A total of 191 absconders turned out to be U.S. legal permanent residents. Another 80 had been naturalized and were now U.S. citizens. Together, these groups accounted for 5 percent of priority absconders. Naturally, this statistic raises the question of how an alien absconder could be granted either legal residency or citizenship. The reasons for this error are many. Foremost is the problem of INS recordkeeping, which has always been unreliable. Individual immigration files are actually paper files. Each is created from an alien's name and is not linked to a biometric identifier, such as a photograph or a fingerprint. Thus one person could easily have multiple immigration files, enabling him or her to apply for various immigration benefits at the same time.[44] Aliens so inclined could use a variety of name variations or an alias to commit immigration fraud or to avoid deportation. In some cases, the final order of deportation had been issued years previously. Because of the overall poor state of INS recordkeeping, some aliens were able to return to the United States without being arrested on the deportation order at the port of entry.

Ultimately, 4,074 cases were closed.[45] The 1,858 remaining cases either were still under investigation or lacked a final report. The total number of absconder cases that were actually closed because the subject was determined to be *no longer an absconder* was 2,267, or approximately 38 percent of the original number.

AAI Phase 1

5,932	Total initial cases
2,267	Cases closed after investigation verified departure or immigration status
1,807	Cases closed after investigation, unable to locate or verify immigration status
704	Absconders located and removed from U.S. during Phase 1
1,858	Cases remain open
14	Cases referred to FBI for further investigation relating to possible terrorist links
0	Cases prosecuted or removed on terrorism grounds

By early 2003, 1,139 of the designated absconders had been apprehended, 704 had removed from the country, and 224 were in custody and awaiting removal. In addition, U.S. Attorneys had criminally prosecuted 45 individuals, 41 of whom for criminal immigration violations.[46] Although the INS had referred 14 cases to the FBI on the grounds of their possible links to terrorism, no absconders who were removed as part of phase 1 were deported under a terrorism statute or prosecuted for terrorism-related crimes.

Thus, even though extensive investigative resources were committed to the effort, only 38 percent of the priority absconders could be located or their immigration status verified. The immigration records system was so poor that approximately 5 percent of the absconders had, in fact, become legal residents or naturalized citizens of the United States. The INS's difficulty in locating absconders is consistent with the difficulty generally faced by immigration authorities attempting to locate aliens inside our country, whether they came in legally through a port of entry or illegally across an unguarded border. It is very difficult to find alien absconders without extraordinary effort or pure luck.

The Commission believes the remaining absconders who were not apprehended in the first phase of the program no longer receive special attention from immigration enforcement personnel. Indeed, DHS has absorbed phase 2 of the AAI into its current fugitive operations unit.

The Visas Condor Program

The Visas Condor Program was initiated on January 26, 2002. It mandated additional security screening by the FBI and other agencies for certain visa applicants from 26 predominantly Muslim countries. However, neither the FBI nor the CIA was able to process these visa applicants in a timely fashion, because their other responsibilities burgeoned after the September 11 attacks. In July 2002, the FBI acknowledged it could not meet the agreed-on 30-day target for name checks, and on July 20, 2002, the State Department agreed to place these visa applicants on indefinite hold until the FBI responded. In September 2002, the CIA withdrew from the program because it had uncovered no significant information from these visa applicants. The CIA was already

placing all important information into the TIPOFF terrorist watchlist, used by the State Department to screen these same visa applicants when they submitted their applications. On October 2, 2003, the Condor criteria were changed and more narrowly focused.[47] As of April 2004, approximately 130,000 Condor name checks had been completed.[48] No individual subject to a Visas Condor name check has had his or her visa application turned down on grounds of being a terrorist.

NSEERS

In May 2002, the Attorney General directed the INS to develop an entry-exit registration system at selected ports of entry, and on September 11, 2002, the INS implemented the National Security Exit and Entry Registration System.[49] The program had a number of components. It mandated the photographing, fingerprinting, and interviewing of certain individuals from certain predominantly Arab and Muslim countries upon their arrival in the United States, and required the same kind of registration for such individuals already inside the United States. It also mandated that these individuals be reinterviewed 30 days after their entry to the United States, that they notify the INS if they changed their address, that they present themselves for an annual interview if they remained inside the United States, and that they have an interview when they departed the United States. Finally, the program provided for enforcement measures against those who were found to be in violation of immigration or other laws when they sought to register or who violated program rules by, for example, failing to register at all.[50]

NSEERS was imposed in phases. Beginning on September 11, 2002, inspectors of the INS (now Customs and Border Protection, or CBP) were required to register nonimmigrant aliens applying for admission to the United States who were citizens or nationals of the state sponsors of terrorism: Iran, Iraq, Sudan, Libya, and Syria.[51]

Beginning October 1, 2002, when all ports of entry were to have the new alien registration database and equipment installed,[52] inspectors were also required to register nonimmigrant males between the ages of 16 and 45 years of age who were citizens of Pakistan, Saudi Arabia, and Yemen.[53] A discretionary component allowed State Department consular officials and INS inspectors to order the registration of aliens from any country if they determined such action to be in the interests of national security.[54]

The registration at ports of entry worked as follows. All aliens applying for admission to the United States were screened against the Interagency Border Inspection System (IBIS) by inspectors at ports of entry. If an alien applying for entry was identified in IBIS as being subject to NSEERS registration, the alien was referred to secondary inspection for enrollment in NSEERS. In the secondary inspection area, the registrant was placed under oath and asked predefined questions that covered, among other things, biography, employment, school, intended address in the United States, points of contact, and credit card information.[55] The registrant's photograph and two index fingerprints were captured digitally. The applicant's biometric and textual data were then stored in a database administered by the Bureau of Immigration and Customs Enforcement (ICE).[56]

The biometric data were checked against four databases containing information on convicted aggravated felons, known or suspected terrorists, people wanted on criminal warrants, and criminal alien recidivists.[57] If there was a hit from one of these database checks, or if another immigration law violation was uncovered as part of the routine border screening, the person could be denied entry. If there was no derogatory information discovered, then the alien was enrolled in NSEERS and admitted to the United States.[58]

As of May 2, 2004, there had been 352,385 NSEERS registrations at ports of entry involving 141,168 individuals,[59] and 1,352 enforcement actions taken at ports of entry.[60] These actions often involved denial of entry, because, for example, the alien had failed to comply with NSEERS requirements when previously in the United States. Some denials related to more serious conduct involved such violations of criminal law as document fraud, espionage, crimes involving moral turpitude, and willful misrepresentations of fact.[61]

Once admitted into the United States, NSEERS registrants were required to report to an INS/DHS field office for a 30-day interview between the 30th and 40th day of their admission and within 10 days of the one-year anniversary of that admission. As of May 2, 2004, a total of 30,490 30-day and 172 annual interviews had been conducted.[62] DHS has estimated that 400 to 2,000 individuals were referred to ICE for investigation following the 30-day interview.[63]

Registrants also were directed to report to designated ports of departure for an interview on the date they left the United States.[64] As of May 22, 2003, there had been 34,439 departure interviews.[65] However, the departure interviews were conducted at an immigration office and not at the airport terminal, so it is "quite possible that a registrant could be given a departure interview by CBP, and then fail[] to depart."[66] Significant changes in the infrastructure of airports would be required for NSEERS exit procedures to occur at the actual point of departure.[67]

NSEERS domestic call-in registration began on November 15, 2002, and ended on April 25, 2003. Four call-in notices were announced through publication in the *Federal Register* setting forth the countries and conditions under which certain nonimmigrants were required to register. Male citizens or nationals 16 years of age or older from Iran, Iraq, Libya, Sudan, Syria, Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, the United Arab Emirates, Yemen, Pakistan, Saudi Arabia, Bangladesh, Egypt, Indonesia, Jordan, and Kuwait who were admitted as nonimmigrants on or before September 30, 2002, were directed to register in NSEERS at their local immigration offices.[68] The registration process was the same as that at the ports of entry, described above. As of May 2, 2004, a total of 83,909 individuals were registered pursuant to call-in registration.[69] If the domestic registrant was not in violation of any law and there was no hit in any of the four databases, he was told to report for an annual interview, but not for a 30-day interview.[70]

A significant number of domestic registrants were in violation of some law. According to DHS records, about 13,000 call-in registrants, or 16 percent, were found to be in violation of immigration laws when they appeared; they were registered, arrested, and processed for removal from the United States.[71] The call-in registration process had considerable problems, caused by a flood of applicants in the last week of the call-in period, the failure to provide sufficient computer terminals to quickly handle the processing, and the INS's lack of preparation for handling the approximately 13,000 individuals who were arrested.[72]

Estimates of the number of NSEERS violators—individuals who failed to register initially, failed to show up for the 30-day or annual interview, or failed to register their departure through a designated port of departure—vary, in part because the database used to produce this information has been error-prone and unreliable.[73] As of May 22, 2003, the Department of Homeland Security put the figure at 12,670 "potential NSEERS violators."[74] By May 2, 2004, DHS reported it had begun 1,883 investigations: 132 NSEERS violators were arrested, 372 were determined to have left the country, and 457 were found to be in compliance with NSEERS regulations.[75]

There was significant opposition to the NSEERS program from some U.S. government officials, who feared the program would offend countries that were U.S. allies in the global war on terror.[76] State personnel we interviewed said that NSEERS did harm our relations with foreign countries whose citizens were subject to its registration requirements. FBI Director Mueller said it came at a cost.[77] Documents we reviewed, including correspondence from foreign countries' representatives, indicate that some foreign governments were strongly opposed to having their nationals subject to NSEERS registration.[78]

On March 31, 2003, apparently in response to these concerns, the White House sent out a "global message" on NSEERS from the Homeland Security Council to the executive secretaries of State, Justice, Homeland Security, the National Security Council, the Office of Management and Budget, the White House Domestic Policy Council, the Office of the Vice President, and the President's Chief of Staff. The purpose of this message was "to explain responsibilities and ramifications of NSEERS to foreign governments" and avoid misunderstandings with foreign partners.[79]

As of May 5, 2004, individuals from 170 countries had been registered in NSEERS.[80] The country with the largest number of NSEERS registrants—38,000—was Indonesia, followed by Pakistan with 29,000, and Iran with 15,000.[81]

According to the Department of Homeland Security, the US VISIT (Visitor and Information Status Indication Technology) program—which captures the fingerprints and photographs of nonimmigrant visa holders upon entry and exit—"will ultimately subsume the functions of the NSEERS program."[82]

DHS asserts that 11 persons out of approximately 140,000 registrants have been shown to have a connection to terrorism.[83] Of these, six were NSEERS call-in registrants, though it is not clear from information we have received whether the registration process led to

their arrest; two were denied entry at the port of entry following a hit in the TIPOFF watchlist, and thus their identifications were not attributable, in other words, to the NSEERS program; one failed to appear for a call-in registration and was encountered and arrested in the field on grounds that are not clear to us; one was arrested, and we have no information whether he was required to participate in the NSEERS program; and one is currently "at large."[84]

The counterterrorism benefits from the NSEERS program are unclear. The Department of Homeland Security asserts that arresting and processing for removal the approximately 12,000 individuals "who appeared for call-in registration and were found to be illegally in the U.S." had a *deterrent effect* because it "signaled a clear message to those 'sleeper' terrorists embedded in U.S. communities, that U.S. immigration law would be enforced."[85] DHS also claims that NSEERS had a *disruptive effect* because it "forc[ed] would be terrorists to comply with the terms and conditions of their admission to the United States or run the risk of being removed from the United States. This additional pressure may make the job of carrying out a terrorist mission much more difficult, therefore disrupting the mission."[86] But one witness who testified before the Commission maintained that the call-in registration component of NSEERS may have diminished the willingness of immigrant communities to supply the government with intelligence.[87]

It is difficult to gauge the counterterrorism benefit from these programs because information on how they have affected terrorists is not always easy to come by. Our analysis of the 9/11 plot and the actions taken by the hijackers while inside the United States suggests that the conspirators worked diligently to manipulate the U.S. immigration system to enable them to remain inside the United States long enough to commit the attack. They appear to have been aware of U.S. immigration laws and regulations, and to have structured their travel and entries to the United States with those constraints in mind. As we have noted, the enforcement of immigration laws might have disrupted the plot if it had led, for example, to the removal of Mohamed Atta from the United States when he attempted to enter in January 2001 with the wrong visa. Likewise, the lack of an entry-exit system hampered the efforts of intelligence and law enforcement officials to locate Nawaf al Hazmi when he was finally placed on the watchlist in August 2001. Thus, the proposition that these programs had the potential to disrupt and perhaps to deter terrorist plots forming inside the United States after 9/11 certainly has some support. Ultimately, it is difficult to measure the success of operations whose goals included deterrence. However, our research demonstrates that terrorists often need to break laws in order to successfully complete their operations, undertaken in the United States and elsewhere. They routinely commit immigration and document fraud, and often sustain their operations with petty crime. The routine enforcement of laws, including those not specifically related to terrorism, can therefore raise obstacles for and in some cases have a deterrent effect on individuals intending to commit terrorist attacks.

Perhaps significantly, a senior al Qaeda detainee has stated that after the 9/11 attacks, U.S. government efforts to more closely monitor the American homeland through such actions as, as he termed it, reviewing Muslims' immigration files and deporting nonpermanent residents made al Qaeda operations more difficult.[88] The detainee cited

problems in obtaining tourist visas without interviews and instances in which visa applications were turned down even when the visa documents and passport documentation were complete.[89] If this detainee's account is credible, these programs may have had some deterrent effect on al Qaeda planning and operations in the United States and may have required terrorists to consider other tactics for entering and remaining inside the United States or to attack elsewhere.

6.4 Response at the Borders, September 11–20, 2001

In the days immediately following the attacks, the immigration and customs services undertook a number of measures, independently and in cooperation with one another and other agencies in the government, to better secure America's borders. The counterterrorism role so long ignored was finally getting the attention it deserved, although these measures taxed the limited human resources and technology then in place on U.S. borders.

"Level One" Border Security Measures

At about 10:00 on the morning of the attack, the new INS commissioner, Jim Ziglar, received a call from the acting commissioner of the Customs Service, Chuck Winwood.[90] He recommended that the two services implement their most stringent "Level One" inspections of travelers and goods seeking admission into the United States at land, sea, and air ports of entry.[91] No one knew if a second wave of attacks was coming. Ziglar agreed, and an order was issued throughout both the Customs and INS system.[92]

In addition, both INS and Customs immediately activated their command and control centers to monitor and provide directives for border operations. For both services, these centers collected the incoming information that by the evening of September 11 helped identify most of the hijackers and retrieve their arrival/departure records,[93] information that was immediately provided to the FBI. As the week wore on, the centers also processed information concerning security and trade at the borders, lists of visitors who were not permitted to leave the United States, and the arrests of possible terrorists who had immigration violations, and they helped review international airline passenger manifests for arriving travelers.[94]

Airport Inspections. On the morning of September 11, airports across the country initially were preoccupied with devising ways to clear out passengers from airport terminals, while the FAA diverted incoming international flights to Canada and Mexico. As a no-fly ban was put into effect, some airport immigration inspectors were temporarily reassigned to help with the mounting traveler backups at the land borders. On the following day, airport immigration inspectors, many of whom were still conducting security at their assigned airports, were given permission to carry a firearm.[95]

By the time the flight ban was lifted on September 13, the INS had deployed 318 Border Patrol agents to nine airports—about as many agents as were working the entire northern

border.[96] The INS had suggested this deployment to the Attorney General, and Ashcroft had relayed the request to President Bush, who approved it.[97]

On September 13, both airspace and airports reopened under tight security. However, "Level One" procedures did not affect admission procedures or wait times at airports as dramatically as they had those at land borders, which technically never shut down. The difference between the two was that airports always had processed all international travelers, whereas land ports of entry scrutinized travelers and vehicles randomly. The heightened threat alert placed a tremendous strain on their human and technological resources.

Land borders. Given the tremendous volume of people and commerce that cross U.S. land borders every day, a shift from random to comprehensive and thorough immigration and customs inspections caused an urgent problem. Land borders process about four times as many travelers as airports, and have about three times as many immigrant entries.[98] In addition, the United States and Canada have the largest trading relationship in the world, worth hundreds of billions of dollars per year.[99]

Under Level One, nearly every commercial or passenger vehicle was to be thoroughly checked—under the car, under the hood, in trunks, and in glove compartments. People also were checked more carefully. Dedicated cross-border commuter programs and remote inspection reporting systems were suspended.[100] Ambassador Bridge in Detroit saw its normal 20-minute wait grind to a 12-hour crawl on September 12. The bridge normally handles 6,000 trucks per day, and 25 percent of the total trade from Canada. Commercial traffic was paralyzed. Automobile plants in Detroit dependent on just-in-time deliveries shut down.[101] The Customs and INS commissioners were inundated with phone calls from distressed business leaders whose financial lifeblood was free interchange with trading partners on the other side of the border.[102] All this occurred despite inspectors working 12 to 16 hours a day, sometimes seven days a week.[103]

With the pressure building on the borders and repercussions being felt in the private sector, it became critical to border authorities to minimize wait times with Level One procedures in place. Additional primary inspection lanes were opened where the infrastructure of the port permitted. While in line, arriving cargo vehicles were prescreened by roving inspectors, nonintrusive technologies, and canine enforcement teams.[104] In full cooperation with each other, the INS and Customs, along with additional support from airport inspectors temporarily reassigned to help at the land borders, the National Guard, the Canadian Customs and Revenue Agency, local law enforcement, and the private sector, reduced wait times almost to pre–September 11 norms by September 17, although the heightened alert was never lifted.[105]

Support to the FBI. On the afternoon of September 11, Jim Ziglar participated in a meeting called by the Attorney General and attended by Deputy Attorney General Thompson and the new FBI director, Robert Mueller, among others. Its purpose was to discuss the Justice Department's strategy to prevent a second wave of attacks while investigating the September 11 attack itself. Ziglar was told that the FBI was in charge of

the investigation and that the INS was expected to support them. Ziglar quickly reassigned 1,000—or nearly half—of his special agents to the FBI, which dramatically diminished the ability of the INS to exercise its immigration enforcement mission. This meeting also laid the foundation for the Attorney General's subsequent use of INS immigration authority as a tool in the war on terror.[106]

Transit without Visa Suspended. Within days of September 11, the INS and Customs suspended "in-transit" processing for air passengers.[107] Traditionally, in-transit processing allowed passengers whose final destination was in the United States to enter the country and catch a connecting flight to that destination before undergoing immigration and customs inspections. The suspension of the program required all flights from abroad to be inspected at their first arriving port of entry.[108] The same procedures were to apply at technical stops for refueling.[109] All passengers and crew had to exit the aircraft with all carry-on baggage and then be escorted by airline personnel to the INS, Customs, and the Animal and Plant Health Inspection Service for full inspection.[110]

Defense Department Assistance. On September 12, Customs leadership placed a call to Michigan Governor John Engler requesting the help of Michigan's National Guard at land ports of entry.[111] During this time, the President also asked state governors to provide extra security at airports with National Guard personnel. As a result, 7,000 National Guard members were activated to supplement security at 421 airports.[112] Six months later, the INS and Department of Defense signed an agreement lending National Guard personnel for six months for specific duties at land borders.[113]

6.5 The Department of Homeland Security

September 11 brought border security to the forefront of the President's counterterrorism agenda. One result was to sweep the Immigration and Naturalization Service and U.S. Customs into the Department of Homeland Security, where they were reconfigured in a manner that hinted of past debates about restructuring the INS into its immigration services and immigration enforcement functions. Approximately 60,000 employees working at U.S. borders, interior enforcement, and immigration benefit services were divided into separate agencies for the purpose of "minimizing duplication of efforts, improving coordination, and combining functions that are currently fragmented and inefficient."[114] In addition, about 40,000 Coast Guard officials, who interdict about 5,000 illegal aliens at sea per year, were also moved into DHS. While the President initially sought to pull the State Department's Consular Affairs visa issuance function into DHS, in the end DHS was given responsibility only for determining visa issuance policy.[115]

> In his message of support to Congress in 2002, the President articulated a strategic purpose for the Department's Border and Transportation Directorate, which has responsibility for immigration: "Terrorism is a global threat and we must improve our border security to help keep out those who mean to do us harm. We closely monitor who is coming into and out of our country to help prevent foreign terrorists from entering our country and bringing instruments of terror. At the

> same time, we must expedite the legal flow of people and goods on which our economy depends."[116]

The directorate is working hard to develop policies and programs that will create the foundations of the vigorous information network necessary to prevent terrorist entry. For example, DHS is attempting to incorporate new elements of enforcement into overseas operations at consulates and in airports with U.S.-bound air carriers. The first phase of the new border screening and entry-exit system, USVISIT, although based on an antiquated technology platform, is working now to capture a photograph and two fingerprints from travelers originating in countries where visas are issued, and it has had some success in catching fraud. Verification systems such as the Student and Exchange Visitor Information System (SEVIS) and the lost and stolen passport database housed by Interpol are now available to inspectors who refer travelers to a secondary inspection; to be truly helpful, these systems must be integrated into USVISIT in the primary lines. And the National Targeting Center, assisted by the new Terrorist Screening Center, provides information support to inspectors at ports of entry so that they can make more informed decisions about potential terrorists and harmful cargo attempting to enter the United States.

. . .

But while the rhetoric continues to focus on the critical mission of preventing terrorist entry, virtually no attention is being given to the most recent information available about terrorist travel and to the mission, at least equally important, of preventing terrorists who get in from staying in. All elements of terrorist border activity—travel facilitation, border inspections, compliance issues, and immigration benefits—are part of a continuum of terrorist planning and activity on both sides of the U.S. border, requiring a coordinated response within the national counterterrorism strategy. This has yet to be fully recognized and implemented.

The merging of immigration and customs border functions within the Department of Homeland Security, together with the initial construction of a biometric entry-exit system at the airports, has addressed some of the glaring deficiencies highlighted by the September 11 attacks. However, border inspectors today still do not have basic intelligence and operational training to aid them in detecting and preventing terrorist entry, or adequate access to databases important to determining admissibility, or even viable options to prevent documents known to be fraudulent from being returned to travelers denied entry into the United States. There is no programmatic effort to focus on terrorist travel facilitators, and special agents lack the resources and authority to pursue visitors for immigration violations associated with terrorist activity. Similarly, immigration benefits adjudicators do not have effective and efficient tools to conduct background security checks on applicants. Each immigration encounter with an alien should be treated as both an opportunity and an obligation to verify the individual's identity and legitimate purpose in seeking to enter or to stay in the United States. Yet border officials still do not have access at every contact, whether overseas or within the United States, to a visitor's full U.S. travel and immigration history

Finally, immigration law remains immensely complex. This unnecessary complexity affects inspectors, special agents, prosecutors, and immigration benefit adjudicators alike who struggle to interpret and implement it every day.

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[1] Timothy S., Chief of the Terrorist Mobility Branch, interview (Oct. 30, 2003).
[2] Examples of finished intelligence produced by the Terrorist Mobility Branch include: *A Reference Guide for Terrorist Passports,* CIA, Directorate of Intelligence, Oct. 21, 2002; *Clandestine Travel Facilitators: Key Enablers of Terrorism*, CIA Directorate of Intelligence, Dec. 31, 2002; and Analysis of Passports*,* CIA, Directorate of Intelligence, Jan. 2004.
[3] Timothy S. interview (Oct. 30, 2003).
[4] Ibid.
[5] Ibid.
[6] For example, CIA Director George Tenet wrote to Dale Watson, the Assistant Director of the FBI's Counterterrorism Division, on Nov. 15, 2001 requesting FBI assistance in obtaining the passports and supporting documents of the 9/11 hijackers that were under FBI control for the purpose of developing actionable intelligence. There was no response to this request.
[7] DOS designated Regional Security Officers employed by State's Bureau of Diplomatic Security to be the liaison at foreign posts with the FBI in the collection of evidence. Through this process, the FBI collected from State the visa applications of the September 11 hijackers once their identities were established.
[8] Mary Ryan interview (Sept. 29, Oct. 3, Oct. 9, 2003).
[9] Ibid.
[10] DOS cable, "Muslims Need Not Apply: Fear and Rumors Lead Hejazis to Cancel U.S. Travel," Oct. 3, 2001**.**
[11] Investigators from the State Office of Inspector General who visited Saudi Arabia in 2002 described "a feeling of lack of support, almost betrayal by CA and the Department" among consular personnel in Jeddah. DOS OIG record, "Findings in Jeddah," undated.
[12] Included in the border security equipment provided to each host nation are passport readers, cameras, a flatbed scanner and fingerprint reader. The United States government pays for installment and maintenance.
[13] DOS document, "Follow-up to A/S Harty's Meeting on 11/21, 9/11 Commission," Dec. 31, 2003.
[14] Ibid.
[15] Ibid.
[16] DOJ document, Memorandum for the Attorney General, Final Report on Interview Project, Feb. 26, 2002.
[17] We addressed the matter of the "special interest" detainees in the Final Commission Report, and so do not do so here.
[18] DOJ document, Memorandum for the Attorney General, Final Report on Interview Project, Feb. 26, 2002.
[19] John Ashcroft interview (Dec. 17, 2003).
[20] DOJ document, Memorandum for the Attorney General, Final Report on Interview Project, Feb. 26, 2002, fn 2. 681 had left the United States; 1,097 of the individuals in the country could not be located; 785 were determined to have moved, complicating the effort to locate and interview them. Fewer than 20 were arrested in connection with the interviews, most charged with immigration violations. Three individuals were arrested on criminal charges, none related to terrorism. At least 10 individuals refused to be interviewed.
[21] GAO report, Justice Department's Project to Interview Aliens after September 11, 2001, GAO-03-459, April 2003. In March 2003, when the Interview Project was the subject of a GAO investigation and report, law enforcement officers had interviewed 3,216 aliens, or about 42 percent of the 7,602 non-duplicate names on the original interview list. Because of uncertainty with the identity, address, and entry-exit information regarding the 7,602 potential interview subjects, it was not possible to state with certainty how many of the names represented unique individuals, and how many of those individuals were in the United States and, therefore, eligible to be interviewed.
[22] Commission document, Department of Justice Document Request Number 9, Question 12 (Oct. 20, 2003).

[23] In addition, DOJ asserts that it strengthened the bonds between federal, state and local law enforcement and improved relations between the law enforcement officers and the Muslim communities involved.
[24] Ken Wainstain interview (May 5, 2004).
[25] DOS document, "Follow-up to A/S Harty's Meeting on 11/21, 9/11 Commission," Dec. 31, 2003.
[26] 8 USC § 1253 (failure to depart, imprisonment up to four years, 10 years if a criminal); 8 USC § 1324d (failure to depart, civil fine of $500 a day); 8 USC § 1326 (reentry after deportation, imprisonment from two to 20 years).
[27] James Ziglar interview (Nov. 24, 2003).
[28] FBI document, National Crime Information Center (NCIC) 2000 Operating Manual Section 5.6, "Operator's Lesson Plan," Jan. 2004.
[29] James Ziglar interview (Nov. 13, 2003). The directive from the Attorney General did not define what was meant by "from countries . . . ." Under the immigration law, this could apply to citizens of a country or persons who were born in one of these countries.
[30] Ibid.
[31] Ibid.
[32] DAG Thompson said that the first group to be investigated would be "a group of fewer than a thousand, many of whom appear to be convicted felons." These "special interest countries" were Afghanistan, Algeria, Bahrain, Bangladesh, Djibouti, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kuwait, Lebanon, Libya, Malaysia, Morocco, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tajikistan, Thailand, Tunisia, Turkey, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen, Territories of Gaza and the West bank. DHS document, Closing Report for AAI Project when it was transferred from Investigations, National Security Unit to Detention and Removal Office prepared by Immigration and Customs Enforcement, July 10, 2003.
[33] DOJ document, Memorandum from the Deputy Attorney General to Commissioner, Immigration and Naturalization Service, Director Federal Bureau of Investigation, Director, U.S. Marshals Service, U.S. Attorneys, Subject: Guidance for Absconder Apprehension Initiative, Jan. 25, 2002.
[34] The Commission believes that the FTTTF did remove some subjects from the list; we have not yet learned how many and whether these subjects remained of interest to the FBI on terrorism grounds. Lou Nardi interview (Oct. 20, 2003).
[35] Ibid. See also, Testimony of Joe Green, INS Assistant Commissioner for Investigations before the House Judiciary Subcommittee on Immigration, June 19, 2002.
[36] To meet the terrorist-related reporting requirements imposed by the Department of Justice, the NSU developed special reporting requirements to ensure that all encounters with designated absconders were treated as a "significant incident" and therefore reported within 24 hours. In the usual course of immigration enforcement activity, significant incidents are those that involve death or injury of an officer, significant public and media interest, or an unusual event, such as the apprehension of large numbers of smuggled aliens.
[37] James Ziglar interview (Nov. 13, 2003). These additional officers organized leads, made copies of the documents in the file, created working files, and kept track of the case assignment.
[38] Lou Nardi interview (Oct. 20, 2003).
[39] DHS document, Closing Report for AAI Project when it was transferred from Investigations, National Security Unit to Detention and Removal Office prepared by Immigration and Customs Enforcement, July 10, 2003.
[40] Not all records were entered into the NCIC because immigration files do not always provide the documents required by NCIC to support entry into the system. For example, INS files frequently do not have fingerprints, photographs or final deportation orders.
[41] A continuing problem is the failure to have a compatible fingerprint system between the FBI and immigration. The FBI standard uses 10 fingerprints, as does the criminal database used by state and local law enforcement, NCIC. Immigration, however, continues to use the two index finger prints that can be matched in their watchlist database. In other words, if a terrorist enters the country and is fingerprinted on entry, as the U.S. VISIT system now requires of some travelers, these fingerprints cannot be checked against the databases used by the FBI or state and local law enforcement. The joining of the two systems has been under development for many years but is behind schedule. DOJ OIG, "IDENT/IAFIS: The Batres Case and the Status of the Integration Project," Mar. 2004.

[42] The Law Enforcement Support Center (LESC) confirmed all NCIC hits on immigration absconders in the NCIC Immigration Violators File. Not all law enforcement agencies arrest immigration absconders even after they have received a "hit" from NCIC. Some agencies believe that they cannot legally arrest or detain an alien unless a criminal arrest warrant has been issued.

[43] Craig E. Ferrell, International Association of Chiefs of Police, "The War on Terror's 'Absconder Initiative,'" found at www.theiacp.org/documents, stating, "The NCIC database has always been used to aid law enforcement officers in identifying persons wanted criminally. The FBI and the Department of Justice should take steps to immediately remove those individuals from the database who only have civil absconder warrants."

[44] Some multiple immigration files were created when the alien applied for immigration benefits and the original immigration file was not located or known, resulting in the alien having more than one file. One permanent file may be on the *enforcement side* of INS and another "A" file on the *service side* of INS. With over a million aliens arrested each year and over a million aliens applying for benefits in most years, the INS was overwhelmed. As discussed earlier, Sheikh Omar Ali Abdel Rahman who was convicted of terrorism, had two immigration files at the same time. He did this by changing his name slightly and filing for immigration benefits at New York City and Newark, New Jersey. See also, GAO Report I-2003-004, "The Immigration and Naturalization Service's Removal of Aliens Issued Final Orders," Feb. 2003.

[45] BREAKDOWN OF 4,074 AAI CLOSED CASES

Administrative closing	55
Asylee/Refugee	14
Board of Immigration Appeals	42
Convention Against Torture	3
Deceased	24
Duplicate	12
Identified as Females[45]	55
In State or Federal Custody	45
In Legal Non-Immigrant Status	11
LIFE Act Applicant	8
Legal Permanent Resident	191
Motion to Reopen Deportation Hearing	64
No Final Deportation Order	99
Under Order of Supervision	72
Other[45]	56
Pending Application for Immigration Benefits	47
Prior Removal	99
Refused Entry	7
Released on Bond	122
Removed from the U.S.	704
Released on Order of Recognizance	25
Self-deported[45]	390
Stay of Deportation or Removal[45]	10
Temporary Protected Status (TPS)[45]	18
Unable to Locate or Leads Exhausted	1807
United States Citizen	80
Waiver Approved	5
Withholding	9
Total	4,074

[46] Testimony of Mike Dougherty, Director of Operations, Bureau of Immigration and Customs Enforcement (ICE), Department of Homeland Security, before the House Judiciary Subcommittee on Immigration, May 8, 2003. A total of 41 were charged with criminal immigration violations.

[47] DOS document, "Follow-up to A/S Harty's Meeting on 11/21, 9/11 Commission," Dec. 31, 2003.

[48] DOS document, Letter from Karl Hoffman to Daniel Marcus, Apr.5, 2004.

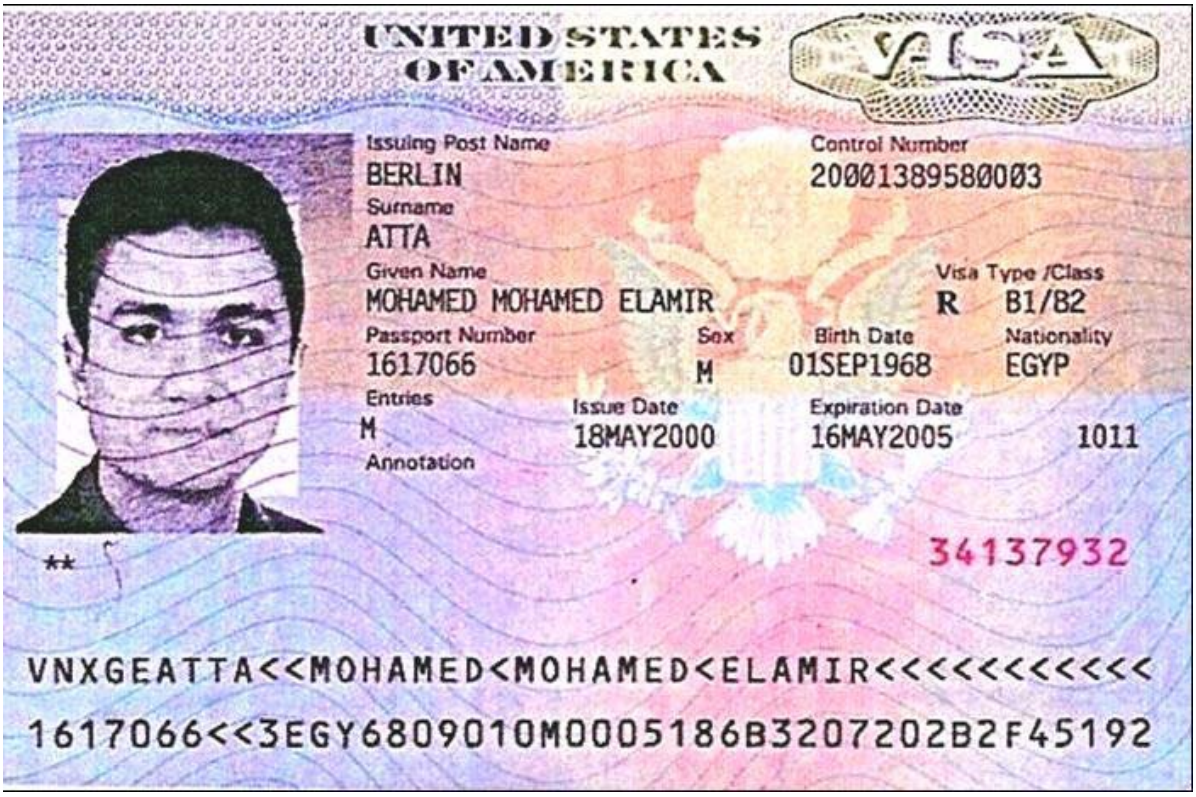
[49] DHS document, "National Security Entry-Exit Registration System: Program Overview and Analysis of Effectiveness as a Law Enforcement Tool," Prepared by Bureau of Immigration and Customs Enforcement,

NSEERS Project Coordinator, May 22, 2003. The Attorney General's authority to mandate this program is spelled out in 8 CFR 2§ 64.1.
[50] Ibid.
[51] Ibid.
[52] A total of 750 NSEERS terminals were deployed to 270 legacy INS offices nationwide and 4,633 INS personnel were trained in NSEERS. DHS document, "National Security Entry-Exit Registration System: Program Overview and Analysis of Effectiveness as a Law Enforcement Tool," Prepared by Bureau of Immigration and Customs Enforcement, NSEERS Project Coordinator, May 22, 2003.
[53] DOJ document, Memo from Johnny Williams, Executive Associate Commissioner of Field Operations to the field, "Summary of NSEERS," Sept. 9, 2002.
[54] DHS document, "National Security Entry-Exit Registration System: Program Overview and Analysis of Effectiveness as a Law Enforcement Tool," Prepared by Bureau of Immigration and Customs Enforcement, NSEERS Project Coordinator, May 22, 2003. For example, if the nonimmigrant made unexplained trips to Afghanistan or the nonimmigrant met characteristics established by current intelligence updates and advisories. Ibid.
[55] Ibid.
[56] Ibid.
[57] After the initial registration, usually within two weeks of the registration, NSEERS registration information also was checked against databases of derogatory information—the TIPOFF terrorist watch list and the FBI's Violent Gang Terrorist Organization Files (VGTOF)—by the FBI's Foreign Terrorist Tracking Task Force (FTTTF). Any potential matches to records were sent to the INS National Security Unit (NSU) for investigation. DHS document, "National Security Entry-Exit Registration System: Program Overview and Analysis of Effectiveness as a Law Enforcement Tool," Prepared by Bureau of Immigration and Customs Enforcement, NSEERS Project Coordinator, May 22, 2003.
[58] Ibid.
[59] A person is subject to NSEERS registration each time they enter.
[60] DHS document, "Compliance Enforcement Summary," May 4, 2004, NSEERS Statistics.
[61] DOJ document, "NSEERS Statistics September 11, 2002 through January 29, 2003," undated.
[62] DHS document, "Compliance Enforcement Summary," May 4, 2004.
[63] DHS document, "National Security Entry-Exit Registration System: Program Overview and Analysis of Effectiveness as a Law Enforcement Tool," Prepared by Bureau of Immigration and Customs Enforcement, NSEERS Project Coordinator, May 22, 2003.
[64] Ibid. INS officers were permitted to grant NSEERS waivers for aliens who crossed the border frequently and for aliens who sought to depart from an undesignated port. Memo from Johnny Williams, Executive Associate Commissioner for Field Operations to the field, "Guidance for Special Registration, or NSEERS Waivers," Sept. 30, 2002.
[65] Ibid. We did not receive data for departure interviews conducted as of May 4, 2004.
[66] Ibid.
[67] Ibid.
[68] Ibid.
[69] DHS document, "Compliance Enforcement Summary," May 4, 2004.
[70] DHS document, "National Security Entry-Exit Registration System: Program Overview and Analysis of Effectiveness as a Law Enforcement Tool," Prepared by Bureau of Immigration and Customs Enforcement, NSEERS Project Coordinator, May 22, 2003.
[71] The precise number of NSEERS domestic registrants who were arrested and processed for removal is unclear. One document, the "National Security Entry-Exit Registration System: Program Overview and Analysis of Effectiveness as a Law Enforcement Tool," Prepared by Bureau of Immigration and Customs Enforcement, NSEERS Project Coordinator, May 22, 2003, states variously that "over 13,000" call-in registrants were arrested and that "10,000 to 12,000 individuals who appeared for call-in registration and were found to be illegally in the U.S. were arrested." In other words, the document appears to not take a consistent position, let alone attempt to precisely quantify the number arrested. A May 2, 2004 summary of NSEERS statistics lists the number of Notices to Appear issued as 10,037. DHS document, "Compliance Enforcement Summary," May 4, 2004. It is not clear to us how this number could be lower than the 13,000 figure contained in the May 22, 2003, summary since the Notice to Appear is the standard form used to begin an immigration removal proceeding.

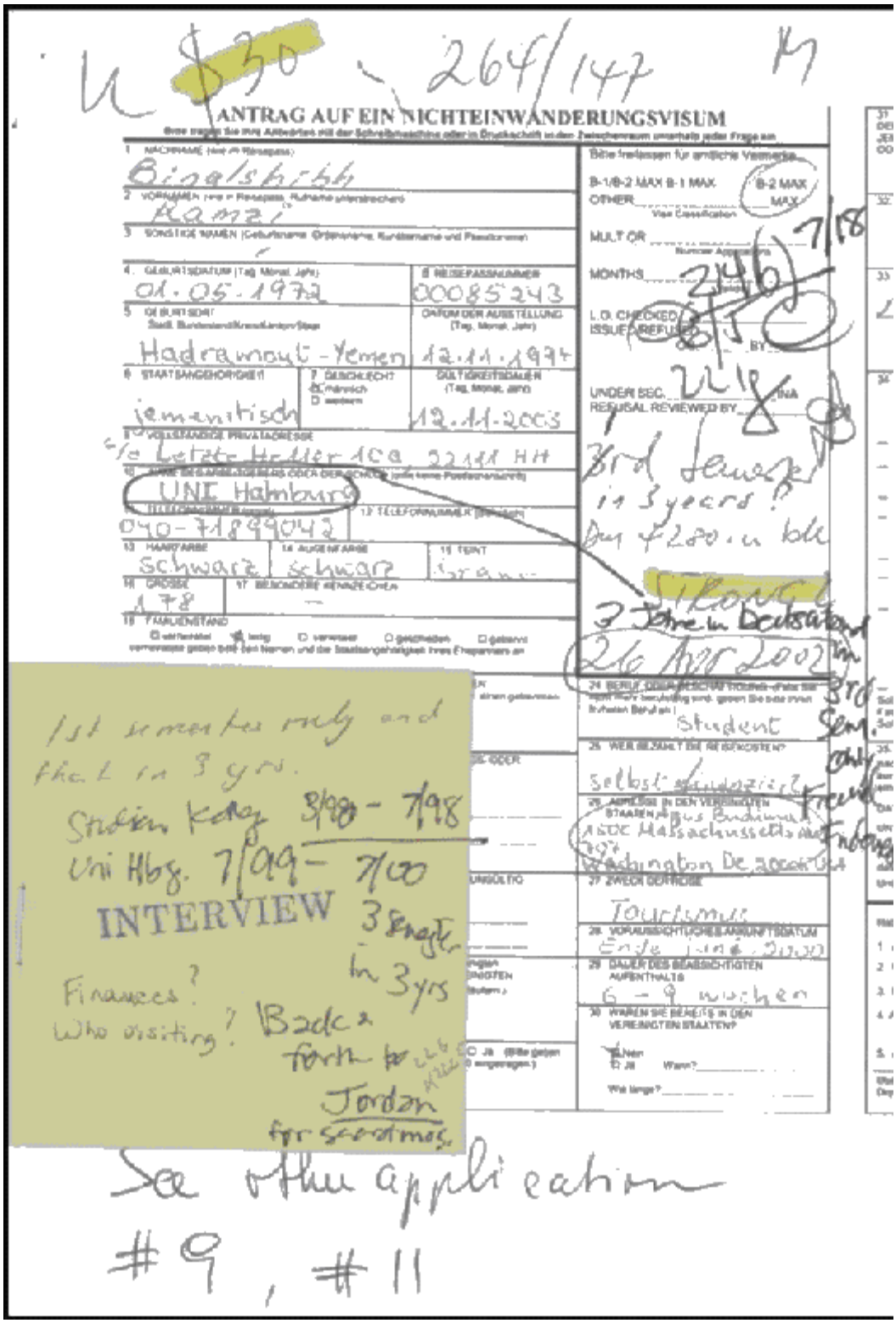
[72] DHS document, "National Security Entry-Exit Registration System: Program Overview and Analysis of Effectiveness as a Law Enforcement Tool," Prepared by Bureau of Immigration and Customs Enforcement, NSEERS Project Coordinator, May 22, 2003.
[73] Ibid. "The discrepancy between the high number of NSEERS violators and the relatively low number of target folders is due to data integrity issues. . . . Since the release of version 5.4, FIELD OPS has seen a dramatic decrease in the numbers of possible NSEERS violators being reported in error."
[74] Ibid.
[75] DHS document, "Compliance Enforcement Summary," May 4, 2004.
[76] James Ziglar interview (Nov. 13, 2003).
[77] Robert Mueller interview (Jan. 13, 2004).
[78] For example, on September 27, 2002, the Canadians wrote Secretary of State Powell expressing "considerable disappointment" that NSEERS applies to Canadians born outside Canada. Letter to Secretary of State Colin Powell from Canadian Foreign Affairs Minister Bill Graham, Sept. 27, 2002; in 2003, representatives of the affected countries began having meetings with the Attorney General and Homeland Security Secretary Ridge. Ambassadors from Pakistan and Indonesia expressed concern to the White House and the Secretaries of State and Defense about the detentions and removals of their nationals from the United States. The ambassador of Pakistan said that inclusion in NSEERS had the "potential to weaken the government and President Musharraf." DOJ record, "Aide Memoire," Jan. 29, 2002; Pakistan's foreign minister met with the Attorney General, the Secretaries of State and Defense, and the National Security Advisor. DOJ record, "Meeting Between the Attorney General and Milan Khurshid Mahmoud Kasuri, Foreign Minister of Pakistan," Jan. 28, 2003; In a Department of State cable of January 3, 2004, the American Ambassador in Islamabad concluded a seething description of NSEERS, stating, "To a large extent, the U.S. cannot win here on NSEERS, regardless of the facts (35 percent of Pakistanis in the US are out of status.) There are few things that Benazir Bhutto and President Musharraf agree on, but NSEERS is one of them." DOS cable, "Sharp Pakistani Criticism of NSEERS," Jan. 3, 2003.
[79] White House memo, "National Security Entry Exit Registration System (NSEERS) Global Message," Mar. 31, 2003.
[80] DHS document, "Compliance Enforcement Summary," May 4, 2004, NSEERS Statistics, Country or Citizenship and Birth Records.
[81] Ibid.
[82] DHS document, "National Security Entry-Exit Registration System: Program Overview and Analysis of Effectiveness as a Law Enforcement Tool," Prepared by Bureau of Immigration and Customs Enforcement, NSEERS Project Coordinator, May 22, 2003.
[83] DOJ document, NSEERS Violator List, Analysis Target Folder List given to HQINV, Dec. 17, 2002.
[84] DHS document, "National Security Entry-Exit Registration System: Program Overview and Analysis of Effectiveness as a Law Enforcement Tool," Prepared by Bureau of Immigration and Customs Enforcement, NSEERS Project Coordinator, May 22, 2003.
[85] Ibid.
[86] Ibid.
[87] Prepared testimony of David Martin before the National Commission on Terrorist Attacks Upon the United States hearing, Dec. 8, 2003.
[88] Intelligence report, interrogation of KSM, May 10, 2003.
[89] Ibid.
[90] Ziglar was sworn into office on Aug. 6, 2001. He would remain Commissioner until Dec. 2002, until the announcement of the abolition of the INS and the recreation of immigration functions in the Department of Homeland Security. James Ziglar interview (Nov. 14, 2003). Chuck Winwood was stranded in Canada on September 11. The person acting in his place that day was John Varrone, the head of investigations, who also told the Commission he spoke to Ziglar that morning.regarding the tightened security measures. John Varrone interview (April 29, 2004).
[91] Both Ziglar and Robert Bonner, who was sworn in as Customs Commissioner within days of 9/11, used this phrase to describe the highest level of inspection guidelines provided at the borders, see James Ziglar interview (Nov. 14, 2003), and Robert Bonner interview (Dec. 18, 2003).
[92] James Ziglar interview (Nov. 14, 2003); John Varrone interview (April 29, 2004).
[93] The initial identity of the hijackers was completed within about 24 hours of the attack by both Customs and INS. Determining the immigration histories of the hijackers, without biometric identifiers

accompanying their files or the ability to share data between INS facilities or databases, would take months. See drafts of INS record, Texas Service Center Enforcement Operations Division 9/11 Terrorist Review, Sept. 2001-June 2002.
[94] James Ziglar testimony, Jan. 26, 2004; and James Ziglar interview (Nov. 14, 2003).
[95] INS Memo, Michael Pearson, Executive Associate Commissioner for Field Operations, to Regional Directors, "Authority to Carry a Firearm Performing Inspections at Air Ports of Entry," Sept. 12, 2001.
[96] INS power point record, "INS Request for Military Support," autumn 2001. The Border Patrol soon thereafter requested 480 military personnel to help shore up the porous northern border.
[97] James Ziglar testimony, Jan. 26, 2004.
[98] INS Statistics, PAS G-22.1, 2000.
[99] U.S. Bureau of Transportation Statistics (online at www.bts.gov).
[100] Customs memo, Director of Field Operations to Executive Director of Trade Programs, re "Blocking Property and Prohibiting Transactions with Persons who Commit, or Support, Terrorism," Sept. 28, 2001.
[101] Robert C. Bonner testimony, Jan. 26, 2004.
[102] James W. Ziglar interview (Nov. 14, 2003); and Robert Bonner interview (Dec. 18, 2003).
[103] Robert C. Bonner testimony, Jan. 26, 2004.
[104] Customs memo, Director of Field Operations to Executive Director of Trade Programs, re "Blocking Property and Prohibiting Transactions with Persons who Commit, or Support, Terrorism," Sept. 28, 2001.
[105] Robert C. Bonner testimony, Jan. 26, 2004.
[106] Ibid.
[107] INS Memo, Michael Pearson to Regional Directors, "Progressive and In-transit Clearance," Sept. 18, 2001 with addendum "Emergency Guidance re: TWOV and unable to depart due to FAA grounding," Sept. 11, 2001.
[108] Customs memo, Executive Director of Passenger Programs, Field Operations, to all Directors of Field Operations, "Suspension of Progressive and In-transit Processing," Sept. 12, 2001.
[109] Customs memo, Director of Field Operations to Executive Director of Trade Programs, re "Blocking Property and Prohibiting Transactions with Persons who Commit, or Support, Terrorism," Sept. 28, 2001.
[110] Customs memo, Executive Director of Passenger Programs, Field Operations to all Directors of Field Operations, "Clarification of Suspension of Progressive and In-transit Processing," Sept. 17, 2001.
[111] Robert C. Bonner testimony, Jan. 26, 2004.
[112] Peter F. Verga testimony, Jan. 26, 2004.
[113] INS Memo, Michael Pearson to Regional Directors, "Guidance on Department of Defense title 10 (Anti-Terrorism) Support," Mar. 8, 2002.
[114] *Message to the Congress of the United States re the Department of Homeland Security*, George W. Bush, June 18, 2002.
[115] This change was mandated by section 428 of the Homeland Security Act.
[116] Ibid.

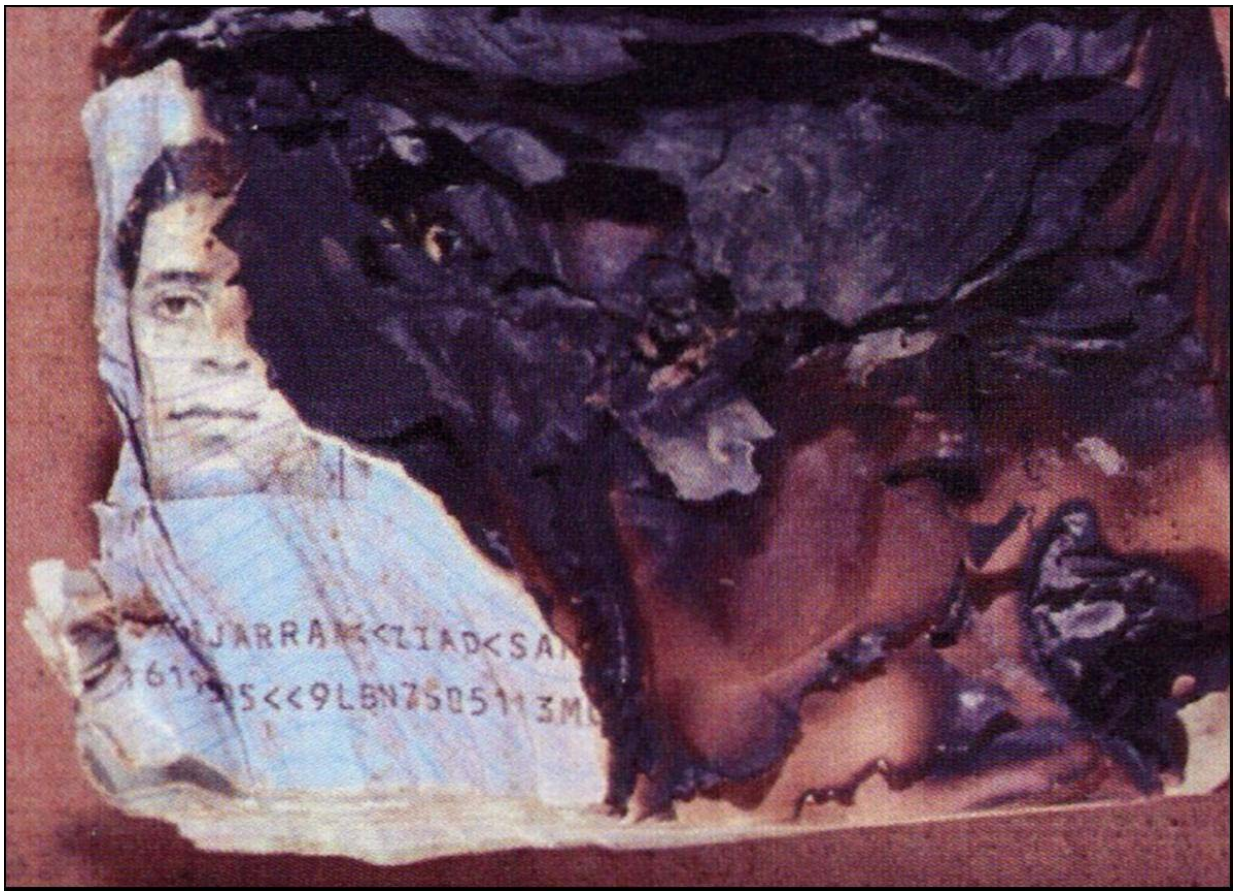
APPENDIX A



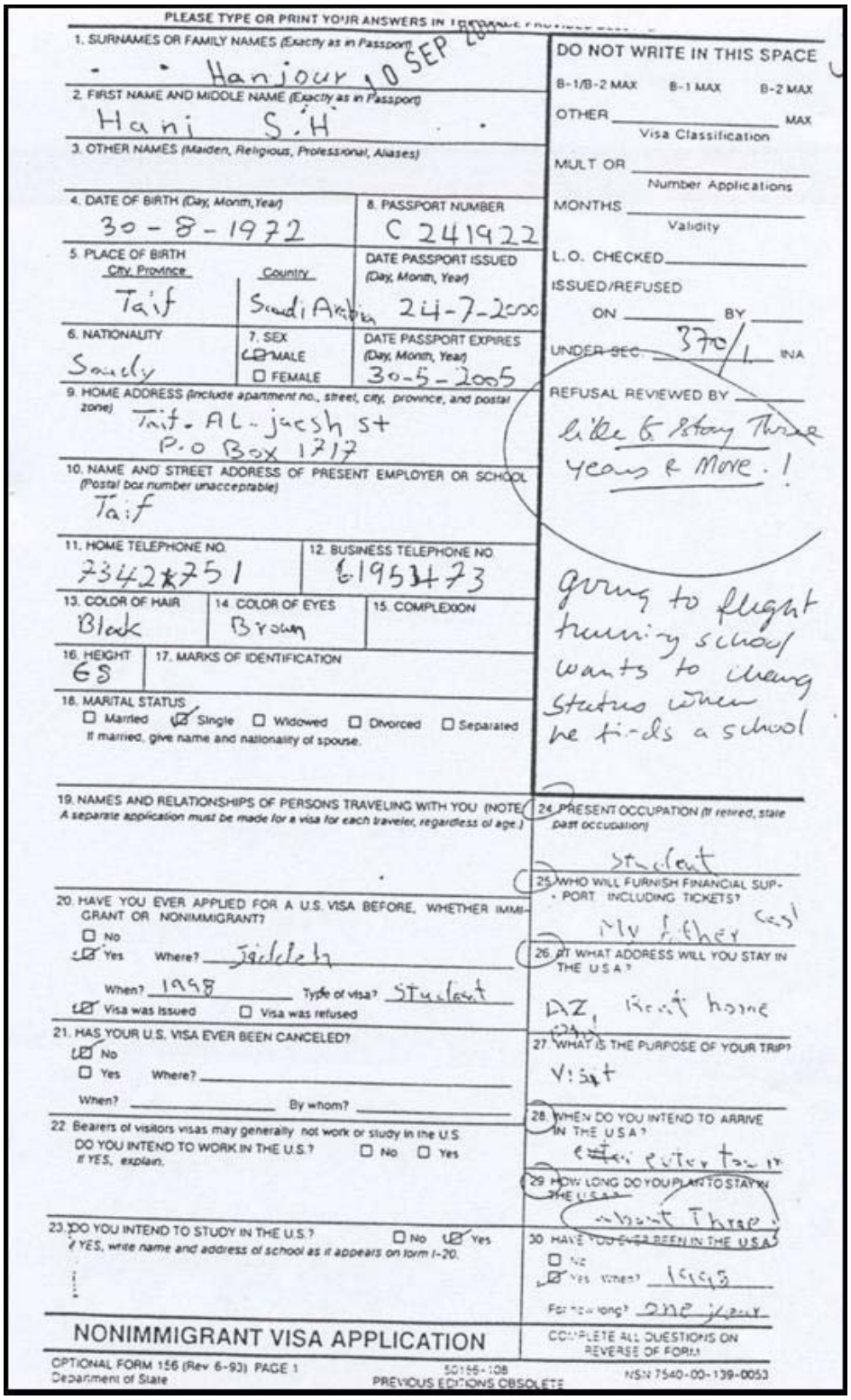
Mohamed Atta's U.S. visa issued in Berlin, Germany on May 18, 2000, 10 days after he acquired a new passport.



Ramzi Binalshibh's May 17, 2000 visa application with handwritten notes of U.S. consular officials. This visa application was denied July 18, 2000 under INA section 214(b), the "intending immigrant" provision.



A partly-burned copy of Ziad Jarrah's U.S. visa recovered from the Flight 93 crash site in Somerset County, Pennsylvania.



PLEASE TYPE OR PRINT YOUR ANSWERS IN [illegible]

1. SURNAMES OR FAMILY NAMES (Exactly as in Passport): Hanjour
2. FIRST NAME AND MIDDLE NAME (Exactly as in Passport): Hani S.H
3. OTHER NAMES (Maiden, Religious, Professional, Aliases):
4. DATE OF BIRTH (Day, Month, Year): 30-8-1972
5. PLACE OF BIRTH — City, Province: Taif — Country: Saudi Arabia
6. NATIONALITY: Saudi
7. SEX: ☑ MALE ☐ FEMALE
8. PASSPORT NUMBER: C 241922
DATE PASSPORT ISSUED (Day, Month, Year): 24-7-2000
DATE PASSPORT EXPIRES (Day, Month, Year): 30-5-2005
9. HOME ADDRESS (Include apartment no., street, city, province, and postal zone): Taif. AL-jaesh st P.O Box 1217
10. NAME AND STREET ADDRESS OF PRESENT EMPLOYER OR SCHOOL (Postal box number unacceptable): Taif
11. HOME TELEPHONE NO.: 7342*751
12. BUSINESS TELEPHONE NO.: 6195473
13. COLOR OF HAIR: Black
14. COLOR OF EYES: Brown
15. COMPLEXION:
16. HEIGHT: 6S
17. MARKS OF IDENTIFICATION:
18. MARITAL STATUS: ☐ Married ☑ Single ☐ Widowed ☐ Divorced ☐ Separated
If married, give name and nationality of spouse.
19. NAMES AND RELATIONSHIPS OF PERSONS TRAVELING WITH YOU (NOTE: A separate application must be made for a visa for each traveler, regardless of age.)
20. HAVE YOU EVER APPLIED FOR A U.S. VISA BEFORE, WHETHER IMMIGRANT OR NONIMMIGRANT?
☐ No ☑ Yes Where? Jiddeh
When? 1998 Type of visa? Student
☑ Visa was issued ☐ Visa was refused
21. HAS YOUR U.S. VISA EVER BEEN CANCELED?
☑ No ☐ Yes Where?
When? By whom?
22. Bearers of visitors visas may generally not work or study in the U.S.
DO YOU INTEND TO WORK IN THE U.S.? ☐ No ☐ Yes
If YES, explain.
23. DO YOU INTEND TO STUDY IN THE U.S.? ☐ No ☑ Yes
If YES, write name and address of school as it appears on form I-20.

DO NOT WRITE IN THIS SPACE
B-1/B-2 MAX B-1 MAX B-2 MAX
OTHER MAX
Visa Classification
MULT OR
Number Applications
MONTHS
Validity
L.O. CHECKED
ISSUED/REFUSED
ON BY
UNDER SEC. 370/1 INA
REFUSAL REVIEWED BY
like to stay Three years & More.!
going to flight training school wants to change status when he finds a school

24. PRESENT OCCUPATION (If retired, state past occupation): student
25. WHO WILL FURNISH FINANCIAL SUPPORT INCLUDING TICKETS? My father cash
26. AT WHAT ADDRESS WILL YOU STAY IN THE U.S.A.? AZ, Rent home
27. WHAT IS THE PURPOSE OF YOUR TRIP? Visit
28. WHEN DO YOU INTEND TO ARRIVE IN THE U.S.A.? [illegible] enter U.S.A.
29. HOW LONG DO YOU PLAN TO STAY IN THE U.S.A.? about Three
30. HAVE YOU EVER BEEN IN THE U.S.A.?
☐ No ☑ Yes When? 1995
For how long? one year

NONIMMIGRANT VISA APPLICATION
COMPLETE ALL QUESTIONS ON REVERSE OF FORM

OPTIONAL FORM 156 (Rev 6-93) PAGE 1
Department of State
5015-108
PREVIOUS EDITIONS OBSOLETE
NSN 7540-00-139-0053

First page of Hani Hanjour's Sept. 10, 2000 visa application. The handwritten notes of a U.S. consular official (top right) indicate concern about Hanjour's desire to stay in the United States for three years. This application was incomplete; Hanjour did not specify the name and address of the school he claimed to be attending.

31. (a) HAVE YOU OR ANYONE ACTING FOR YOU EVER INDICATED TO A U.S. CONSULAR OR IMMIGRATION EMPLOYEE DESIRE TO IMMIGRATE TO THE U.S.? (b) HAS ANYONE EVER FILED AN IMMIGRANT VISA PETITION ON YOUR BEHALF? HAS LABOR CERTIFICATION FOR EMPLOYMENT IN THE U.S. EVER BEEN REQUESTED BY YOU OR ON YOUR BEHALF?

(a) ☑ No ☐ Yes (b) ☑ No ☐ Yes (c) ☑ No ☐ Yes

32. ARE ANY OF THE FOLLOWING IN THE U.S.? *(If YES, circle appropriate relationship and indicate that person's status in the U.S., i.e., studying, working, U.S. permanent resident, U.S. citizen, etc.)*

HUSBAND/WIFE N/A FIANCE/FIANCEE N/A BROTHER/SISTER N/A

FATHER/MOTHER N/A SON/DAUGHTER N/A

33. PLEASE LIST THE COUNTRIES WHERE YOU HAVE LIVED FOR MORE THAN 6 MONTHS DURING THE PAST 5 YEARS. BEGIN WITH YOUR PRESENT RESIDENCE.

Countries	Cities	Approximate Dates
ARZona	Pima	

34. IMPORTANT ALL APPLICANTS MUST READ AND CHECK THE APPROPRIATE BOX FOR EACH ITEM:

A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States (except when a waiver is obtained in advance). Are any of the following applicable to you?

- Have you ever been afflicted with a communicable disease of public health significance, a dangerous physical or mental disorder, or been a drug abuser or addict? ☐ Yes ☑ No
- Have you ever been arrested or convicted for any offense or crime, even though subject of a pardon, amnesty or other such legal action? ☐ Yes ☑ No
- Have you ever been a controlled substance (drug) trafficker, or a prostitute or procurer? ☐ Yes ☑ No
- Have you ever sought to obtain or assist others to obtain a visa, entry into the U.S., or any U.S. immigration benefit by fraud or willful misrepresentation? ☐ Yes ☑ No
- Were you deported from the U.S.A. within the last 5 years? ☐ Yes ☑ No
- Do you seek to enter the United States to engage in export control violations, subversive or terrorist activities or any unlawful purpose? ☐ Yes ☑ No
- Have you ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion under the control, direct or indirect, of the Nazi Government of Germany, or of the government of any area occupied by, or allied with the Nazi Government of Germany; or have you ever participated in genocide? ☐ Yes ☑ No

A YES answer does not automatically signify ineligibility for a visa, but if you answered YES to any of the above, or if you have any question in this regard, personal appearance at this office is recommended. If appearance is not possible at this time, attach a statement of facts in your case to this application.

35. I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry into the United States. I understand that possession of a visa does not entitle the bearer to enter the United States of America upon arrival at port of entry if he or she is found inadmissible.

DATE OF APPLICATION 10 SEP 2000

APPLICANT'S SIGNATURE

If this application has been prepared by a travel agency or another person on your behalf, the agent should indicate name and address of agency or person with appropriate signature of individual preparing form.

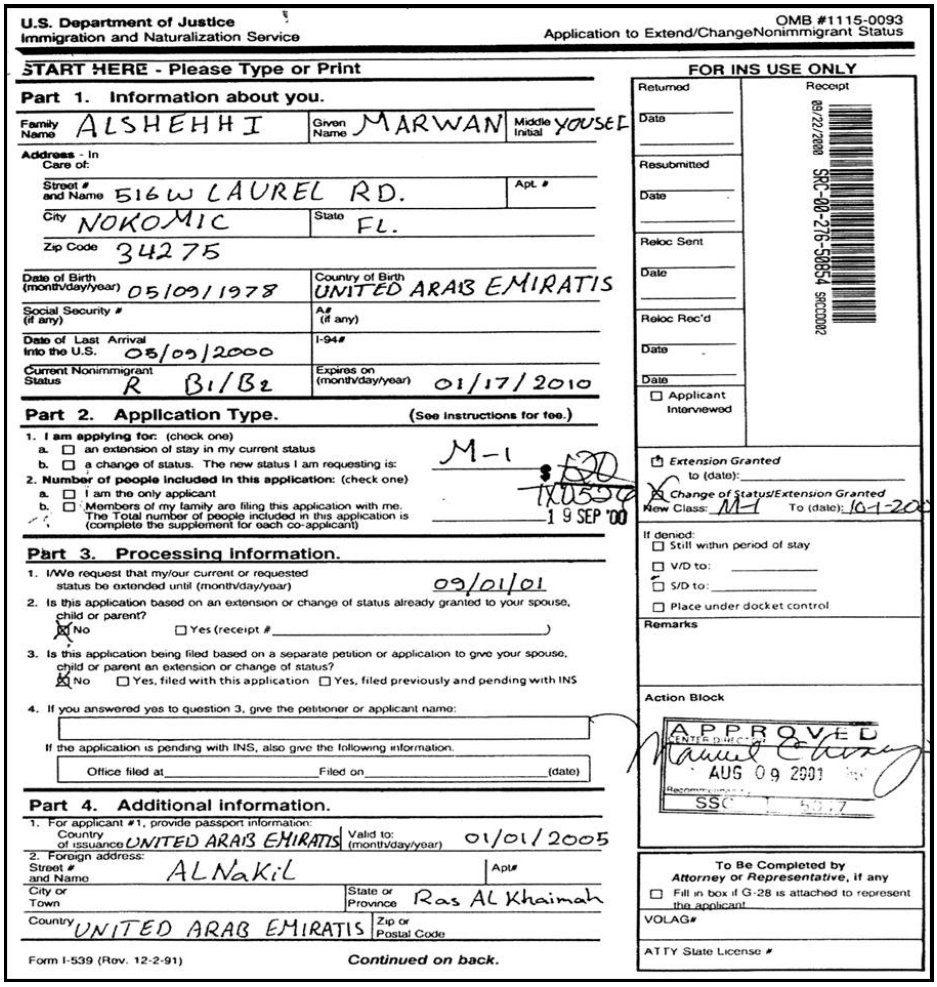
SIGNATURE OF PERSON PREPARING FORM
(If other than applicant)

DO NOT WRITE IN THIS SPACE



OPTIONAL FORM 156 (Rev. 6-93) PAGE 2
Department of State

Second page of Hanjour's visa application.



U.S. Department of Justice
Immigration and Naturalization Service

OMB #1115-0093
Application to Extend/Change Nonimmigrant Status

START HERE - Please Type or Print

FOR INS USE ONLY

Returned
Date
Receipt
09/22/2000 SRC-00-276-50654 98CD0002
Resubmitted
Date
Reloc Sent
Date
Reloc Rec'd
Date
Date
☐ Applicant Interviewed

Part 1. Information about you.

Family Name: ALSHEHHI
Given Name: MARWAN
Middle Initial: YOUSEF

Address - In Care of:
Street # and Name: 516 W LAUREL RD.
Apt. #
City: NOKOMIC
State: FL.
Zip Code: 34275

Date of Birth (month/day/year): 05/09/1978
Country of Birth: UNITED ARAB EMIRATIS
Social Security # (if any):
A# (if any):
Date of Last Arrival into the U.S.: 05/05/2000
I-94#:
Current Nonimmigrant Status: R B1/B2
Expires on (month/day/year): 01/17/2010

Part 2. Application Type. (See instructions for fee.)

1. I am applying for: (check one)
a. ☐ an extension of stay in my current status
b. ☐ a change of status. The new status I am requesting is: M-1
2. Number of people included in this application: (check one)
a. ☐ I am the only applicant
b. ☐ Members of my family are filing this application with me. The Total number of people included in this application is (complete the supplement for each co-applicant)

$ 120
TX0559
19 SEP '00

☐ Extension Granted to (date):
☒ Change of Status/Extension Granted
New Class: M-1 To (date): 10-1-200

If denied:
☐ Still within period of stay
☐ V/D to:
☐ S/D to:
☐ Place under docket control

Remarks

Action Block

APPROVED
AUG 09 2001
SSC

Part 3. Processing information.

1. I/We request that my/our current or requested status be extended until (month/day/year): 09/01/01
2. Is this application based on an extension or change of status already granted to your spouse, child or parent?
☒ No ☐ Yes (receipt #)
3. Is this application being filed based on a separate petition or application to give your spouse, child or parent an extension or change of status?
☒ No ☐ Yes, filed with this application ☐ Yes, filed previously and pending with INS
4. If you answered yes to question 3, give the petitioner or applicant name:

If the application is pending with INS, also give the following information.
Office filed at _____ Filed on _____ (date)

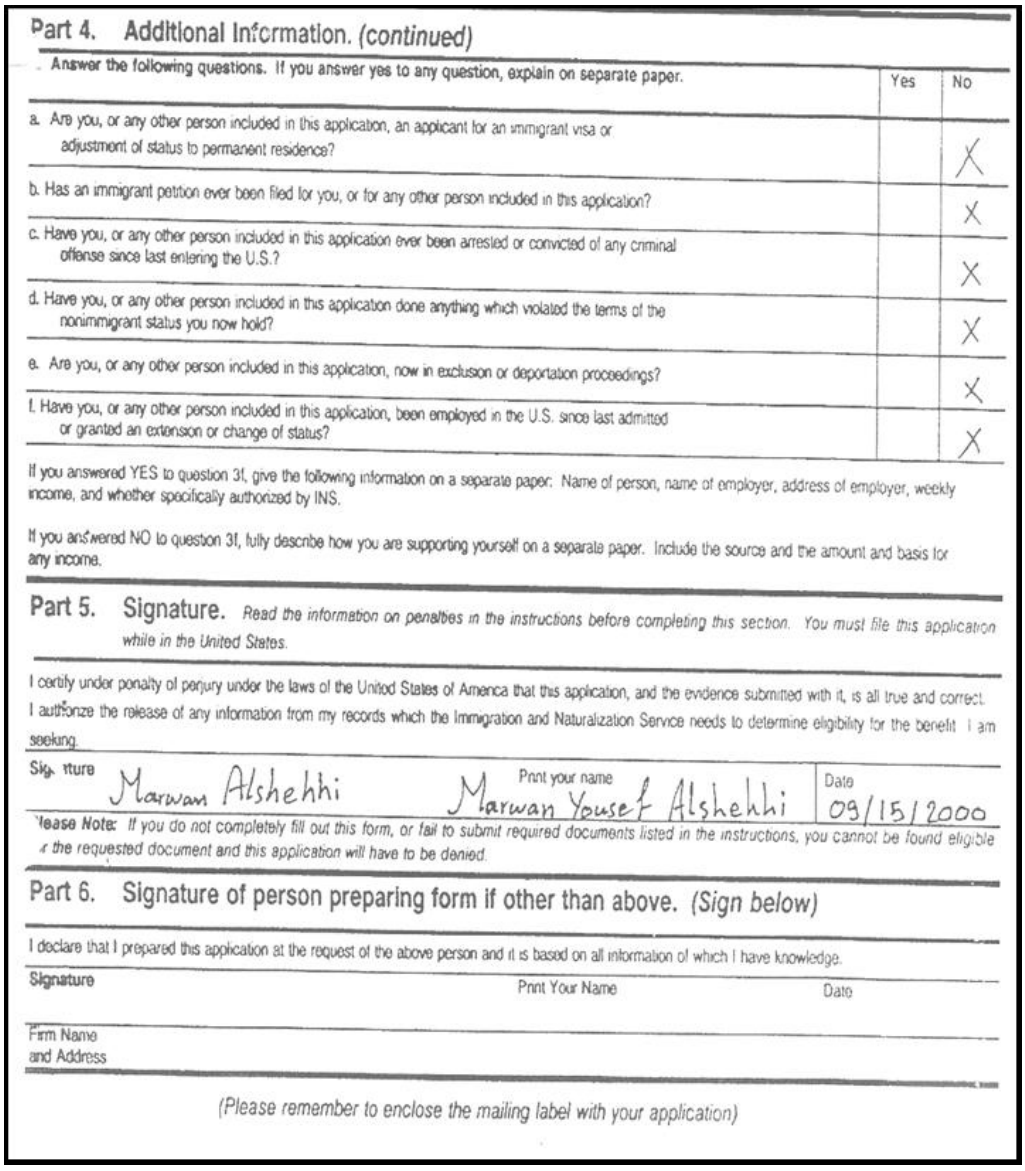
Part 4. Additional information.

1. For applicant #1, provide passport information:
Country of issuance: UNITED ARAB EMIRATIS
Valid to: (month/day/year): 01/01/2005
2. Foreign address:
Street # and Name: ALNaKiL
Apt#
City or Town:
State or Province: Ras Al Khaimah
Country: UNITED ARAB EMIRATIS
Zip or Postal Code:

To Be Completed by Attorney or Representative, if any
☐ Fill in box if G-28 is attached to represent the applicant
VOLAG#
ATTY State License #

Form I-539 (Rev. 12-2-91)
Continued on back.

Marwan al Shehhi's Sept. 15, 2000 application to change his immigration status (I-539) from tourist to vocational student in order to enroll in flight training school. The application was approved on August 9, 2001.



Part 4. Additional Information. *(continued)*

Answer the following questions. If you answer yes to any question, explain on separate paper.	Yes	No
a. Are you, or any other person included in this application, an applicant for an immigrant visa or adjustment of status to permanent residence?		X
b. Has an immigrant petition ever been filed for you, or for any other person included in this application?		X
c. Have you, or any other person included in this application ever been arrested or convicted of any criminal offense since last entering the U.S.?		X
d. Have you, or any other person included in this application done anything which violated the terms of the nonimmigrant status you now hold?		X
e. Are you, or any other person included in this application, now in exclusion or deportation proceedings?		X
f. Have you, or any other person included in this application, been employed in the U.S. since last admitted or granted an extension or change of status?		X

If you answered YES to question 3f, give the following information on a separate paper: Name of person, name of employer, address of employer, weekly income, and whether specifically authorized by INS.

If you answered NO to question 3f, fully describe how you are supporting yourself on a separate paper. Include the source and the amount and basis for any income.

Part 5. Signature. *Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.*

I certify under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature Marwan Alshehhi | Print your name Marwan Yousef Alshehhi | Date 09/15/2000

Please Note: *If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you cannot be found eligible for the requested document and this application will have to be denied.*

Part 6. Signature of person preparing form if other than above. *(Sign below)*

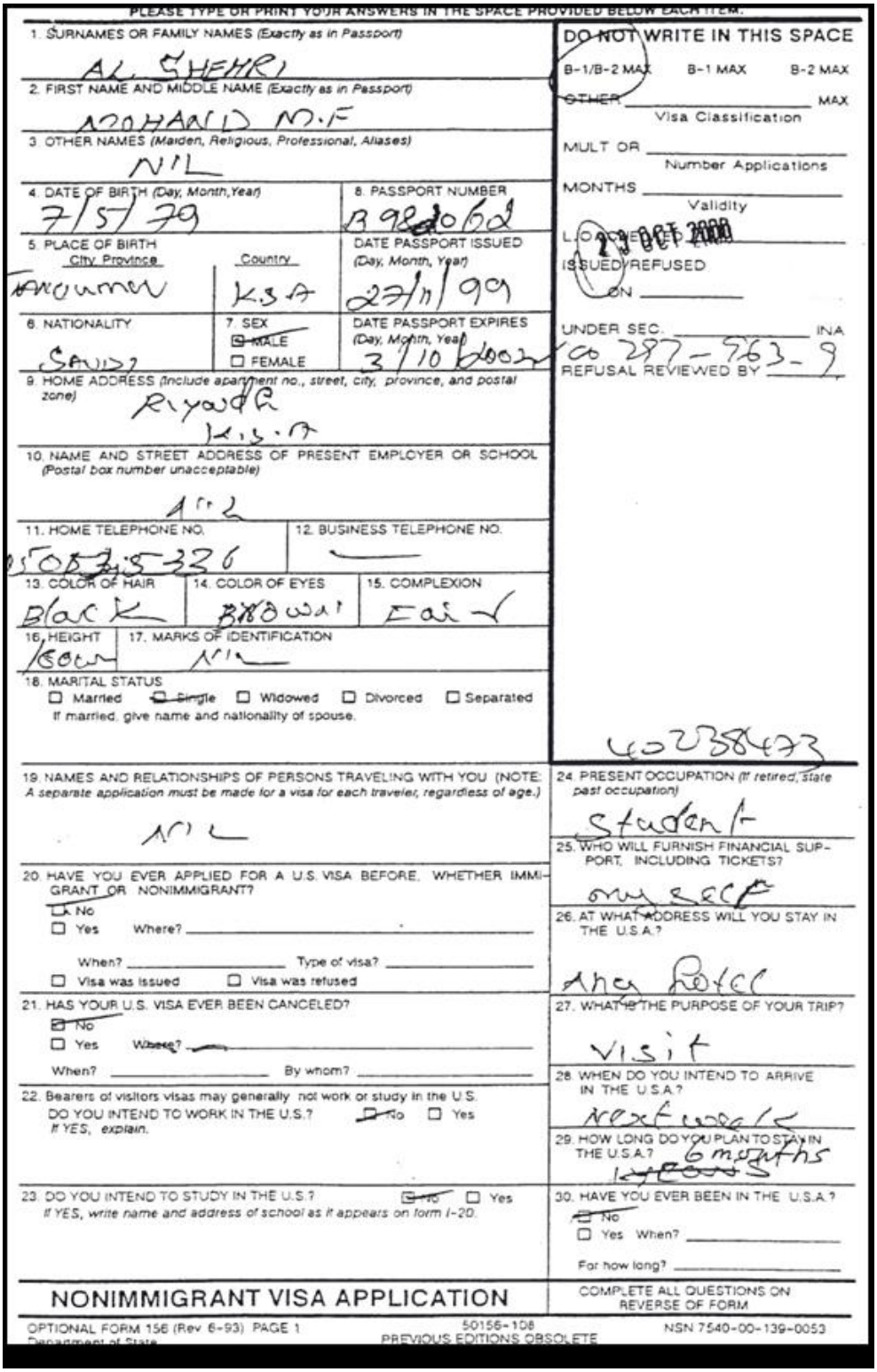
I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature | Print Your Name | Date

Firm Name and Address

(Please remember to enclose the mailing label with your application)

Page 2 of al Shehhi's I-539.



PLEASE TYPE OR PRINT YOUR ANSWERS IN THE SPACE PROVIDED BELOW EACH ITEM.

1. SURNAMES OR FAMILY NAMES (Exactly as in Passport): AL SHEHRI

2. FIRST NAME AND MIDDLE NAME (Exactly as in Passport): MOHAND M.F

3. OTHER NAMES (Maiden, Religious, Professional, Aliases): NIL

4. DATE OF BIRTH (Day, Month, Year): 7/5/79

5. PLACE OF BIRTH — City, Province: TAIF — Country: K.S.A

6. NATIONALITY: SAUDI

7. SEX: ☒ MALE ☐ FEMALE

8. PASSPORT NUMBER: B 98[illegible]062

DATE PASSPORT ISSUED (Day, Month, Year): 27/11/99

DATE PASSPORT EXPIRES (Day, Month, Year): 3/10/2004

9. HOME ADDRESS (Include apartment no., street, city, province, and postal zone): RIYADH K.S.A

10. NAME AND STREET ADDRESS OF PRESENT EMPLOYER OR SCHOOL (Postal box number unacceptable): NIL

11. HOME TELEPHONE NO.: 05[illegible]5336

12. BUSINESS TELEPHONE NO.: —

13. COLOR OF HAIR: BLACK

14. COLOR OF EYES: BROWN

15. COMPLEXION: FAIR

16. HEIGHT: 160 CM

17. MARKS OF IDENTIFICATION: NIL

18. MARITAL STATUS: ☐ Married ☒ Single ☐ Widowed ☐ Divorced ☐ Separated
If married, give name and nationality of spouse.

19. NAMES AND RELATIONSHIPS OF PERSONS TRAVELING WITH YOU (NOTE: A separate application must be made for a visa for each traveler, regardless of age.): NIL

20. HAVE YOU EVER APPLIED FOR A U.S. VISA BEFORE, WHETHER IMMIGRANT OR NONIMMIGRANT?
☒ No
☐ Yes Where? _____
When? _____ Type of visa? _____
☐ Visa was issued ☐ Visa was refused

21. HAS YOUR U.S. VISA EVER BEEN CANCELED?
☒ No
☐ Yes Where? _____
When? _____ By whom? _____

22. Bearers of visitors visas may generally not work or study in the U.S.
DO YOU INTEND TO WORK IN THE U.S.? ☒ No ☐ Yes
If YES, explain.

23. DO YOU INTEND TO STUDY IN THE U.S.? ☒ No ☐ Yes
If YES, write name and address of school as it appears on form I-20.

DO NOT WRITE IN THIS SPACE

B-1/B-2 MAX B-1 MAX B-2 MAX
OTHER _____ MAX
Visa Classification

MULT OR _____
Number Applications

MONTHS _____
Validity

L.O. ACTED ON 23 OCT 2000

ISSUED/REFUSED
ON _____

UNDER SEC. _____ INA
212 287-9763-9
REFUSAL REVIEWED BY _____

40238473

24. PRESENT OCCUPATION (If retired, state past occupation): STUDENT

25. WHO WILL FURNISH FINANCIAL SUPPORT, INCLUDING TICKETS? MY SELF

26. AT WHAT ADDRESS WILL YOU STAY IN THE U.S.A.? ANY HOTEL

27. WHAT IS THE PURPOSE OF YOUR TRIP? VISIT

28. WHEN DO YOU INTEND TO ARRIVE IN THE U.S.A.? NEXT WEEK

29. HOW LONG DO YOU PLAN TO STAY IN THE U.S.A.? 6 MONTHS EXACTLY

30. HAVE YOU EVER BEEN IN THE U.S.A.?
☒ No
☐ Yes When? _____
For how long? _____

COMPLETE ALL QUESTIONS ON REVERSE OF FORM

NONIMMIGRANT VISA APPLICATION

OPTIONAL FORM 156 (Rev 6-93) PAGE 1 — Department of State — 50156-108 PREVIOUS EDITIONS OBSOLETE — NSN 7540-00-139-0053

Mohand al Shehri's Oct. 23, 2000 visa application. This application was incomplete. He claimed to be a student (#24), but failed to clearly state the name and address of his school (#10). He also claimed to be supporting himself during his proposed 6-month visit to the United States. This application was approved.

31. (a) HAVE YOU OR ANYONE ACTING FOR YOU EVER INDICATED TO A U.S. CONSULAR OR IMMIGRATION EMPLOYEE A DESIRE TO IMMIGRATE TO THE U.S.? (b) HAS ANYONE EVER FILED AN IMMIGRANT VISA PETITION ON YOUR BEHALF? (c) HAS LABOR CERTIFICATION FOR EMPLOYMENT IN THE U.S. EVER BEEN REQUESTED BY YOU OR ON YOUR BEHALF?

(a) ☒ No ☐ Yes (b) ☒ No ☐ Yes (c) ☒ No ☐ Yes

32. ARE ANY OF THE FOLLOWING IN THE U.S.? *(If YES, circle appropriate relationship and indicate that person's status in the U.S., i.e., studying, working, U.S. permanent resident, U.S. citizen, etc.)*

HUSBAND/WIFE _____ FIANCE/FIANCEE _____ BROTHER/SISTER _____

FATHER/MOTHER _____ SON/DAUGHTER _____

33. PLEASE LIST THE COUNTRIES WHERE YOU HAVE LIVED FOR MORE THAN 6 MONTHS DURING THE PAST 5 YEARS. BEGIN WITH YOUR PRESENT RESIDENCE.

Countries	Cities	Approximate Dates

34. IMPORTANT: ALL APPLICANTS MUST READ AND CHECK THE APPROPRIATE BOX FOR EACH ITEM:

A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States (except when a waiver is obtained in advance). Are any of the following applicable to you?

- Have you ever been afflicted with a communicable disease of public health significance, a dangerous physical or mental disorder, or been a drug abuser or addict? . . . . . ☐ Yes ☒ No
- Have you ever been arrested or convicted for any offense or crime, even though subject of a pardon, amnesty, or other such legal action? . . . . . ☐ Yes ☒ No
- Have you ever been a controlled substance (drug) trafficker, or a prostitute or procurer? . . . . . ☐ Yes ☒ No
- Have you ever sought to obtain or assist others to obtain a visa, entry into the U.S., or any U.S. immigration benefit by fraud or willful misrepresentation? . . . . . ☐ Yes ☐ No
- Were you deported from the U.S.A. within the last 5 years? . . . . . ☐ Yes ☒ No
- Do you seek to enter the United States to engage in export control violations, subversive or terrorist activities, or any unlawful purpose? . . . . . ☐ Yes ☒ No
- Have you ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion under the control, direct or indirect, of the Nazi Government of Germany, or of the government of any area occupied by, or allied with, the Nazi Government of Germany; or have you ever participated in genocide? . . . . . ☐ Yes ☐ No

A YES answer does not automatically signify ineligibility for a visa, but if you answered YES to any of the above, or if you have any question in this regard, personal appearance at this office is recommended. If appearance is not possible at this time, attach a statement of facts in your case to this application.

35. I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry into the United States. I understand that possession of a visa does not entitle the bearer to enter the United States of America upon arrival at port of entry if he or she is found inadmissible.

DATE OF APPLICATION 3/10/2000

APPLICANT'S SIGNATURE [redacted]

If this application has been prepared by a travel agency or another person on your behalf, the agent should indicate name and address of agency or person with appropriate signature of individual preparing form.

SIGNATURE OF PERSON PREPARING FORM *
(If other than applicant)

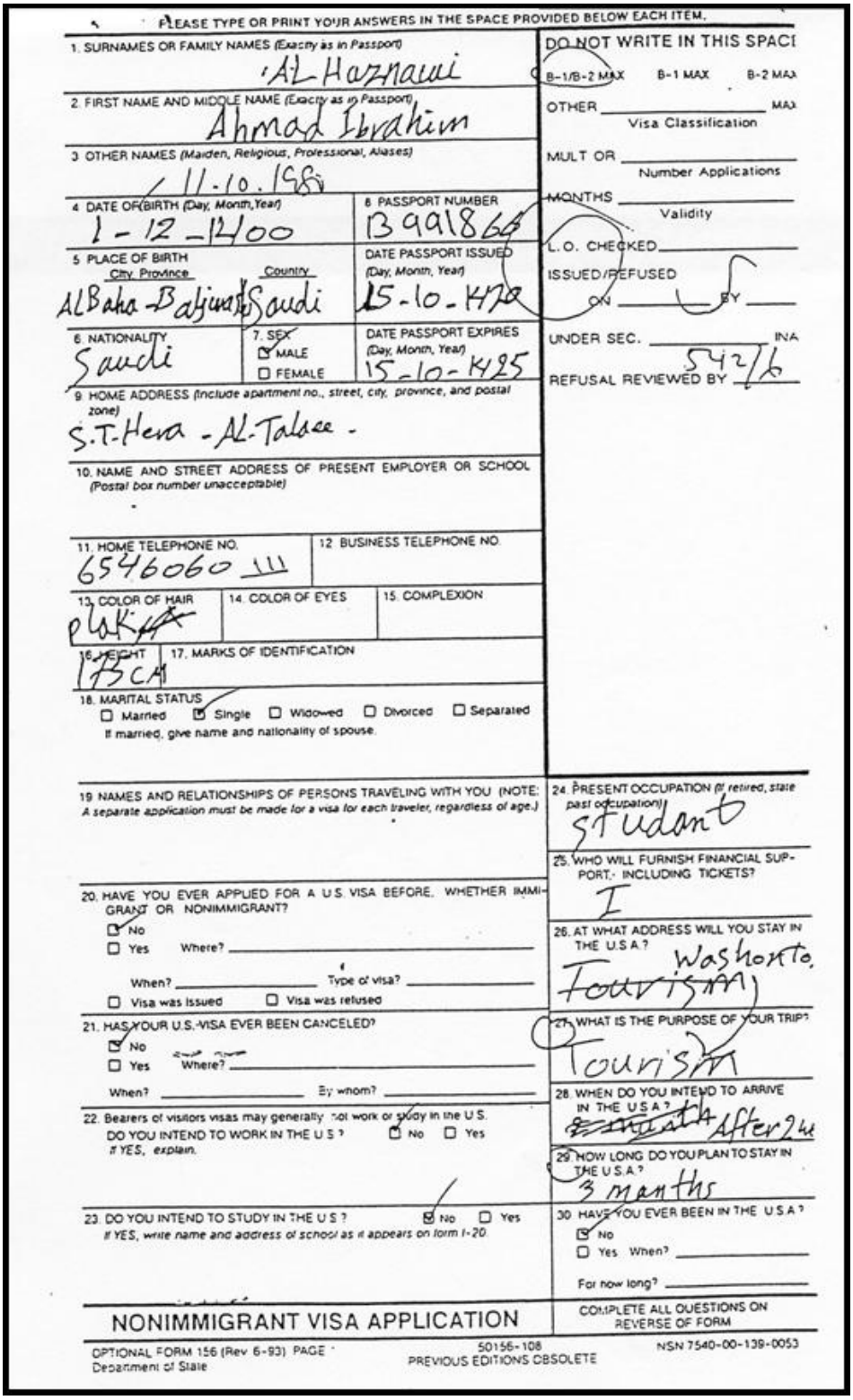
DO NOT WRITE IN THIS SPACE

Are you a member/representative of a terrorist organization? ☐ Yes ☒ No



OPTIONAL FORM 156 (Rev. 6-93) PAGE 2
Department of State

Page 2 of Mohand al Shehri's visa application.



PLEASE TYPE OR PRINT YOUR ANSWERS IN THE SPACE PROVIDED BELOW EACH ITEM.

1. SURNAMES OR FAMILY NAMES (Exactly as in Passport): Al Haznawi
2. FIRST NAME AND MIDDLE NAME (Exactly as in Passport): Ahmad Ibrahim
3. OTHER NAMES (Maiden, Religious, Professional, Aliases): / 11-10-1980
4. DATE OF BIRTH (Day, Month, Year): 1-12-1400
5. PLACE OF BIRTH — City, Province: Al Baha - Baljurashi; Country: Saudi
6. NATIONALITY: Saudi
7. SEX: ☑ MALE ☐ FEMALE
8. PASSPORT NUMBER: B991866
DATE PASSPORT ISSUED (Day, Month, Year): 15-10-1420
DATE PASSPORT EXPIRES (Day, Month, Year): 15-10-1425
9. HOME ADDRESS (Include apartment no., street, city, province, and postal zone): S.T. Hera - Al-Taisee -
10. NAME AND STREET ADDRESS OF PRESENT EMPLOYER OR SCHOOL (Postal box number unacceptable)
11. HOME TELEPHONE NO.: 6546060 111
12. BUSINESS TELEPHONE NO.
13. COLOR OF HAIR: Black
14. COLOR OF EYES
15. COMPLEXION
16. HEIGHT: 175 CM
17. MARKS OF IDENTIFICATION
18. MARITAL STATUS: ☐ Married ☑ Single ☐ Widowed ☐ Divorced ☐ Separated
If married, give name and nationality of spouse.
19. NAMES AND RELATIONSHIPS OF PERSONS TRAVELING WITH YOU (NOTE: A separate application must be made for a visa for each traveler, regardless of age.)
20. HAVE YOU EVER APPLIED FOR A U.S. VISA BEFORE, WHETHER IMMIGRANT OR NONIMMIGRANT?
☑ No ☐ Yes Where? _____
When? _____ Type of visa? _____
☐ Visa was issued ☐ Visa was refused
21. HAS YOUR U.S. VISA EVER BEEN CANCELED?
☑ No ☐ Yes Where? _____
When? _____ By whom? _____
22. Bearers of visitors visas may generally not work or study in the U.S.
DO YOU INTEND TO WORK IN THE U.S.? ☑ No ☐ Yes
If YES, explain.
23. DO YOU INTEND TO STUDY IN THE U.S.? ☑ No ☐ Yes
If YES, write name and address of school as it appears on form I-20.

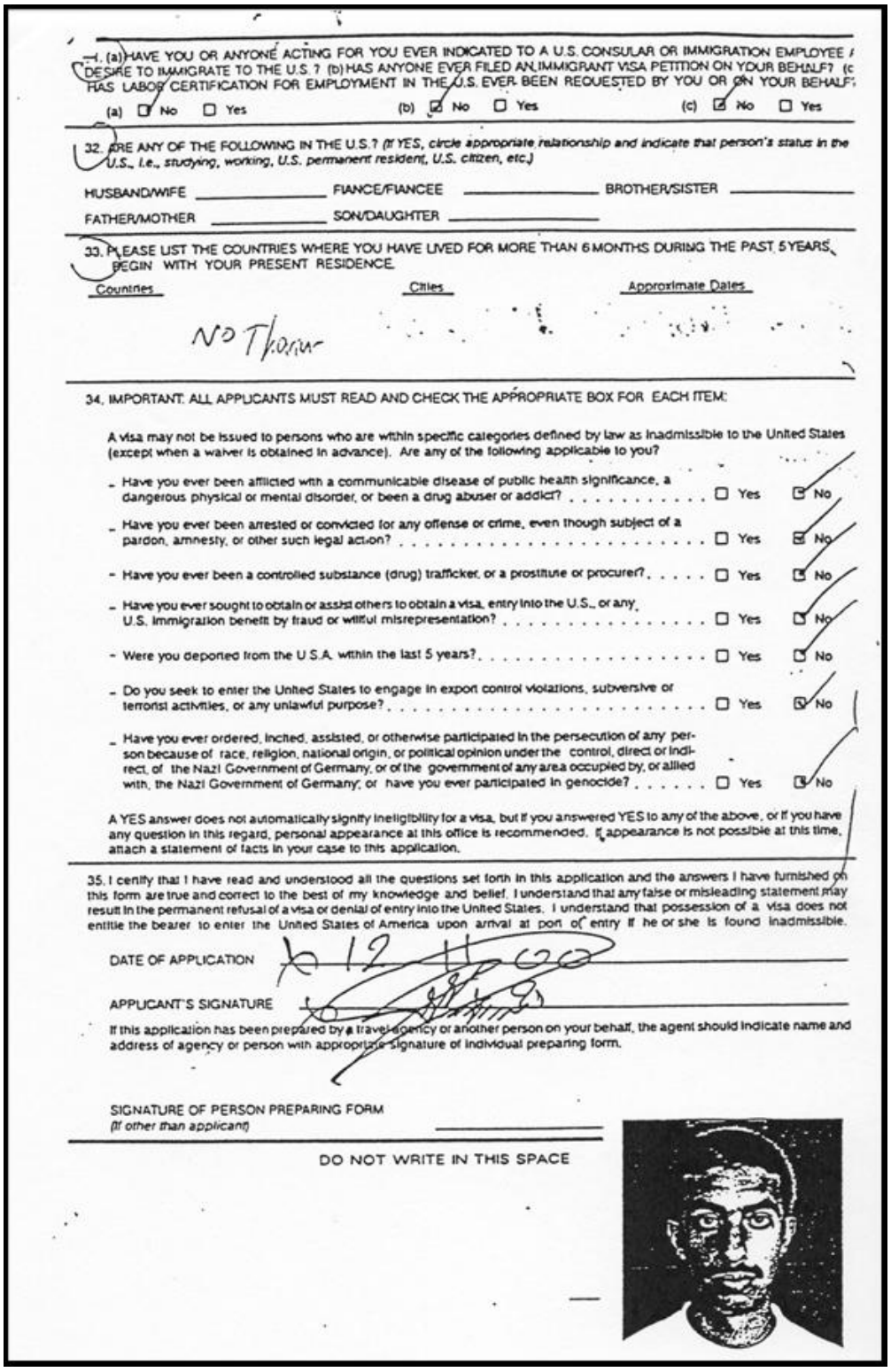
DO NOT WRITE IN THIS SPACE
B-1/B-2 MAX B-1 MAX B-2 MAX
OTHER _____ MAX
Visa Classification
MULT OR _____
Number Applications
MONTHS _____
Validity
L.O. CHECKED _____
ISSUED/REFUSED
ON _____ BY _____
UNDER SEC. _____ INA
REFUSAL REVIEWED BY 542/6

24. PRESENT OCCUPATION (If retired, state past occupation): student
25. WHO WILL FURNISH FINANCIAL SUPPORT, INCLUDING TICKETS? I
26. AT WHAT ADDRESS WILL YOU STAY IN THE U.S.A.? Washington, Tourism
27. WHAT IS THE PURPOSE OF YOUR TRIP? Tourism
28. WHEN DO YOU INTEND TO ARRIVE IN THE U.S.A.? ~~8 months~~ After 2 w
29. HOW LONG DO YOU PLAN TO STAY IN THE U.S.A.? 3 months
30. HAVE YOU EVER BEEN IN THE U.S.A.?
☑ No ☐ Yes When? _____
For how long? _____

NONIMMIGRANT VISA APPLICATION
COMPLETE ALL QUESTIONS ON REVERSE OF FORM

OPTIONAL FORM 156 (Rev 6-93) PAGE 1
Department of State
50156-108
PREVIOUS EDITIONS OBSOLETE
NSN 7540-00-139-0053

Ahmad al Haznawi's Nov. 12, 2000 visa application. Although he claimed to be a student (#24), he left blank the name and address of his school (#10). He also claimed to be supporting himself while in the United States. This application was approved.



31. (a) HAVE YOU OR ANYONE ACTING FOR YOU EVER INDICATED TO A U.S. CONSULAR OR IMMIGRATION EMPLOYEE / DESIRE TO IMMIGRATE TO THE U.S.? (b) HAS ANYONE EVER FILED AN IMMIGRANT VISA PETITION ON YOUR BEHALF? (c HAS LABOR CERTIFICATION FOR EMPLOYMENT IN THE U.S. EVER BEEN REQUESTED BY YOU OR ON YOUR BEHALF?

(a) ☐ No ☐ Yes (b) ☑ No ☐ Yes (c) ☑ No ☐ Yes

32. ARE ANY OF THE FOLLOWING IN THE U.S.? *(If YES, circle appropriate relationship and indicate that person's status in the U.S., i.e., studying, working, U.S. permanent resident, U.S. citizen, etc.)*

HUSBAND/WIFE _____ FIANCE/FIANCEE _____ BROTHER/SISTER _____

FATHER/MOTHER _____ SON/DAUGHTER _____

33. PLEASE LIST THE COUNTRIES WHERE YOU HAVE LIVED FOR MORE THAN 6 MONTHS DURING THE PAST 5 YEARS. BEGIN WITH YOUR PRESENT RESIDENCE.

Countries	Cities	Approximate Dates
NO Thanks		

34. IMPORTANT: ALL APPLICANTS MUST READ AND CHECK THE APPROPRIATE BOX FOR EACH ITEM:

A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States (except when a waiver is obtained in advance). Are any of the following applicable to you?

- Have you ever been afflicted with a communicable disease of public health significance, a dangerous physical or mental disorder, or been a drug abuser or addict? . . . . . ☐ Yes ☑ No
- Have you ever been arrested or convicted for any offense or crime, even though subject of a pardon, amnesty, or other such legal action? . . . . . ☐ Yes ☑ No
- Have you ever been a controlled substance (drug) trafficker, or a prostitute or procurer? . . . . ☐ Yes ☑ No
- Have you ever sought to obtain or assist others to obtain a visa, entry into the U.S., or any U.S. immigration benefit by fraud or willful misrepresentation? . . . . . ☐ Yes ☑ No
- Were you deported from the U.S.A. within the last 5 years? . . . . . ☐ Yes ☑ No
- Do you seek to enter the United States to engage in export control violations, subversive or terrorist activities, or any unlawful purpose? . . . . . ☐ Yes ☑ No
- Have you ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion under the control, direct or indirect, of the Nazi Government of Germany, or of the government of any area occupied by, or allied with, the Nazi Government of Germany; or have you ever participated in genocide? . . . . . ☐ Yes ☑ No

A YES answer does not automatically signify ineligibility for a visa, but if you answered YES to any of the above, or if you have any question in this regard, personal appearance at this office is recommended. If appearance is not possible at this time, attach a statement of facts in your case to this application.

35. I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry into the United States. I understand that possession of a visa does not entitle the bearer to enter the United States of America upon arrival at port of entry if he or she is found inadmissible.

DATE OF APPLICATION 6 12 2000

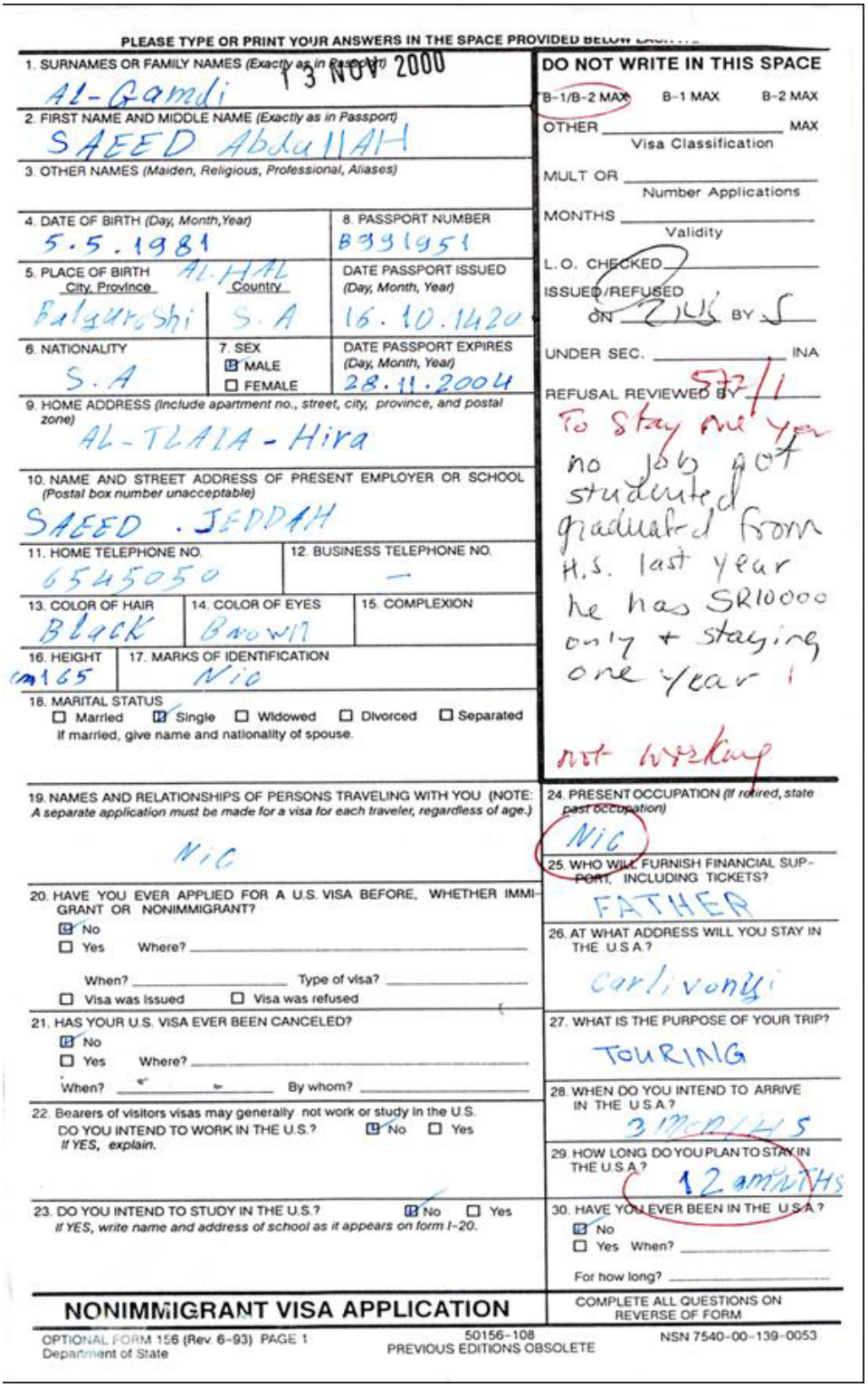
APPLICANT'S SIGNATURE _____

If this application has been prepared by a travel agency or another person on your behalf, the agent should indicate name and address of agency or person with appropriate signature of individual preparing form.

SIGNATURE OF PERSON PREPARING FORM
(If other than applicant) _____

DO NOT WRITE IN THIS SPACE

Page 2 of Haznawi's visa application.



PLEASE TYPE OR PRINT YOUR ANSWERS IN THE SPACE PROVIDED BELOW

1. SURNAMES OR FAMILY NAMES (Exactly as in Passport) 13 NOV 2000
AL-Gamdi

2. FIRST NAME AND MIDDLE NAME (Exactly as in Passport)
SAEED AbdulLAH

3. OTHER NAMES (Maiden, Religious, Professional, Aliases)

4. DATE OF BIRTH (Day, Month, Year)
5.5.1981

8. PASSPORT NUMBER
B331951

5. PLACE OF BIRTH
City, Province: Balgurashi
Country: S.A

DATE PASSPORT ISSUED (Day, Month, Year)
16.10.1420

6. NATIONALITY
S.A

7. SEX
☒ MALE ☐ FEMALE

DATE PASSPORT EXPIRES (Day, Month, Year)
28.11.2004

9. HOME ADDRESS (Include apartment no., street, city, province, and postal zone)
AL-TLAIA - Hira

10. NAME AND STREET ADDRESS OF PRESENT EMPLOYER OR SCHOOL (Postal box number unacceptable)
SAEED . JEDDAH

11. HOME TELEPHONE NO.
6545050

12. BUSINESS TELEPHONE NO.
—

13. COLOR OF HAIR
Black

14. COLOR OF EYES
Brown

15. COMPLEXION

16. HEIGHT
165

17. MARKS OF IDENTIFICATION
Nic

18. MARITAL STATUS
☐ Married ☒ Single ☐ Widowed ☐ Divorced ☐ Separated
If married, give name and nationality of spouse.

19. NAMES AND RELATIONSHIPS OF PERSONS TRAVELING WITH YOU (NOTE: A separate application must be made for a visa for each traveler, regardless of age.)
Nic

20. HAVE YOU EVER APPLIED FOR A U.S. VISA BEFORE, WHETHER IMMIGRANT OR NONIMMIGRANT?
☒ No
☐ Yes Where? _____
When? _____ Type of visa? _____
☐ Visa was issued ☐ Visa was refused

21. HAS YOUR U.S. VISA EVER BEEN CANCELED?
☒ No
☐ Yes Where? _____
When? _____ By whom? _____

22. Bearers of visitors visas may generally not work or study in the U.S.
DO YOU INTEND TO WORK IN THE U.S.? ☒ No ☐ Yes
If YES, explain.

23. DO YOU INTEND TO STUDY IN THE U.S.? ☒ No ☐ Yes
If YES, write name and address of school as it appears on form I-20.

DO NOT WRITE IN THIS SPACE

B-1/B-2 MAX B-1 MAX B-2 MAX

OTHER _____ MAX
Visa Classification

MULT OR _____
Number Applications

MONTHS _____
Validity

L.O. CHECKED _____

ISSUED/REFUSED
ON 2 NOV BY S

UNDER SEC. _____ INA

REFUSAL REVIEWED BY 577/1

To Stay one year
no job yet
studied
graduated from
H.S. last year
he has SR10000
only + staying
one year !

not working

24. PRESENT OCCUPATION (If retired, state past occupation)
Nic

25. WHO WILL FURNISH FINANCIAL SUPPORT, INCLUDING TICKETS?
FATHER

26. AT WHAT ADDRESS WILL YOU STAY IN THE U.S.A.?
carlivonly

27. WHAT IS THE PURPOSE OF YOUR TRIP?
TOURING

28. WHEN DO YOU INTEND TO ARRIVE IN THE U.S.A.?
3 MONTHS

29. HOW LONG DO YOU PLAN TO STAY IN THE U.S.A.?
12 months

30. HAVE YOU EVER BEEN IN THE U.S.A.?
☒ No
☐ Yes When? _____
For how long? _____

NONIMMIGRANT VISA APPLICATION

COMPLETE ALL QUESTIONS ON REVERSE OF FORM

OPTIONAL FORM 156 (Rev. 6-93) PAGE 1
Department of State

50156-108
PREVIOUS EDITIONS OBSOLETE

NSN 7540-00-139-0053

Nov. 13, 2000 visa application for Saeed al Ghamdi (not the hijacker of the same name). Handwritten notes (upper right) of a consular officer indicate that his visa was denied because he was unemployed, lacked sufficient finances to support his trip and told officials that he planned to stay one year in the United States.

31. (a) HAVE YOU OR ANYONE ACTING FOR YOU EVER INDICATED TO A U.S. CONSULAR OR IMMIGRATION EMPLOYE DESIRE TO IMMIGRATE TO THE U.S.? (b) HAS ANYONE EVER FILED AN IMMIGRANT VISA PETITION ON YOUR BEHALF? HAS LABOR CERTIFICATION FOR EMPLOYMENT IN THE U.S. EVER BEEN REQUESTED BY YOU OR ON YOUR BEHA

(a) ☑ No ☐ Yes (b) ☑ No ☐ Yes (c) ☑ No ☐ Yes

32. ARE ANY OF THE FOLLOWING IN THE U.S.? *(If YES, circle appropriate relationship and indicate that person's status in t U.S., i.e., studying, working, U.S. permanent resident, U.S. citizen, etc.)*

HUSBAND/WIFE _____ FIANCE/FIANCEE _____ BROTHER/SISTER _____

FATHER/MOTHER _____ SON/DAUGHTER _____

33. PLEASE LIST THE COUNTRIES WHERE YOU HAVE LIVED FOR MORE THAN 6 MONTHS DURING THE PAST 5 YEARS. BEGIN WITH YOUR PRESENT RESIDENCE.

Countries	Cities	Approximate Dates
	JEDDAH	AYDON S.A SINCE

34. IMPORTANT: ALL APPLICANTS MUST READ AND CHECK THE APPROPRIATE BOX FOR EACH ITEM:

A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States (except when a waiver is obtained in advance). Are any of the following applicable to you?

- Have you ever been afflicted with a communicable disease of public health significance, a dangerous physical or mental disorder, or been a drug abuser or addict? . . . . . ☐ Yes ☑ No
- Have you ever been arrested or convicted for any offense or crime, even though subject of a pardon, amnesty, or other such legal action? . . . . . ☐ Yes ☑ No
- Have you ever been a controlled substance (drug) trafficker, or a prostitute or procurer? . . . . . ☐ Yes ☑ No
- Have you ever sought to obtain or assist others to obtain a visa, entry into the U.S., or any U.S. immigration benefit by fraud or willful misrepresentation? . . . . . ☐ Yes ☑ No
- Were you deported from the U.S.A. within the last 5 years? . . . . . ☐ Yes ☑ No
- Do you seek to enter the United States to engage in export control violations, subversive or terrorist activities, or any unlawful purpose? . . . . . ☐ Yes ☑ No
- Have you ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion under the control, direct or indirect, of the Nazi Government of Germany, or of the government of any area occupied by, or allied with, the Nazi Government of Germany; or have you ever participated in genocide? . . . . . ☐ Yes ☑ No

A YES answer does not automatically signify ineligibility for a visa, but if you answered YES to any of the above, or if you have any question in this regard, personal appearance at this office is recommended. If appearance is not possible at this time, attach a statement of facts in your case to this application.

35. I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry into the United States. I understand that possession of a visa does not entitle the bearer to enter the United States of America upon arrival at port of entry if he or she is found inadmissible.

DATE OF APPLICATION 1/3/2001

APPLICANT'S SIGNATURE [signature]

If this application has been prepared by a travel agency or another person on your behalf, the agent should indicate name and address of agency or person with appropriate signature of individual preparing form.

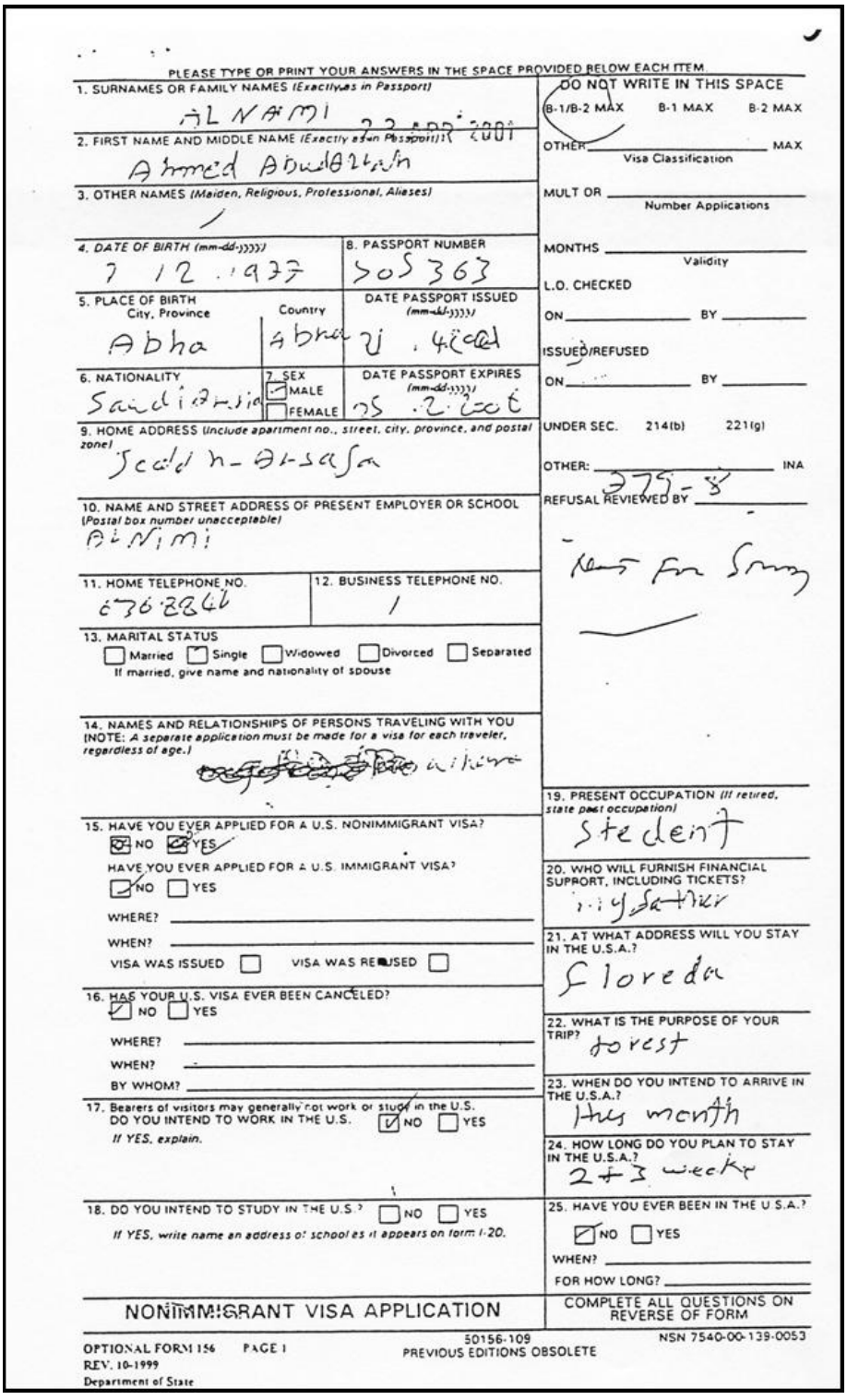
SIGNATURE OF PERSON PREPARING FORM
(If other than applicant) _____

DO NOT WRITE IN THIS SPACE



OPTIONAL FORM 156 (Rev. 6-93) PAGE 2
Department of State

Page 2 of al Ghamdi's denied visa application. To our knowledge he was the only potential Saudi hijacker denied a U.S. visa.



PLEASE TYPE OR PRINT YOUR ANSWERS IN THE SPACE PROVIDED BELOW EACH ITEM

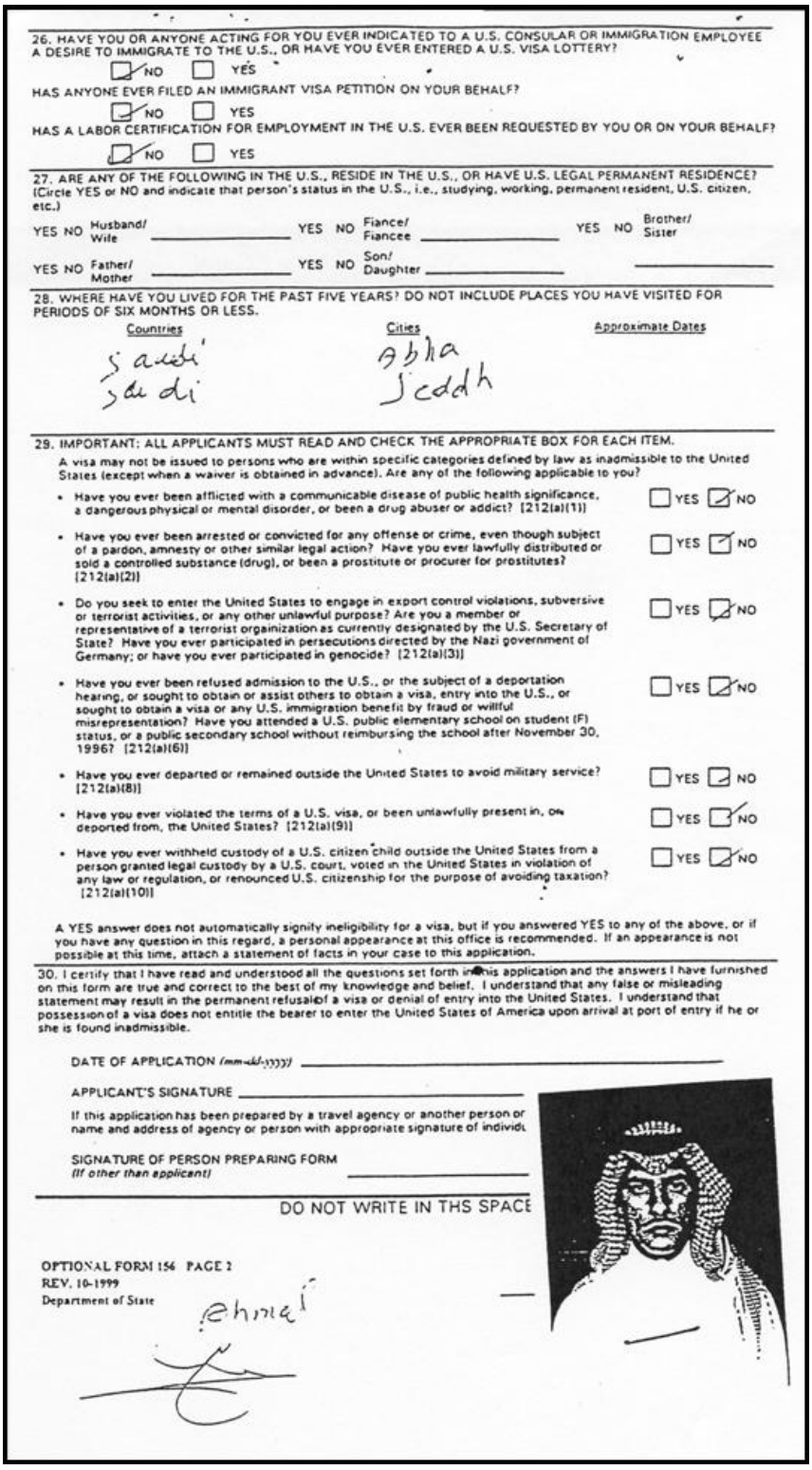
1. SURNAMES OR FAMILY NAMES (Exactly as in Passport): ALNAMI
2. FIRST NAME AND MIDDLE NAME (Exactly as in Passport): Ahmed Abdulaziz
3. OTHER NAMES (Maiden, Religious, Professional, Aliases): /
4. DATE OF BIRTH (mm-dd-yyyy): 7 12 1977
5. PLACE OF BIRTH — City, Province: Abha; Country: Abha
6. NATIONALITY: Saudi Arabia
7. SEX: [x] MALE [ ] FEMALE
8. PASSPORT NUMBER: N05363
DATE PASSPORT ISSUED (mm-dd-yyyy): 4 [illegible] 2001
DATE PASSPORT EXPIRES (mm-dd-yyyy): 3 2 2006
9. HOME ADDRESS (Include apartment no., street, city, province, and postal zone): Jeddah - Al-Asala
10. NAME AND STREET ADDRESS OF PRESENT EMPLOYER OR SCHOOL (Postal box number unacceptable): ALNAMI
11. HOME TELEPHONE NO.: 6736846
12. BUSINESS TELEPHONE NO.: /
13. MARITAL STATUS: [ ] Married [x] Single [ ] Widowed [ ] Divorced [ ] Separated
If married, give name and nationality of spouse
14. NAMES AND RELATIONSHIPS OF PERSONS TRAVELING WITH YOU (NOTE: A separate application must be made for a visa for each traveler, regardless of age.): alone
15. HAVE YOU EVER APPLIED FOR A U.S. NONIMMIGRANT VISA? [ ] NO [x] YES
HAVE YOU EVER APPLIED FOR A U.S. IMMIGRANT VISA? [x] NO [ ] YES
WHERE? _____
WHEN? _____
VISA WAS ISSUED [ ] VISA WAS REFUSED [ ]
16. HAS YOUR U.S. VISA EVER BEEN CANCELED? [x] NO [ ] YES
WHERE? _____
WHEN? _____
BY WHOM? _____
17. Bearers of visitors may generally not work or study in the U.S. DO YOU INTEND TO WORK IN THE U.S. [x] NO [ ] YES
If YES, explain.
18. DO YOU INTEND TO STUDY IN THE U.S.? [ ] NO [ ] YES
If YES, write name an address of school as it appears on form I-20.

DO NOT WRITE IN THIS SPACE
B-1/B-2 MAX B-1 MAX B-2 MAX
OTHER _____ MAX
Visa Classification
MULT OR _____
Number Applications
MONTHS _____
Validity
L.O. CHECKED
ON _____ BY _____
ISSUED/REFUSED
ON _____ BY _____
UNDER SEC. 214(b) 221(g)
OTHER: _____ INA
REFUSAL REVIEWED BY _____
Rest for Sum
19. PRESENT OCCUPATION (If retired, state past occupation): Student
20. WHO WILL FURNISH FINANCIAL SUPPORT, INCLUDING TICKETS? My father
21. AT WHAT ADDRESS WILL YOU STAY IN THE U.S.A.? Florida
22. WHAT IS THE PURPOSE OF YOUR TRIP? to rest
23. WHEN DO YOU INTEND TO ARRIVE IN THE U.S.A.? this month
24. HOW LONG DO YOU PLAN TO STAY IN THE U.S.A.? 2+3 weeks
25. HAVE YOU EVER BEEN IN THE U.S.A.? [x] NO [ ] YES
WHEN? _____
FOR HOW LONG? _____

NONIMMIGRANT VISA APPLICATION
COMPLETE ALL QUESTIONS ON REVERSE OF FORM

OPTIONAL FORM 156 PAGE 1
REV. 10-1999
Department of State
50156-109
PREVIOUS EDITIONS OBSOLETE
NSN 7540-00-139-0053

Ahmed al Nami's April 23, 2001 visa application. The presence of notes in the upper right suggests that he was briefly questioned by consular officials. This was his second visa application even though his previous visa had not expired. Nami submitted this application with a new passport perhaps in order to hide travel to Afghanistan in the old passport.



26. HAVE YOU OR ANYONE ACTING FOR YOU EVER INDICATED TO A U.S. CONSULAR OR IMMIGRATION EMPLOYEE A DESIRE TO IMMIGRATE TO THE U.S., OR HAVE YOU EVER ENTERED A U.S. VISA LOTTERY?
☒ NO ☐ YES

HAS ANYONE EVER FILED AN IMMIGRANT VISA PETITION ON YOUR BEHALF?
☒ NO ☐ YES

HAS A LABOR CERTIFICATION FOR EMPLOYMENT IN THE U.S. EVER BEEN REQUESTED BY YOU OR ON YOUR BEHALF?
☒ NO ☐ YES

27. ARE ANY OF THE FOLLOWING IN THE U.S., RESIDE IN THE U.S., OR HAVE U.S. LEGAL PERMANENT RESIDENCE? (Circle YES or NO and indicate that person's status in the U.S., i.e., studying, working, permanent resident, U.S. citizen, etc.)

YES NO Husband/Wife _____ YES NO Fiance/Fiancee _____ YES NO Brother/Sister _____

YES NO Father/Mother _____ YES NO Son/Daughter _____ _____

28. WHERE HAVE YOU LIVED FOR THE PAST FIVE YEARS? DO NOT INCLUDE PLACES YOU HAVE VISITED FOR PERIODS OF SIX MONTHS OR LESS.

Countries	Cities	Approximate Dates
Saudi Arabia	Abha Jeddh	

29. IMPORTANT: ALL APPLICANTS MUST READ AND CHECK THE APPROPRIATE BOX FOR EACH ITEM.

A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States (except when a waiver is obtained in advance). Are any of the following applicable to you?

- Have you ever been afflicted with a communicable disease of public health significance, a dangerous physical or mental disorder, or been a drug abuser or addict? [212(a)(1)] ☐ YES ☒ NO
- Have you ever been arrested or convicted for any offense or crime, even though subject of a pardon, amnesty or other similar legal action? Have you ever lawfully distributed or sold a controlled substance (drug), or been a prostitute or procurer for prostitutes? [212(a)(2)] ☐ YES ☒ NO
- Do you seek to enter the United States to engage in export control violations, subversive or terrorist activities, or any other unlawful purpose? Are you a member or representative of a terrorist orgainization as currently designated by the U.S. Secretary of State? Have you ever participated in persecutions directed by the Nazi government of Germany; or have you ever participated in genocide? [212(a)(3)] ☐ YES ☒ NO
- Have you ever been refused admission to the U.S., or the subject of a deportation hearing, or sought to obtain or assist others to obtain a visa, entry into the U.S., or sought to obtain a visa or any U.S. immigration benefit by fraud or willful misrepresentation? Have you attended a U.S. public elementary school on student (F) status, or a public secondary school without reimbursing the school after November 30, 1996? [212(a)(6)] ☐ YES ☒ NO
- Have you ever departed or remained outside the United States to avoid military service? [212(a)(8)] ☐ YES ☒ NO
- Have you ever violated the terms of a U.S. visa, or been unlawfully present in, or deported from, the United States? [212(a)(9)] ☐ YES ☒ NO
- Have you ever withheld custody of a U.S. citizen child outside the United States from a person granted legal custody by a U.S. court, voted in the United States in violation of any law or regulation, or renounced U.S. citizenship for the purpose of avoiding taxation? [212(a)(10)] ☐ YES ☒ NO

A YES answer does not automatically signify ineligibility for a visa, but if you answered YES to any of the above, or if you have any question in this regard, a personal appearance at this office is recommended. If an appearance is not possible at this time, attach a statement of facts in your case to this application.

30. I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry into the United States. I understand that possession of a visa does not entitle the bearer to enter the United States of America upon arrival at port of entry if he or she is found inadmissible.

DATE OF APPLICATION *(mm-dd-yyyy)* _____

APPLICANT'S SIGNATURE _____

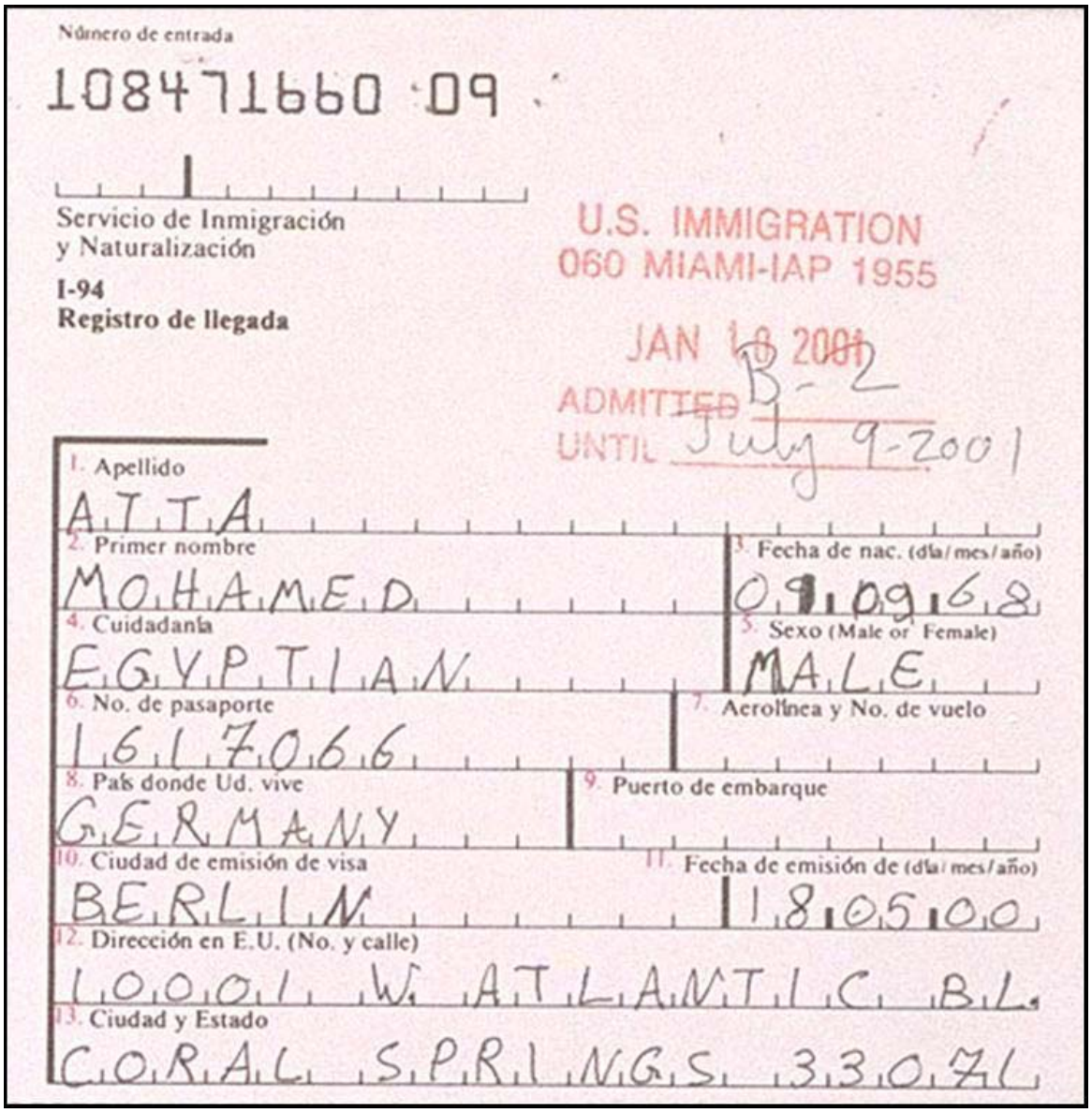
If this application has been prepared by a travel agency or another person or name and address of agency or person with appropriate signature of individu

SIGNATURE OF PERSON PREPARING FORM
(If other than applicant) _____

DO NOT WRITE IN THS SPACE

OPTIONAL FORM 156 PAGE 2
REV. 10-1999
Department of State

Page 2 of Nami's visa application.



Número de entrada
10847166009

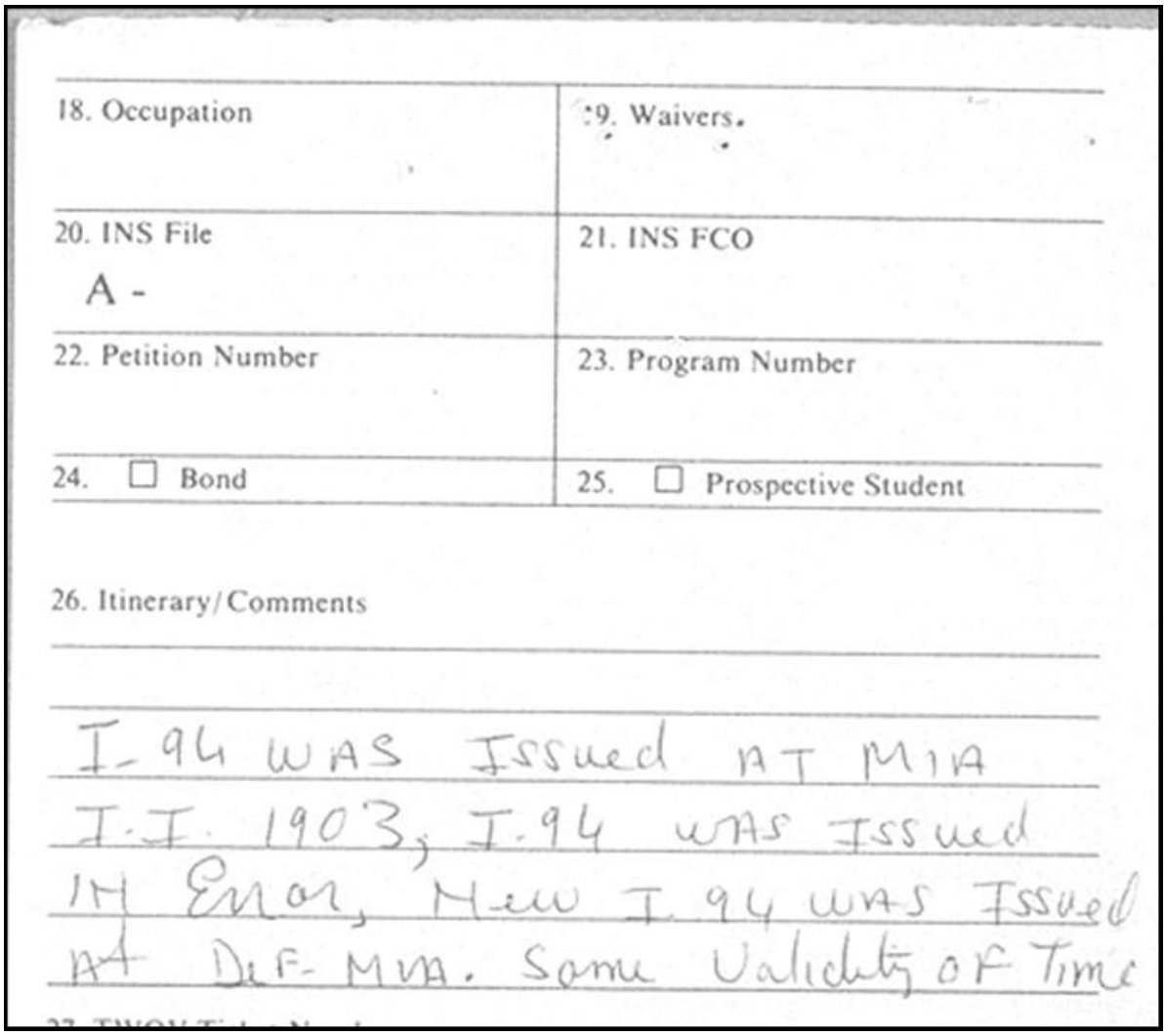
Servicio de Inmigración
y Naturalización

I-94
Registro de llegada

U.S. IMMIGRATION
060 MIAMI-IAP 1955
JAN 18 2001
ADMITTED B-2
UNTIL July 9-2001

1. Apellido: ATTA
2. Primer nombre: MOHAMED
3. Fecha de nac. (día/mes/año): 09 09 68
4. Ciudadanía: EGYPTIAN
5. Sexo (Male or Female): MALE
6. No. de pasaporte: 16170666
7. Aerolínea y No. de vuelo:
8. País donde Ud. vive: GERMANY
9. Puerto de embarque:
10. Ciudad de emisión de visa: BERLIN
11. Fecha de emisión de (día/mes/año): 18 05 00
12. Dirección en E.U. (No. y calle): 10001 W. ATLANTIC BL.
13. Ciudad y Estado: CORAL SPRINGS 33071

Mohamed Atta's revised immigration arrival record (I-94) created on May 2, 2001 at the Miami INS district office. Atta had gone to the office seeking a length of stay equal to the 8-months he received for a colleague—possibly Ziad Jarrah. Tourists were not normally granted a length of stay of more than 6 months. The INS officer in Miami refused to grant 8 months to Jarrah and instead rolled-back Atta's length of stay to the standard six months, until July 9, 2001. He departed the United States on July 7 and returned on July 19, at which time he was granted another 6-month length of stay.

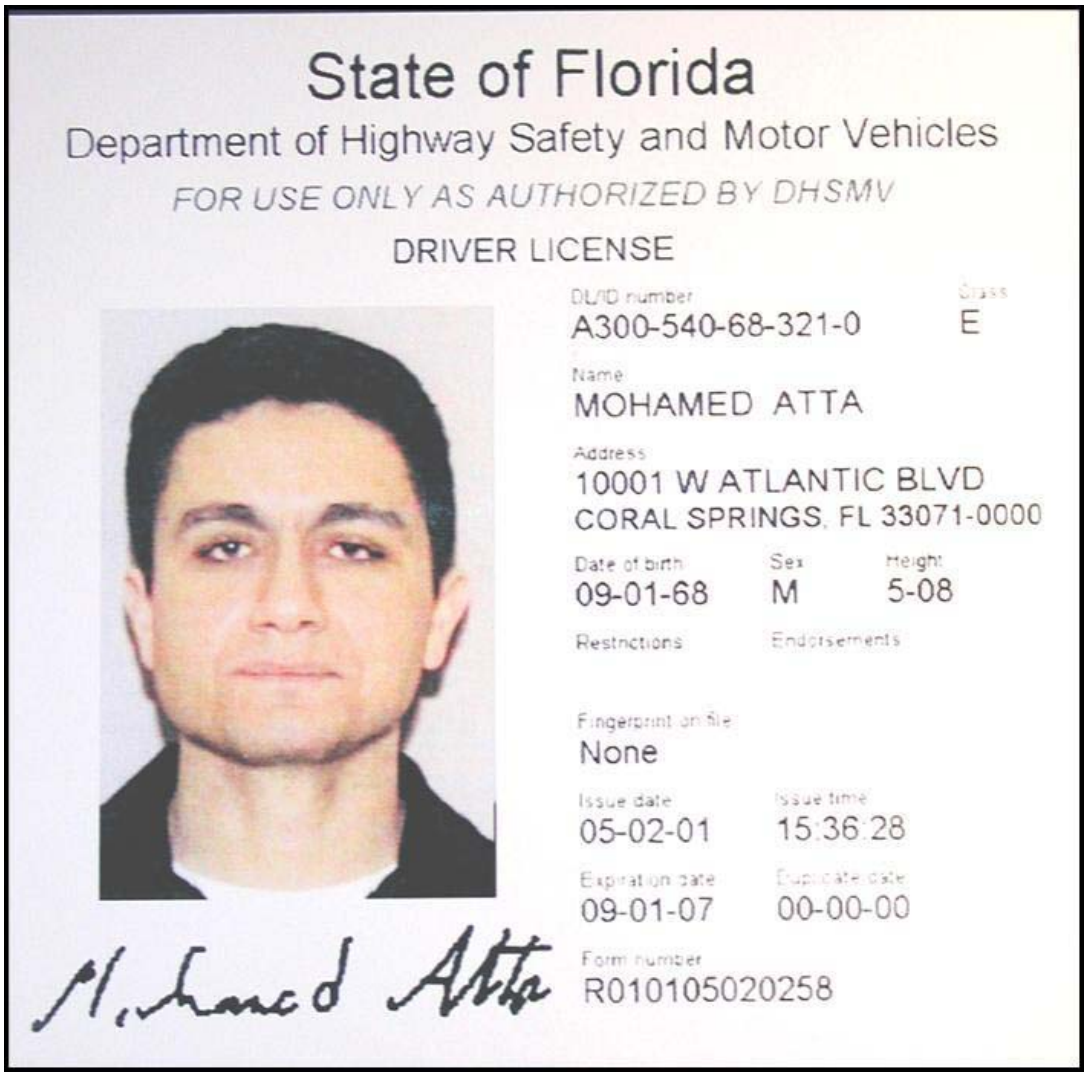


18. Occupation	19. Waivers.
20. INS File A -	21. INS FCO
22. Petition Number	23. Program Number
24. ☐ Bond	25. ☐ Prospective Student

26. Itinerary/Comments

I-94 WAS ISSUED AT MIA
I.I. 1903, I-94 WAS ISSUED
IN ERROR, NEW I-94 WAS ISSUED
AT DEF. MIA. SAME VALIDITY OF TIME

Handwritten notes of the immigration official at the Miami district office who rolled-back Atta's length of stay.



State of Florida

Department of Highway Safety and Motor Vehicles

FOR USE ONLY AS AUTHORIZED BY DHSMV

DRIVER LICENSE

DL/ID number
A300-540-68-321-0

Class
E

Name
MOHAMED ATTA

Address
10001 W ATLANTIC BLVD
CORAL SPRINGS, FL 33071-0000

Date of birth
09-01-68

Sex
M

Height
5-08

Restrictions

Endorsements

Fingerprint on file
None

Issue date
05-02-01

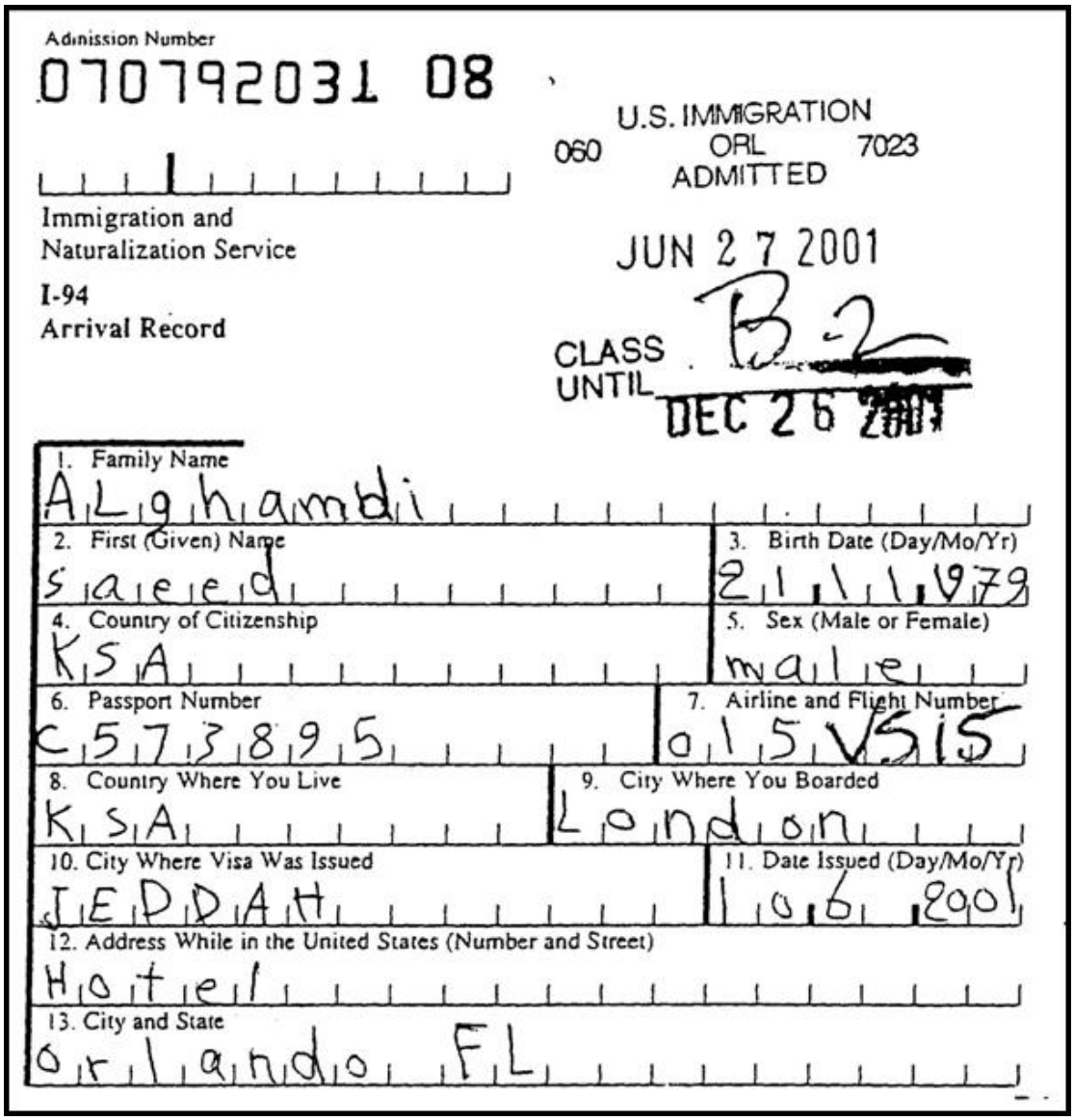
Issue time
15:36:28

Expiration date
09-01-07

Duplicate date
00-00-00

Form number
R010105020258

Copy of Mohamed Atta's Florida state driver's license. Several other hijackers obtained Florida state identification including Hani Hanjour, Marwan al Shehhi, Nawaf al Hazmi, Ziad Jarrah, Waleed al Shehri, Hamza al Ghamdi, Ahmed al Nami, Ahmed al Haznawi, Saeed al Ghamdi, Mohand al Shehri, and Fayez Banihammad.



Admission Number
070792031 08

U.S. IMMIGRATION
060 ORL 7023
ADMITTED
JUN 27 2001

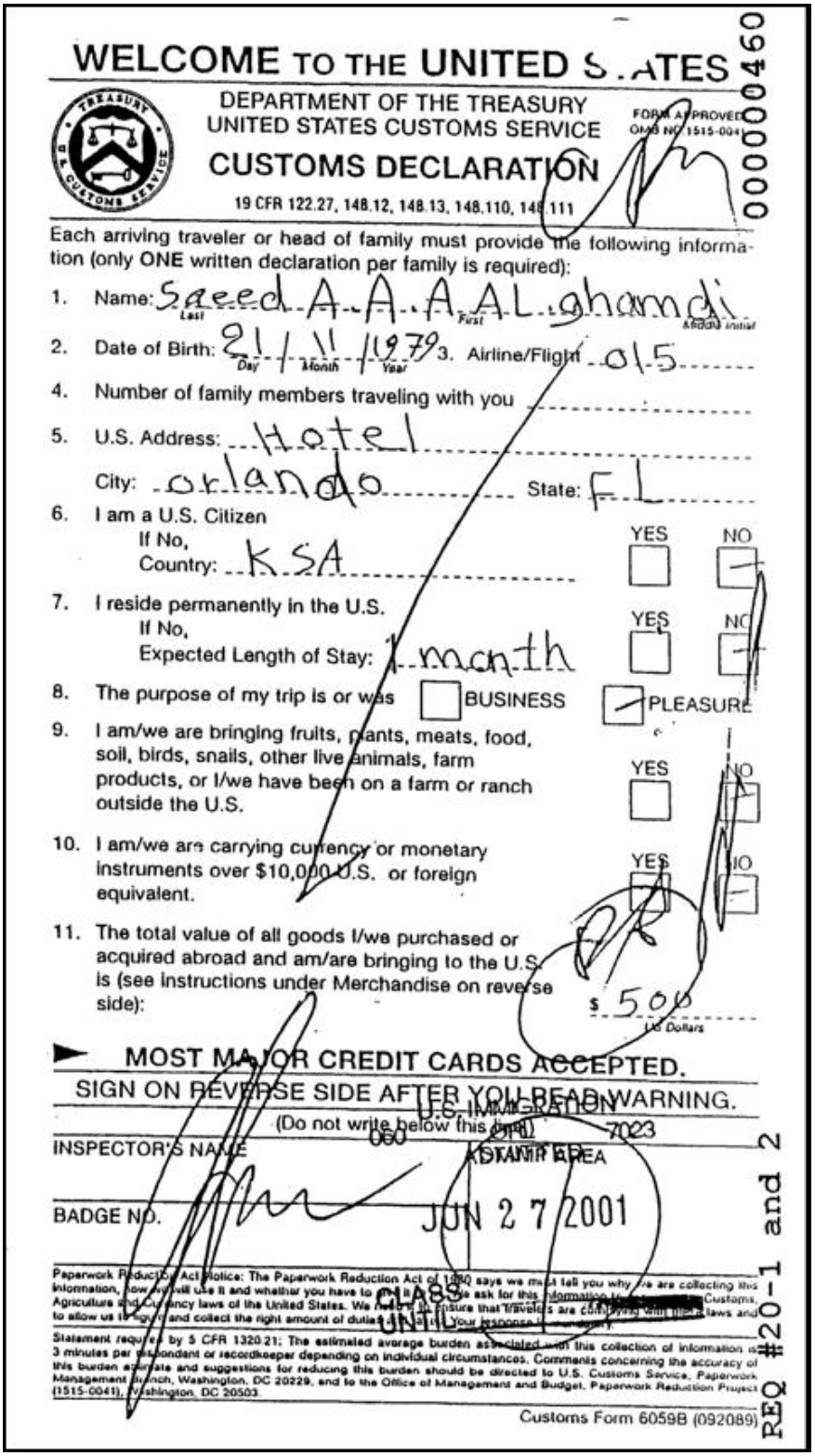
Immigration and
Naturalization Service

I-94
Arrival Record

CLASS B-2
UNTIL DEC 26 2001

1. Family Name: ALghamdi
2. First (Given) Name: saeed
3. Birth Date (Day/Mo/Yr): 21 1 1979
4. Country of Citizenship: KSA
5. Sex (Male or Female): male
6. Passport Number: C573895
7. Airline and Flight Number: 015 VS15
8. Country Where You Live: KSA
9. City Where You Boarded: London
10. City Where Visa Was Issued: JEDDAH
11. Date Issued (Day/Mo/Yr): 10 6 2001
12. Address While in the United States (Number and Street): Hotel
13. City and State: Orlando FL

Immigration arrival record (I-94) for Saeed al Ghamdi.



WELCOME TO THE UNITED S.ATES

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

FORM APPROVED
OMB NO 1515-0041

CUSTOMS DECLARATION

19 CFR 122.27, 148.12, 148.13, 148.110, 148.111

000000460

Each arriving traveler or head of family must provide the following information (only ONE written declaration per family is required):

1. Name: Saeed (Last) A.A.A.L. (First) ghamdi (Middle Initial)
2. Date of Birth: 21 (Day) / 11 (Month) / 1979 (Year) 3. Airline/Flight 015
4. Number of family members traveling with you
5. U.S. Address: Hotel
   City: orlando State: FL
6. I am a U.S. Citizen — YES ☐ NO ☒
   If No, Country: KSA
7. I reside permanently in the U.S. — YES ☐ NO ☒
   If No, Expected Length of Stay: 1 month
8. The purpose of my trip is or was ☐ BUSINESS ☒ PLEASURE
9. I am/we are bringing fruits, plants, meats, food, soil, birds, snails, other live animals, farm products, or I/we have been on a farm or ranch outside the U.S. — YES ☐ NO ☒
10. I am/we are carrying currency or monetary instruments over $10,000 U.S. or foreign equivalent. — YES ☐ NO ☒
11. The total value of all goods I/we purchased or acquired abroad and am/are bringing to the U.S. is (see instructions under Merchandise on reverse side): $ 500 (US Dollars)

MOST MAJOR CREDIT CARDS ACCEPTED.

SIGN ON REVERSE SIDE AFTER YOU READ WARNING.

(Do not write below this line)

U.S. IMMIGRATION
060 ATLANTA AREA
JUN 27 2001

INSPECTOR'S NAME

BADGE NO.

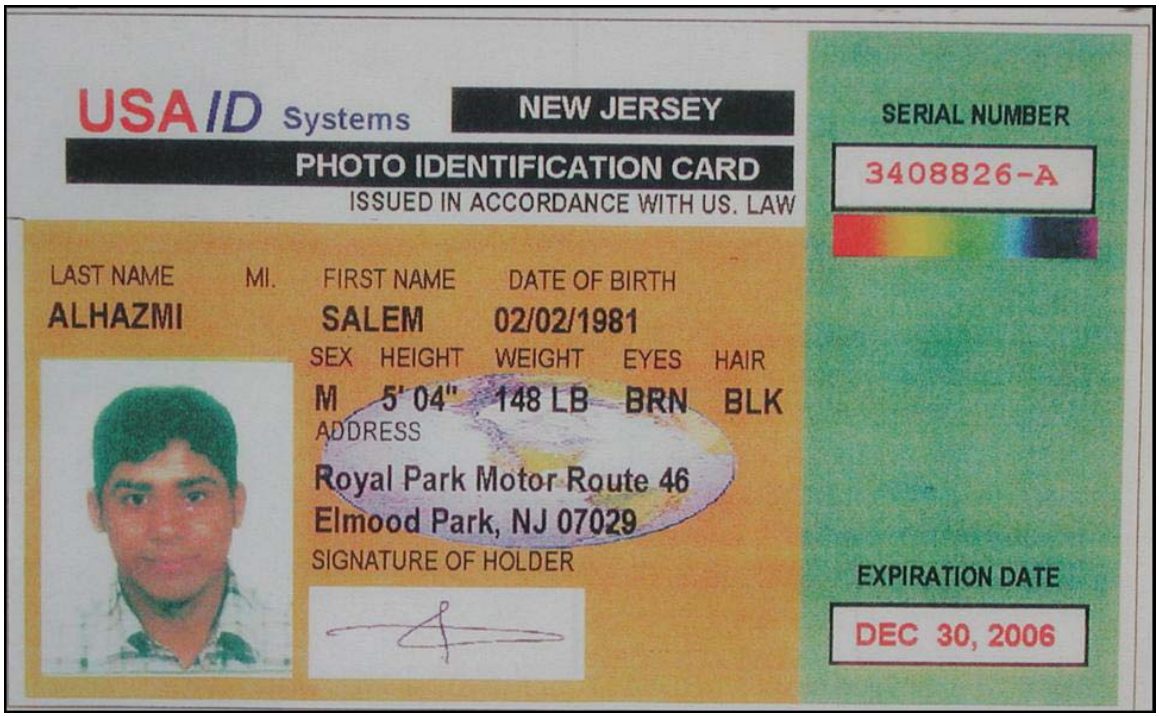
Paperwork Reduction Act Notice: The Paperwork Reduction Act of 1980 says we must tell you why we are collecting this information, how we will use it and whether you have to give it to us. We ask for this information to carry out Customs, Agriculture and Currency laws of the United States. We need it to ensure that travelers are complying with these laws and to allow us to figure and collect the right amount of duties and taxes. Your response is mandatory.

Statement required by 5 CFR 1320.21: The estimated average burden associated with this collection of information is 3 minutes per respondent or recordkeeper depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to U.S. Customs Service, Paperwork Management Branch, Washington, DC 20229, and to the Office of Management and Budget, Paperwork Reduction Project (1515-0041), Washington, DC 20503.

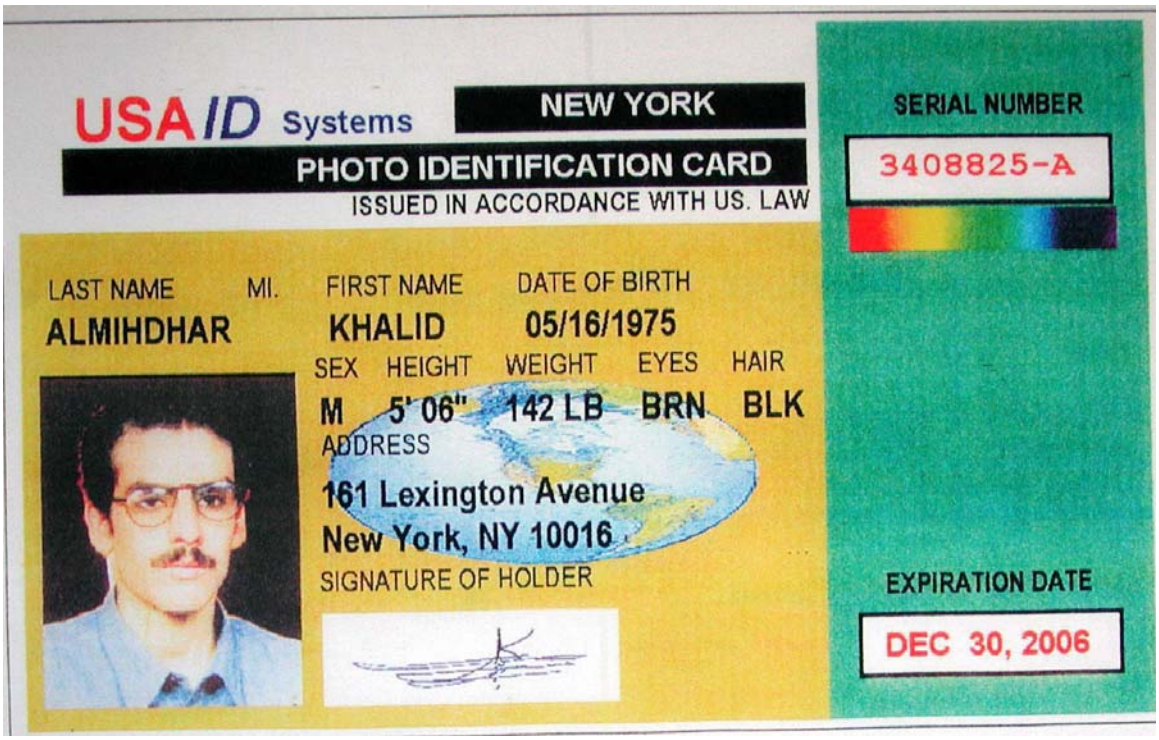
Customs Form 6059B (092089)

REQ #20-1 and 2

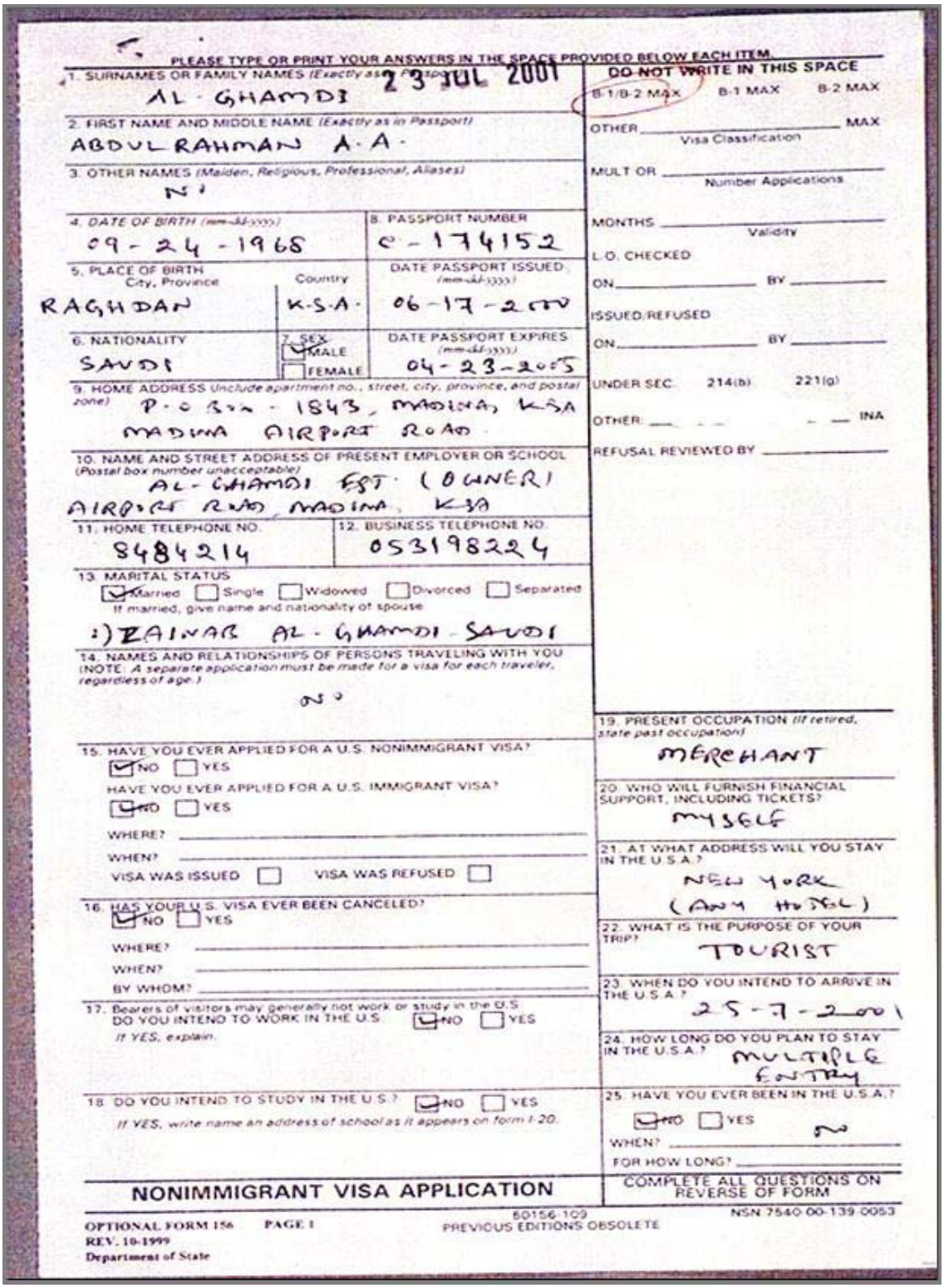
Saeed al Ghamdi's Customs Declaration presented at arrival.



Identification obtained by Salem al Hazmi. In addition, Ahmed al Ghamdi, Nawaf al Hazmi, Majed Moqed, and Abdul Aziz al Omari obtained similar USA identification cards.



Identification obtained by Khalid al Mihdhar. The address listed is for a hotel.



PLEASE TYPE OR PRINT YOUR ANSWERS IN THE SPACE PROVIDED BELOW EACH ITEM.

1. SURNAMES OR FAMILY NAMES (Exactly as in Passport): AL-GHAMDI — 23 JUL 2001

2. FIRST NAME AND MIDDLE NAME (Exactly as in Passport): ABDUL RAHMAN A.A.

3. OTHER NAMES (Maiden, Religious, Professional, Aliases): N?

4. DATE OF BIRTH (mm-dd-yyyy): 09-24-1968

5. PLACE OF BIRTH — City, Province: RAGHDAN — Country: K.S.A.

6. NATIONALITY: SAUDI

7. SEX: [X] MALE [ ] FEMALE

8. PASSPORT NUMBER: C-174152

DATE PASSPORT ISSUED (mm-dd-yyyy): 06-17-2000

DATE PASSPORT EXPIRES (mm-dd-yyyy): 04-23-2005

9. HOME ADDRESS (Include apartment no., street, city, province, and postal zone): P.O Box - 1843, MADINA, KSA
MADINA AIRPORT ROAD

10. NAME AND STREET ADDRESS OF PRESENT EMPLOYER OR SCHOOL (Postal box number unacceptable): AL-GHAMDI EST. (OWNER)
AIRPORT ROAD, MADINA, KSA

11. HOME TELEPHONE NO.: 8484214

12. BUSINESS TELEPHONE NO.: 05319822 4

13. MARITAL STATUS: [X] Married [ ] Single [ ] Widowed [ ] Divorced [ ] Separated
If married, give name and nationality of spouse
:) RAINAB AL-GHAMDI - SAUDI

14. NAMES AND RELATIONSHIPS OF PERSONS TRAVELING WITH YOU (NOTE: A separate application must be made for a visa for each traveler, regardless of age.)
N?

15. HAVE YOU EVER APPLIED FOR A U.S. NONIMMIGRANT VISA? [X] NO [ ] YES
HAVE YOU EVER APPLIED FOR A U.S. IMMIGRANT VISA? [X] NO [ ] YES
WHERE?
WHEN?
VISA WAS ISSUED [ ] VISA WAS REFUSED [ ]

16. HAS YOUR U.S. VISA EVER BEEN CANCELED? [X] NO [ ] YES
WHERE?
WHEN?
BY WHOM?

17. Bearers of visitors may generally not work or study in the U.S.
DO YOU INTEND TO WORK IN THE U.S. [X] NO [ ] YES
If YES, explain.

18. DO YOU INTEND TO STUDY IN THE U.S.? [X] NO [ ] YES
If YES, write name an address of school as it appears on form I-20.

DO NOT WRITE IN THIS SPACE
B-1/B-2 MAX B-1 MAX B-2 MAX
OTHER MAX
Visa Classification
MULT OR
Number Applications
MONTHS
Validity
L.O. CHECKED
ON BY
ISSUED/REFUSED
ON BY
UNDER SEC. 214(b) 221(g)
OTHER INA
REFUSAL REVIEWED BY

19. PRESENT OCCUPATION (If retired, state past occupation): MERCHANT

20. WHO WILL FURNISH FINANCIAL SUPPORT, INCLUDING TICKETS? MYSELF

21. AT WHAT ADDRESS WILL YOU STAY IN THE U.S.A.? NEW YORK (ANY HOTEL)

22. WHAT IS THE PURPOSE OF YOUR TRIP? TOURIST

23. WHEN DO YOU INTEND TO ARRIVE IN THE U.S.A.? 25-7-2001

24. HOW LONG DO YOU PLAN TO STAY IN THE U.S.A.? MULTIPLE ENTRY

25. HAVE YOU EVER BEEN IN THE U.S.A.? [X] NO [ ] YES N?
WHEN?
FOR HOW LONG?

NONIMMIGRANT VISA APPLICATION

COMPLETE ALL QUESTIONS ON REVERSE OF FORM

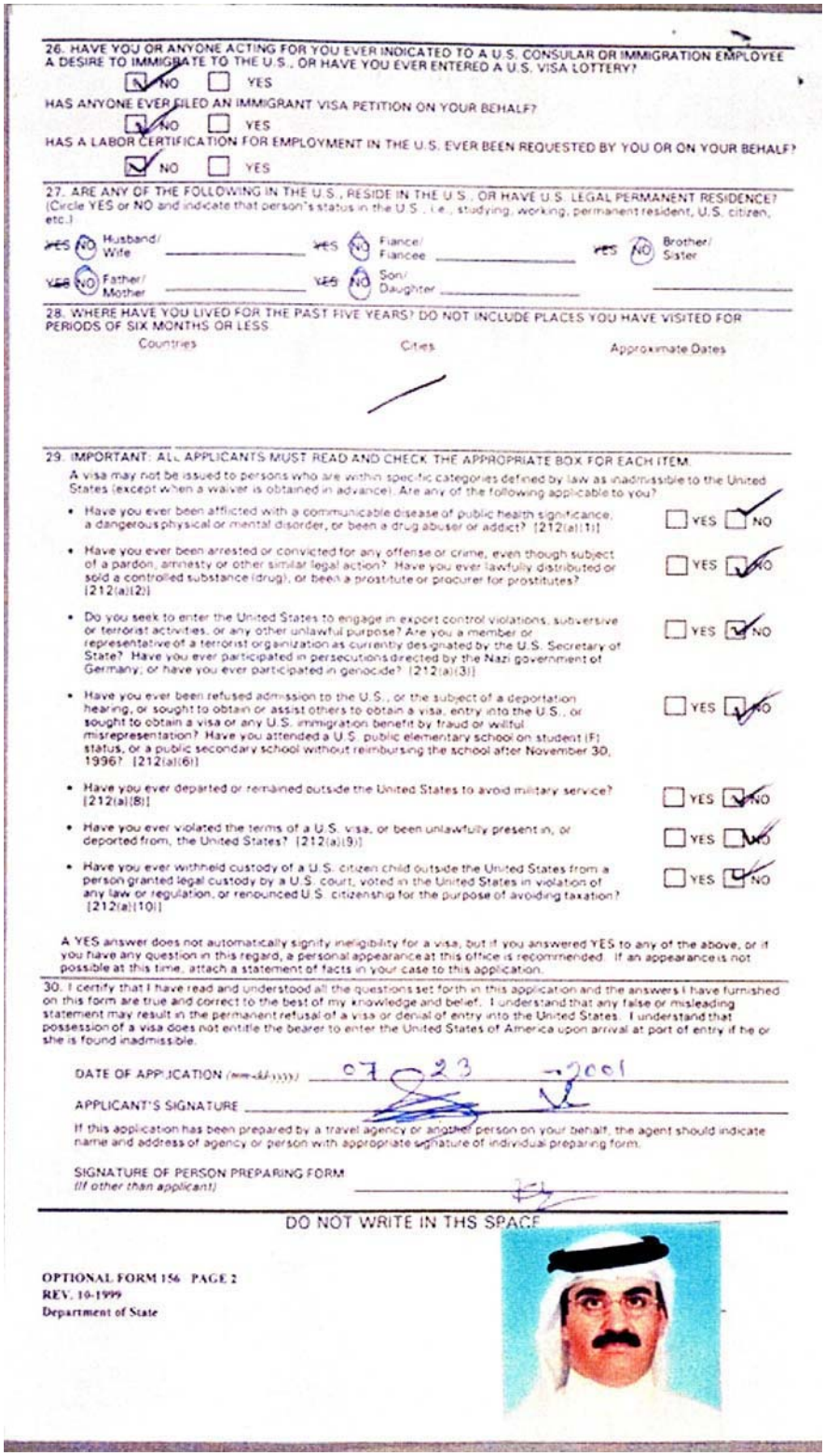
OPTIONAL FORM 156 PAGE 1
REV. 10-1999
Department of State

60156-109
PREVIOUS EDITIONS OBSOLETE

NSN 7540-00-139-0053

Visa application submitted on behalf of Khalid Sheikh Mohammed. Although KSM was on a terrorist watchlist, this application was submitted under an alias name. The

application was approved but there is no evidence that KSM used this visa to enter the United States.



26. HAVE YOU OR ANYONE ACTING FOR YOU EVER INDICATED TO A U.S. CONSULAR OR IMMIGRATION EMPLOYEE A DESIRE TO IMMIGRATE TO THE U.S., OR HAVE YOU EVER ENTERED A U.S. VISA LOTTERY?
☒ NO ☐ YES

HAS ANYONE EVER FILED AN IMMIGRANT VISA PETITION ON YOUR BEHALF?
☒ NO ☐ YES

HAS A LABOR CERTIFICATION FOR EMPLOYMENT IN THE U.S. EVER BEEN REQUESTED BY YOU OR ON YOUR BEHALF?
☒ NO ☐ YES

27. ARE ANY OF THE FOLLOWING IN THE U.S., RESIDE IN THE U.S., OR HAVE U.S. LEGAL PERMANENT RESIDENCE? (Circle YES or NO and indicate that person's status in the U.S., i.e., studying, working, permanent resident, U.S. citizen, etc.)

~~YES~~ (NO) Husband/Wife _____ ~~YES~~ (NO) Fiance/Fiancee _____ ~~YES~~ (NO) Brother/Sister _____

~~YES~~ (NO) Father/Mother _____ ~~YES~~ (NO) Son/Daughter _____ _____

28. WHERE HAVE YOU LIVED FOR THE PAST FIVE YEARS? DO NOT INCLUDE PLACES YOU HAVE VISITED FOR PERIODS OF SIX MONTHS OR LESS.

Countries	Cities	Approximate Dates

29. IMPORTANT: ALL APPLICANTS MUST READ AND CHECK THE APPROPRIATE BOX FOR EACH ITEM.

A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States (except when a waiver is obtained in advance). Are any of the following applicable to you?

- Have you ever been afflicted with a communicable disease of public health significance, a dangerous physical or mental disorder, or been a drug abuser or addict? [212(a)(1)] ☐ YES ☒ NO
- Have you ever been arrested or convicted for any offense or crime, even though subject of a pardon, amnesty or other similar legal action? Have you ever unlawfully distributed or sold a controlled substance (drug); or been a prostitute or procurer for prostitutes? [212(a)(2)] ☐ YES ☒ NO
- Do you seek to enter the United States to engage in export control violations, subversive or terrorist activities, or any other unlawful purpose? Are you a member or representative of a terrorist organization as currently designated by the U.S. Secretary of State? Have you ever participated in persecutions directed by the Nazi government of Germany; or have you ever participated in genocide? [212(a)(3)] ☐ YES ☒ NO
- Have you ever been refused admission to the U.S., or the subject of a deportation hearing, or sought to obtain or assist others to obtain a visa, entry into the U.S., or sought to obtain a visa or any U.S. immigration benefit by fraud or willful misrepresentation? Have you attended a U.S. public elementary school on student (F) status, or a public secondary school without reimbursing the school after November 30, 1996? [212(a)(6)] ☐ YES ☒ NO
- Have you ever departed or remained outside the United States to avoid military service? [212(a)(8)] ☐ YES ☒ NO
- Have you ever violated the terms of a U.S. visa, or been unlawfully present in, or deported from, the United States? [212(a)(9)] ☐ YES ☒ NO
- Have you ever withheld custody of a U.S. citizen child outside the United States from a person granted legal custody by a U.S. court, voted in the United States in violation of any law or regulation, or renounced U.S. citizenship for the purpose of avoiding taxation? [212(a)(10)] ☐ YES ☒ NO

A YES answer does not automatically signify ineligibility for a visa, but if you answered YES to any of the above, or if you have any question in this regard, a personal appearance at this office is recommended. If an appearance is not possible at this time, attach a statement of facts in your case to this application.

30. I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry into the United States. I understand that possession of a visa does not entitle the bearer to enter the United States of America upon arrival at port of entry if he or she is found inadmissible.

DATE OF APPLICATION (mm-dd-yyyy) 07 23 2001

APPLICANT'S SIGNATURE _____

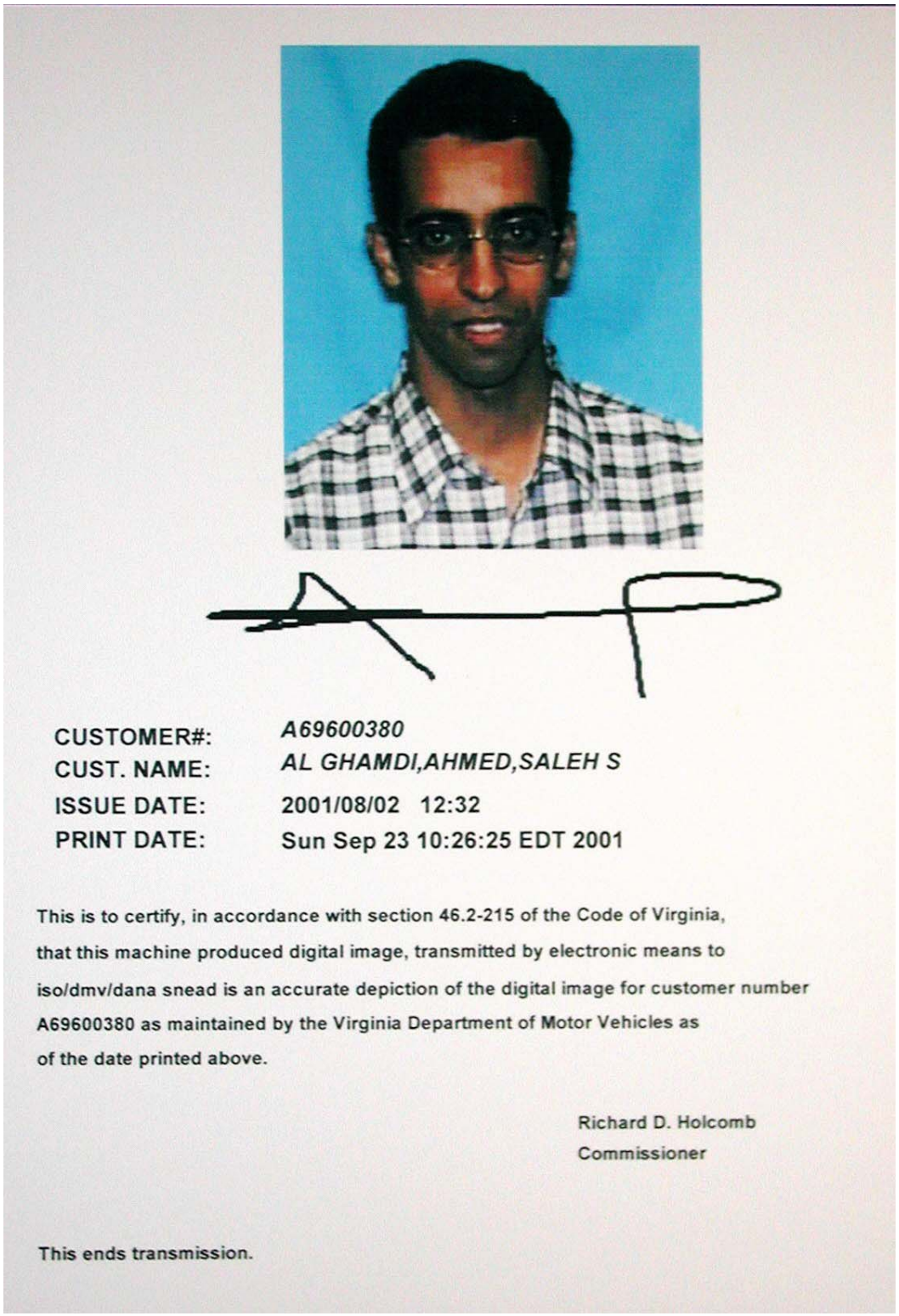
If this application has been prepared by a travel agency or another person on your behalf, the agent should indicate name and address of agency or person with appropriate signature of individual preparing form.

SIGNATURE OF PERSON PREPARING FORM (If other than applicant) _____

DO NOT WRITE IN THS SPACE

OPTIONAL FORM 156 PAGE 2
REV. 10-1999
Department of State

Page 2 of KSM's visa application. He is pictured at the lower right.



CUSTOMER#: *A69600380*
CUST. NAME: *AL GHAMDI,AHMED,SALEH S*
ISSUE DATE: 2001/08/02 12:32
PRINT DATE: Sun Sep 23 10:26:25 EDT 2001

This is to certify, in accordance with section 46.2-215 of the Code of Virginia, that this machine produced digital image, transmitted by electronic means to iso/dmv/dana snead is an accurate depiction of the digital image for customer number A69600380 as maintained by the Virginia Department of Motor Vehicles as of the date printed above.

Richard D. Holcomb
Commissioner

This ends transmission.

Ahmed al Ghamdi's photo as it appeared on his state of Virginia identification card. Ziad Jarrah, Abdul Aziz al Omari and Salem al Hazmi also obtained Virginia state identification cards. The hijackers used false affidavits to obtain their identification.

A

At 9:45 A.M. on September 11, 2001, the Federal Aviation Administration (FAA) Air Traffic Control System Command Center (ATCSCC) issued verbal direction for all airborne aircraft to land at the nearest destination or as soon as practical.[1] A notice to all airmen (NOTAM) was issued at 10:39 closing all operations at all airports; at 11:06, ATCSCC suspended operations in the national airspace.[2]

While the national airspace was closed, decisions to allow aircraft to fly were made collaboratively with the departments of Defense and State, the U.S. Secret Service, the FBI, and the FAA.[3] The Department of Transportation reopened the national airspace to commercial flights effective 11 A.M. on September 13, 2001, provided the airport had implemented the new security measures dictated by the FAA Civil Aviation Security Office.[4] The reopening for commercial flights included hired charter flights, but so-called general aviation flights by individuals flying for pleasure continued to be restricted at some airports.[5]

A number of flights with Saudi nationals departed the United States for domestic and international destinations after airspace was reopened. Our investigation revealed 11 such flights between September 13 and September 24, 2001.

We have determined that the airports involved in these 11 Saudi flights were open when the flights departed.[6] We have found no credible evidence that any of these flights of Saudi nationals flew within the United States or departed from the United States before the reopening of the national airspace.

Although the airspace and airports were open when these flights left, we have investigated the process by which these individuals were able to leave the United States. It began with a phone call around September 13, 2001. Fearing reprisals against Saudi nationals, Rihab Massoud, deputy chief of mission of the Kingdom of Saudi Arabia in Washington, D.C., called Dale Watson, the FBI's assistant director for counterterrorism, shortly after the attack and asked for help in getting some of the Kingdom's citizens out of the country.[7]

At about the same time, Michael Rolince, the FBI section chief of the International Terrorism Operations Section (ITOS), learned about a proposed flight of Saudi nationals intending to depart the country from Newark, New Jersey.[8] Rolince told FBI officials in the field that the Saudis should not be allowed to leave until the names on their passports had been matched to their faces, and their names had been run through various databases—including some watchlists—to see whether the FBI had derogatory information on them.[9] The next morning, Watson and Rolince briefed FBI Director Robert Mueller about the issue.[10]

The Saudi government was advised of the requirements the FBI wanted met before the flights could leave: identification and name check. The Saudi government agreed to this

policy, and in most cases provided a flight manifest to the FBI in advance of the flight's proposed departure.[11] In the FBI Special Intelligence and Operations Center (SIOC), Rolince took on responding to matters related to the Saudi flights as part of his duties.[12] Other U.S. government agencies played a role as well—often by video teleconference. The FAA had a representative assigned to the FBI SIOC who worked to ensure that the FBI was aware of flights of Saudi nationals and was able to screen the passengers before they were allowed to depart.[13] The State Department was involved in flights involving Saudi royalty and diplomats because in some circumstances diplomatic flights are accorded special privileges.[14]

At the White House, Counterterrorism Security Coordinator Richard Clarke participated through the Counterterrorism Security Group (CSG) process.[15] Clarke told the Commission that he approved the release of these flights subject to the FBI's approval.

> So, I was told that the Saudi embassy wanted to get people out of the country who were royal family members, and who were Bin Ladin family members. I asked the FBI, Dale Watson, who was the senior number two, I think person at the FBI at the time, to handle that, to check to see if that was all right with them, to see if they wanted access to any of these people, and to get back to me. And if they had no objections, it would be fine with me. . . .
>
> Now your next question is going to be, who in the White House did I clear it with, or did I clear it with anybody in the White House. And I have no recollection of clearing it with anybody in the White House. I may have. But it's more than likely, when the FBI said it was all right with them, I told whoever had asked me that it was all right with me. And again, I don't, I have no idea who asked me.
>
> Contextually here, this is coming at a time when we were being hit with information and requests for decisions on matters that normally we would take weeks to decide, and we're deciding them in about two minutes. And this was one in a flow of hundreds, if not thousands, of decisions that we made during the course of those first 72 hours. . . .
>
> This is the kind of thing that I have done many, many times on the other side of the request. It is very frequently the case that when there is an emergency situation in another country, we approach that country and ask for extraordinary help in evacuating our people. And I've done that a lot. And so I had sympathy with their request.[16]

Clarke appears to be the highest-ranking official in the White House involved with the decision to approve the departure of the Saudi flights. There is no evidence of involvement by senior political officials.

President Bush and Vice President Cheney told the Commission that they did not speak with Saudi government officials about the flights before their departure. The President told the Commission that the first he knew about the issue was when he read about it in the newspaper. Although White House Chief of Staff Andrew Card remembered someone telling him about the Saudi request shortly after 9/11, he said he had not talked to the Saudis and did not ask anyone to do anything about it.[17]

Thus, decisions about these flights—including how much screening of the passengers should be done and whether they should be allowed to depart—appear to have been delegated from more senior officials at the FBI and by Richard Clarke at the White House to midlevel officials of the FBI, FAA, and State Department participating in the interagency decisionmaking process centered in the FBI SIOC.[18]

We pause to caution against overemphasizing the issue of authorizing the flights' departure, because such a focus reveals ignorance of two key facts: first, prior to 9/11, there was virtually no screening of individuals seeking to leave the United States;[19] and second, under U.S. law, the legal authority to prevent the departure of someone wishing to leave the United States is unusual and, we believe, seldom utilized. The first point is important because it answers people who have assumed, incorrectly, that some kind of authorization was required before the Saudi flights, or any others, could depart the United States in the wake of 9/11. The second underscores that assumptions about the FBI's ability to detain all Saudis on these flights are misplaced as well. Unless the FBI developed facts justifying a detention, such as reason to believe the individual was in violation of their immigration status,[20] had committed a crime, or was a material witness to a crime, it is not clear that actions to prevent any individual's departure would have had a lawful basis.[21]

The more important question is, Did any terrorists escape from the U.S. on one of these flights? Our research to date leads us to believe the answer is no. Screening for flights, including the "Bin Ladin" flight carrying members of Usama Bin Ladin's extended family, was done by FBI officials in the field according to a policy set by FBI headquarters personnel and in a process coordinated among agencies. The purpose of this screening was to ensure that the people on these flights did not pose a threat to national security and that no one of interest to the FBI in connection with the 9/11 investigation was allowed to leave the country. We believe that the FBI interviewed all persons of interest on these flights prior to their departures. The FBI has concluded that none of the passengers was connected specifically to the 9/11 attacks or to terrorism generally.

Because it was not clear to the Commission whether all departing passengers' names were checked against the definitive source for terrorist identity information—the TIPOFF terrorist watchlist—at our request, prior to our hearing in April 2004, the Terrorist Screening Center (TSC) checked the names of individuals on the flight manifests of these

six Saudi flights against the current TIPOFF watchlist. There were no matches.[22] Also at our request, drawing on additional information—including information collected by journalists researching this issue—the TSC in June and July 2004 rechecked the names of individuals believed to be on these six flights and on four more flights identified by 9/11 Commission staff since our April hearing as having one or more Saudi nationals as passengers.[23] Again, there were no matches. Finally, we asked the TSC to check the names of 160 Saudi nationals listed on a Web site as having left the United States between September 11 and September 15, 2001.[24] There were no matches.

It is our view that the FBI handled the screening of these flights in a professional manner consistent with the other pressing duties they faced after September 11, particularly the need to prevent the future terrorist attacks that many then feared were imminent.

The Flights

In April 2004, we reported that after U.S. airspace reopened, six chartered flights with 142 people, mostly Saudi nationals, departed from the United States between September 14 and 24. Since our initial report, we have found evidence of four more flights between September 14 and 23 containing two or more Saudi nationals. We also researched one flight that flew within the United States on September 13, 2001, a topic we were in the process of researching in April. Finally, we looked into departures of Saudi nationals on commercial flights after 9/11 that journalists had described as suspicious. We have identified the following flights:

1. *The Phantom flight*. A Hop-A-Jet flight with three Saudis, including a Saudi prince, that flew from Tampa, Florida, to Lexington, Kentucky, on September 13, 2001.
2. *The Providence flight*. A Northstar Aviation flight with four Saudis, including a Saudi sheikh, that departed from Providence, Rhode Island, for Paris, France, on September 14, 2001;
3. *The Newark flight*. A Saudi Arabian Airlines flight with 116 individuals, including the Saudi deputy defense minister, that departed from Newark Airport on September 14, 2001.
4. *The Lexington flight*. A Jetlease chartered luxury Boeing 727 with 14 people, including a Saudi prince, that departed from Lexington, Kentucky, for an unknown city in England during the evening hours on September 16, 2001.
5. *The Universal Weather flight*. A Universal Weather &Av iation, Inc., flight with four Saudi nationals that departed from Boston's Logan Airport for Gander, Newfoundland, at 12:30 P.M. on September 18, 2001
6. *The First Las Vegas flight*" Flight DC-8-73, a chartered Republic of Gabon airplane with 46 people, including several members of the Saudi royal family, that departed from Las Vegas, Nevada, for Geneva, Switzerland, on September 19, 2001.
7. *The "Bin Ladin" flight*. Ryan International Flight 441, a Boeing 727 with 26 passengers, most of them relatives of Saudi fugitive Usama Bin Ladin, that departed the United States from Boston, Massachusetts, for Goose Bay,

Newfoundland, at 2:05 A.M. on September 20, 2001 (after making stops in Los Angeles, Orlando, Washington Dulles, and Boston).

8. *The Second Las Vegas flight.* Chartered Flight B 727-21, with 18 people, members of a single Saudi royal party, that departed from Las Vegas, Nevada, for Stanstead, England, on September 20, 2001.[25]
9. *The VIP flight.* A flight from New York's JFK Airport with four members of the Saudi royal family that departed from New York for Paris, France, on September 22, 2001.
10. *The Hanscom flight.* A Gulfstream 3, jet tail number N706JA, with two Saudi nationals that departed from Hanscom Airfield in Bedford, Massachusetts, on September 23, 2001.[26]
11. *The Third Las Vegas flight*. American Trans Air Flight L-1011, with 34 members of the party of Saudi Prince Turki, that departed from Las Vegas, Nevada, for Paris, France on September 24, 2001.

We address each flight in the order they flew, and then turn to the departures of Saudis on commercial flights.

The "Phantom Flight."[27] Much has been made of the Tampa flight, nicknamed the "Phantom flight" because of claims in media accounts, attributed to government officials at the FAA and FBI, that the flight had not in fact taken place. Our conclusion is that the flight definitely took place, and that there was nothing improper or unusual about it.

On September 13, 2001, Tampa police officers were providing security to three young Saudi nationals at an apartment in Tampa, Florida.[28] One of the three was Prince Sultan Fahad bin Salman bin Abdulaziz, whose father, Prince Ahmed bin Salman bin Abdulaziz, was in Lexington, Kentucky, attending a horse auction. The Tampa Police Department was in contact with the Lexington Police Department about this security because the elder Prince Salman was concerned about his son's safety and had contacted the Lexington police.[29] At approximately 11 A.M., the Tampa police were told by the Saudis they were protecting that a plane had become available to fly them to Lexington.[30] Tampa police were asked to provide two officers who could act as security guards for the three by accompanying them on the plane scheduled to leave the afternoon of September 13, 2001.[31] The Tampa police chief declined to let his officers fly on the plane.[32]

The Tampa sergeant handling the security arrangements then contacted Dan Grossi, a recently retired Tampa police detective and private investigator, and asked if he was interested in providing security services by flying to Lexington with the Saudis.[33] Grossi agreed, and called another private investigator—Manuel Perez, a retired FBI agent—to accompany him on the flight.[34] Tampa police officers drove the three Saudi nationals to the Tampa International Airport in unmarked police vehicles.[35] The Tampa officers, accompanied by the three Saudi nationals, met Dan Grossi in the lobby of Raytheon Aircraft Services, a separate terminal at the Tampa airport.[36] A Tampa police officer described seeing a plane that looked like a "cream-colored Learjet" on the tarmac outside the Raytheon facility.[37] The Tampa officers waited with Grossi and the three young Saudis until Manuel Perez arrived, and then they left.[38]

Grossi, Perez, the three Saudi nationals, and the two pilots then boarded the chartered plane, a Learjet model LJ35.[39] The pilot of the Learjet was Christopher Steele, an employee of the plane's owner, Hop-A-Jet, Inc.[40] The plane's unique identification number, based on the name of the company, was "HPJ32."[41] For Steele, there was "nothing unusual whatsoever" about the flight other than that there were few planes flying that day.[42] Barry Ellis, Hop-A-Jet's president and director of operations agreed, saying that "it was just a routine little trip for us" and that he would have heard if there had been anything unusual about it.[43] Steele said he followed standard procedures and filed his flight plan with the FAA prior to the flight, noting, "I was never questioned about it."[44]

FAA records show Steele filed his flight plan at 3:30 P.M. on September 13, 2001, indicating the plane was flying from Tampa to Lexington, and then back to Tampa.[45] According to FAA records, the plane took off from Tampa bound for Lexington at 4:38 P.M. on September 13, 2001.[46] Witnesses, including security guards Grossi and Perez, recall the flight leaving at around 4:30.[47] Tampa airport's aircraft flight tracking system, which captures the jet noise made by arriving and departing aircraft, recorded the plane's departure at 4:37.[48] At the time this charter flight took off, both the national airspace and Tampa Airport were open.[49] In fact, Tampa records show that 10 aircraft arrived at Tampa and 12 departed before Steele's plane left.[50] The FAA has stated they have "no record" of any special authorization for this flight.[51]

At approximately 6 P.M., the plane landed at Lexington Blue Grass Airport and taxied to the Truman Arnold Corporation or TAC Air facility, separate from the main airport terminal.[52] Lexington Blue Grass Airport had been open since 12:50 P.M. that day.[53] The three Saudi nationals disembarked from the plane and were met by Captain Mark Barnard of the Lexington, Kentucky, Police Department, the same person who had been in contact with Tampa police officers earlier in the day.[54] Grossi and Perez were paid for their work by the Saudis, and were given money with which to pay the off-duty Tampa police officers.[55] Barnard escorted the three Saudi nationals to a hotel where the prince joined his father.[56] The plane refueled at the TAC Air facility and, according to FAA records, departed Lexington for Tampa at 6:43 P.M.[57] On board were the two pilots, Dan Grossi, and Manuel Perez.[58] The three Saudis on the Tampa–Lexington flight stayed in Lexington until September 16, 2001, when they departed the United States on a flight described below.

Thus, there does not appear to be anything unusual about the so-called Phantom Flight other than that it was one of the earlier charter flights flown after airspace reopened.[59]

The Providence Flight. On September 14, 2001, a Northstar Aviation flight to Paris, France, departed from Providence, Rhode Island.

- There were four Saudi nationals on board.
- According to the FBI, all four passengers "were interviewed and their identity confirmed."

- The FBI made copies of the passengers' passports.[60]
- According to the FBI, the FBI and INS checked the four individual's names against FBI and INS databases "with negative results."
- The FBI also reported that the U.S. Customs Service and Rhode Island State Police searched their luggage "with negative results."[61]
- It is not clear whether these individuals were checked against the State Department's TIPOFF terrorist watch list prior to their departure, but a check of their names in April 2004 produced no matches.
- According to the Transportation Security Administration, Providence Airport was open when this flight departed.[62]

The Newark Flight. A Saudi Arabian Airlines flight with 116 individuals, including the Saudi deputy defense minister, Prince Abdul Rahman bin Abdul Aziz, departed from Newark International Airport on September 14, 2001, at approximately 9:25 P.M. We do not know its immediate destination.[63]

- FBI agents received a flight manifest for this flight containing the names, dates of birth, and country of citizenship or residency of all passengers in advance of its departure.
- FBI records indicate that these individuals were checked against four databases: IIIA (containing FBI analysts' reports), TECS (the U.S. Customs Service watchlist system), ACS (the FBI's Automated Case System), and Rapid Start (containing FBI leads, including those related to the 9/11 investigation, known as PENTTBOM).[64]
- Based on these checks, at least one of the crew members was interviewed extensively. His answers apparently satisfied the FBI and he was allowed to depart.[65]
- At our request, the Terrorist Screening Center in July 2004 checked the names of the passengers on this flight against the TIPOFF watchlist; there were no matches.
- At the time this flight departed, Newark Airport was open.[66]

The Lexington, Kentucky, Flight. On September 16, 2001, a chartered luxury Boeing 727 departed from Lexington, Kentucky, for England.

- There were 14 individuals on board, the majority of whom were Saudi nationals, including Saudi Prince Ahmed Bin Salman Bin Abdulaziz and his son Prince Sultan Bin Fahad Bin Salman Abdulaziz; the latter had flown to Lexington from Tampa, Florida, on September 13, 2001.[67]
- The FBI copied the passports of all 14 passengers prior to their departure and made sure that those who boarded the plane were the same individuals whose passports they had collected.[68]
- The FBI and U.S. Customs Service inspected the plane before it departed.
- Although they did speak with one passenger prior to the plane's departure, and records show the passengers were checked against the Security Directive List (an FBI watchlist created shortly after 9/11), there is no evidence that the FBI

interviewed these 14 individuals or checked their names against other terrorist watchlists prior to their departure.[69]

- Lexington Blue Grass Airport was open at the time this flight took off.[70]
- One individual on this flight—Ahmad A. M. al Hazmi—has the same last name as hijackers Nawaf and Salem al Hazmi. However, the FBI determined that he was not on any watchlists associated with the 9/11 attacks.[71]
- The Terrorist Screening Center checked the names of the passengers on this flight in April 2004 with no matches.
- We found no evidence to support the allegation that Prince Ahmed Bin Salman, a passenger on the flight, had ties to al Qaeda operative Abu Zubaydah and may have had advanced knowledge of the 9/11 attacks. This claim was allegedly made by Zubaydah after his capture when he was interrogated by the CIA.[72] We have seen no evidence of any such statement, and the CIA has stated they have "no intelligence reporting to support" this assertion.[73]

The Universal Weather Flight. A Universal Weather & Aviation, Inc., flight with four Saudi nationals departed from Boston's Logan International Airport at 12:30 P.M. on September 18, 2001.

- We learned of this flight while reviewing FBI documents in preparation for our April 13, 2004, hearing.
- We were not able to determine the destination of this flight from the documents we reviewed.
- FBI records of this flight included a flight manifest with the names and other biographical information of four Saudi nationals.
- Because we were not able to determine whether the names of these four individuals had been checked against TIPOFF, at our request in April the Terrorist Screening Center checked these four individuals against TIPOFF with negative results.
- Boston's Logan Airport was open when this flight departed.[74]

The Las Vegas Flights. The FBI reports that it "conducted extensive investigation prior to the departure" of the three Las Vegas flights based on a lead it received about the presence of Saudis in Las Vegas on September 11, 2001.[75] Two of these flights, one September 19, 2001 and one on September 20, 2001, contained members of the entourage of Saudi Prince Abdulmajeed Bin Abdulaziz.[76]

- *Republic of Gabon–Flagged DC-8-73*

On September 19, 2001, Flight DC-8-73, tail number TR-LTZ, a chartered Republic of Gabon airplane, departed Las Vegas, Nevada, for Geneva, Switzerland. This flight contained members of the party of Prince Abdulmajeed bin Abdulaziz.[77]

- There were 69 people aboard this flight, 46 of whom were Saudi nationals, according to the FBI.[78]

- Before the flight took off, the FBI acquired the name, date or year of birth, passport numbers, and copies of passports for all 69 people scheduled to board.
- The FBI checked their names against "the current FBI Watch List and ran for IIIA reports. No Watch List matches were discovered."[79]
- FBI records state that agents interviewed three of the passengers based on nonderogatory information in its IIIA database, but found nothing suspicious.[80]
- The FBI also reported that "Additional interviews were conducted by INS and USCS [the U.S. Customs Service]."[81]
- Before the flight was allowed to leave, the plane was searched and FBI agents and agents of the U.S. Customs Service matched all passengers to the flight manifest and to photocopies of their passports.[82]
- Although FBI records indicate that Customs personnel assisted in the investigation of this flight, it is not clear from FBI records whether the names of passengers on this flight were checked against the Customs-TECS database, which included the TIPOFF terrorist database, prior to its departure.
- The Terrorist Screening Center ran the names of all passengers on this flight against TIPOFF in April 2004; there were no matches.
- Las Vegas Airport was open when this flight departed.[83]

o Chartered Flight B 727-21, Tail Number N727PX

On September 20, 2001, 18 members of the party of Saudi Prince Abdulmajeed Bin Abdulaziz departed from Las Vegas, Nevada, for Stanstead, England.[84] They underwent the same vetting process as the 69 people on the flight the day before.

- The FBI checked the 18 names against "the current FBI Watch List and ran for IIIA reports. No Watch List matches were discovered."[85]
- FBI records state that agents interviewed one passenger based on nonderogatory information in its IIIA database, but found nothing suspicious.[86]
- Before the flight was allowed to leave, the plane was searched and FBI agents and agents of the U.S. Customs Service matched all passengers to the flight manifest and to photocopies of their passports.[87]
- Although FBI records indicate that Customs personnel assisted in the investigation of this flight, it is not clear from FBI records whether the names of passengers on this flight were run against the Customs-TECS database, which included the TIPOFF terrorist database, prior to its departure.
- At our request, the Terrorist Screening Center ran the names of all passengers on this flight against TIPOFF in April 2004; there were no matches.
- Las Vegas Airport was open when this flight departed.[88]

Ryan International Flight 441 (the "Bin Ladin Family Flight"). On September 20, 2001, at 2:05 A.M., Ryan International Flight 441, a Boeing 727 contracted by the Saudi embassy, departed the United States from Boston, Massachusetts, for Newfoundland.

- The screening of this flight was directed by an FBI agent in the Baltimore Field Office who was also a pilot.[89] This agent, coordinating with FBI headquarters,

sent an electronic communication to each of the field offices within whose jurisdiction the Bin Ladin flight was scheduled to land; it including the proposed flight manifest and directions regarding what screening should occur.[90] The communication directed agents in those offices to verify the identities of the passengers and ensure "that the flight did not pose a threat to US security."[91] The Baltimore agent monitored the flight as it moved around the country—from St. Louis to Los Angeles to Orlando to Washington Dulles and to Boston Logan—correcting for any changes in itinerary to make sure there was no lapse in FBI screening.[92]

- The flight manifest indicates that when the flight departed the United States, there were 26 individuals on board other than the flight crew: 23 passengers and 3 security guards.[93]
- Most of the 23 passengers were Saudi nationals. Most of the Saudis were relatives of Usama Bin Ladin, and 12 had the last name Bin Ladin.[94]
- The FBI interviewed 19 of the 23 passengers on Flight 441, some of them more than once.[95] The interviews took place in a number of locations, including the passengers' homes, in automobiles, and at the airport; some were done over the telephone. FBI agents also spoke with the flight crew of Flight 441 and the three security guards who accompanied the passengers prior to the flight's departure.
- Records of the interviews the FBI conducted of Bin Laden Flight passengers—which amount to 39 single-spaced typed pages—indicate that the FBI interviewed many of these individuals at some length.[96] They were questioned, for example, about their personal biographical information; where they lived; which of their relatives lived in the United States and where; what relationship, if any, they had with Usama Bin Ladin; when, if ever, they had seen Usama Bin Ladin; their knowledge of terrorist groups or activity; whether they had ever traveled to Afghanistan or Pakistan; whether they knew any of the 9/11 hijackers; and whether they had any information about the attacks. Many family members told the FBI that they had lived or traveled in the West for years. Some of the Bin Ladins declared that they were U.S. citizens. None of the passengers claimed to have had any recent contact with Usama Bin Ladin or any knowledge about terrorist activity.
- Two of the passengers on the Bin Ladin flight had been the subjects of preliminary investigations by the FBI; both their cases had been closed, in 1999 and March 2001, respectively, because the FBI had uncovered no derogatory information on either person linking him to terrorist activity. Their cases remained closed as of September 11, 2001; they were not reopened before they departed the country on this flight and have not been reopened since.[97]
- The flight originated in St. Louis on September 18, 2001. It acquired its passengers as follows: in Los Angeles, one passenger embarked, and the flight departed on September 19, 2001; in Orlando, Florida, three passengers embarked, and the flight departed September 19, 2001; in Washington, D.C., five passengers embarked, and the flight departed September 19, 2001; in Boston, fourteen passengers embarked and the flight departed at 2:05 A.M. on September 20, 2001.[98]

- FBI agents verified the names of passengers on Flight 441 in Los Angeles, Orlando, and Boston.[99]
- FBI agents searched the airplane and luggage in Los Angeles and Orlando. The FBI searched the plane prior to its departure in Boston.[100]
- "At each airport, passengers were processed through immigration and customs as well as security checks."[101]
- In Boston, the FBI photographed all 14 individuals boarding the aircraft.
- "Record checks were conducted" of the passengers.
- One claim that has been made is that the FBI helped shuttle Bin Ladin family members to this flight. We found that in two cases, when the FBI called members of the Bin Ladin family in connection with their plans to depart the country, the Bin Ladins asked the FBI agents to accompany them to the airport because they were afraid for their and their family's safety.[102] In one instance, the FBI agent agreed that there was the potential for danger to someone with the last name "Bin Ladin."[103] That agent, in Florida, provided an escort to the airport for three Bin Ladin family members because of their fears and took the opportunity to interview one of the family members during the drive.[104] In a second case, Usama Bin Ladin's sister, who lived in Los Angeles, requested an escort on September 19, 2001 to the airport in Los Angeles because she was concerned about her safety. An FBI agent agreed to and did accompany her to the airport.[105]
- The four Ryan Air flight 441 passengers who were not interviewed were Maria Bayma, apparently the sister-in-law of Khalil Bin Laden, Usama Bin Ladin's brother; Sultan Bin Ladin, the "17- to 18"-year-old son of Khalil Bin Ladin; a female Saudi national who embarked in Boston; and an Indonesian maid who worked for one of the Saudi passengers.[106] There is strong evidence that the first three individuals, although they were not interviewed separately, "were present during interviews" of others.[107]
- The FBI has stated, on the basis of their investigation of the individuals on the Ryan Air Flight, that there were "no siblings of UBL's with ties to Militant Islamic Fundamentalists aboard the flight."[108]
- The FBI maintains that "no persons received FBI approval to depart the US without being determined to be of no investigative interest to the PENTTBOM investigation."[109]
- At our request, in April 2004 the Terrorist Screening Center ran the names of all the passengers on the Bin Ladin flight against the TIPOFF list; there were no matches.
- Each of the airports through which the Bin Ladin flight passed was open and no special restrictions applied that were lifted to accommodate its passage.

The VIP Flight. A flight from New York's JFK Airport with 12 people, including four members of the Saudi royal family, apparently departed for Paris on September 22, 2001.

- From a story that surfaced in the media, we learned of a flight that apparently departed from New York's JFK Airport on September 22, 2001.[110]
- We obtained a copy of the alleged flight manifest from an Internet Web site.[111]
- Although we found evidence of a VIP flight that involved FBI screening, we have not been able to determine definitively whether this is the flight involved.[112]

- Because it was not clear to us whether the individuals on this flight had been checked against terrorist watchlists, we asked the Terrorist Screening Center in June 2004 to run the names of all passengers against the TIPOFF terrorist watchlist; there were no matches.
- New York's JFK Airport was open when this flight departed.[113]

The Hanscom Flight. A Gulfstream 3, jet tail number N706JA, with two Saudi nationals departed from Hanscom Airfield in Bedford, Massachusetts, on September 23, 2001.

- We learned of this flight while reviewing FBI documents in preparation for our April 13, 2004, hearing.
- FBI records of this flight included a flight manifest with the names of two Saudi nationals and other biographical information.
- Because we were not able to determine whether the names of these two individuals had been checked against TIPOFF, at our request in June 2004 the Terrorist Screening Center checked these two individuals against TIPOFF; there were no matches.
- Hanscom Airfield was open when this flight departed.[114]

American Trans Air Flight ATA L-1011. On September 24, 2001, 34 members of the party of Saudi Prince Turki departed on Flight American Trans Air (ATA) L-1011 from Las Vegas, Nevada, to Paris, France.[115]

- These 34 individuals underwent the same vetting process as the Saudis on flights that had left Las Vegas earlier. The FBI checked the 34 names against "the current FBI Watch List and ran for potential IIIA reports. Both checks met with negative results."[116]
- There were 19 Saudi citizens on board.[117]
- The plane was searched before the flight was allowed to leave.
- FBI agents and agents of the U.S. Customs Service matched all passengers to the flight manifest and to photocopies of their passports.[118]
- From our review of FBI records, it appears that none of the 34 people on this flight was interviewed.
- FBI records indicate that U.S. Customs Service personnel assisted in the investigation of this flight; however, it is not clear from FBI records whether the names of passengers on this flight were run against the Customs-TECS database, which included the TIPOFF terrorist database, prior to its departure.
- The Terrorist Screening Center ran the names of all passengers on this flight against TIPOFF in April 2004; there were no matches.
- Las Vegas Airport was open when this flight departed.[119]

Commercial flights of Saudi Nationals out of the United States. In February 2004, the advocacy group Judicial Watch obtained through a Freedom of Information Act Request documents showing that 160 Saudi nationals departed the United States on 55 flights on September 11, 2001, and from September 13 to September 15, 2001.[120] These documents, released by the Department of Homeland Security, Bureau of Customs and Border

Protection, do not include the names of the individuals. They do include each person's country of citizenship, class of admission, date of departure, port of departure, and flight number. The records indicate that these 160 individuals departed from Atlanta, Washington Dulles, JFK Airport, Boston, Houston, Chicago, and many other airports.

The FBI subsequently obtained from DHS the complete biographical information—including name and passport number—of the individuals dealt with in this FOIA request.[121] At our request, in June 2004 the Terrorist Screening Center checked the names of these individuals against the TIPOFF terrorist watchlist. There were no matches.[122]

The fact that 160 Saudi nationals departed our country on commercial flights on September 11, 2001 and after airspace reopened on September 13, 2001, is not particularly remarkable. After the 13th, thousands of individuals departed on flights from the United States, as they do every day that our airspace is open. As we noted above, the United States did not have departure controls in the period immediately before and after the 9/11 attacks.

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[1] FAA record, Response to Questions for the Record (QFR) No. 1, June 8, 2004.
[2] Ibid.
[3] Ibid.
[4] Ibid.
[5] See, e.g., Port Authority of New York and New Jersey, Response to QFR, July 9, 2004, stating, "There were restrictions for GA flights that lasted until early October."
[6] The following airports met FAA's new security requirements and reopened on September 13, 2001 at the times listed: Tampa International (11 a.m.), Tampa International Airport record, Response to QFR, June 7, 2004; Lexington-Blue Grass (12:50 p.m.), Lexington Blue Grass Airport record, Response to QFR, June 8, 2004; Lambert-St. Louis International (11 a.m.), Lambert-St. Louis International Airport record, Response to QFR, May 27, 2004; Los Angeles International (12 p.m.), Los Angeles International Airport record, Response to QFR, June 2, 2004; Orlando International (11 a.m.), Orlando International Airport record, Response to QFR, June 8, 2004; Washington-Dulles (11 a.m.), Washington-Dulles Airport record, Response to QFR, June 8, 2004; New York-JFK (11:04 a.m.), Port Authority of New York and New Jersey record, "Review of JFK Operations Chrono for 9/11 Incident," attachment to Response to QFR, June 4, 2004. Boston-Logan International Airport reopened to commercial activity at 5 a.m. on September 15, 2001. Massachusetts Port Authority, Responses to the Logan International Airport Questions for the Record, June 17, 2004. The Transportation Security Administration has confirmed that the following airports were open when the Saudi flights arrived or departed from them: Tampa, Lexington, Providence, St. Louis, Los Angeles, Orlando, Washington-Dulles, Boston-Logan, Las Vegas, New York-JFK, and Hanscom. Christine Beyer interview (July 14, 2004).
[7] Rihab Massoud, Deputy Chief of Mission, Kingdom of Saudi Arabia, interview (May 11, 2004); Dale Watson interview (June 3, 2004). Watson recalls that Massoud called late at night and told him that they were having a problem getting a plane released that carried "just family members." Ibid. Massoud recalls making clear that the plan was to gather all members of the Bin Ladin family on one flight, making several stops, before departing the United States. Rihab Massoud, Deputy Chief of Mission, Kingdom of Saudi Arabia, interview (May 11, 2004). Minister Massoud told the Commission that he worked to secure the departure of three flights with Saudi nationals sponsored in some fashion by the Saudi government; one flight with the Saudi Deputy Defense Minister on Saudi Airlines departing from Newark, New Jersey on September 14, 2001; one flight from California by the Governor of Mecca on a plane registered to the Republic of Gabon that departed from Las Vegas on September 19, 2001; and the flight of Bin Ladin family members that departed Boston-Logan Airport on September 20, 2001. All three flights took place

after the national airspace had reopened. It appears from these records that State coordinated with the FBI and FAA to allow screening by the FBI of flights with Saudi nationals on board.

[8] Michael Rolince interview (June 9, 2004).

[9] Michael Rolince interview (June 9, 2004); Massoud corroborates this account. He said the FBI required the names and personal information of all departing passengers sponsored for departure by the Saudi Embassy. Rihab Massoud, Deputy Chief of Mission, Kingdom of Saudi Arabia interview (May 11, 2004).

[10] Michael Rolince interview (June 9, 2004). Mueller responded by telling Rollince that this was the first he had heard of the Saudi flights issue. Ibid.

[11] Michael Rolince interview (June 9, 2004); Massoud corroborates this account. He said the FBI required the names and personal information of all departing passengers sponsored for departure by the Saudi Embassy. Rihab Massoud, Deputy Chief of Mission, Kingdom of Saudi Arabia, interview (May 11, 2004).

[12] Michael Rolince interview (June 9, 2004).

[13] Jack Salata interview (June 14, 2004). The FAA representative put the FBI in direct communication with FAA air traffic control, which would not clear any flights to depart until the FBI gave their clearance. Ibid.

[14] See DOS record, "State Terrorist Attack Task Force Log," June 3, 2004, stating in a log entry dated September 19, 2001, 8:34 p.m., "FAA requested DOS clearance for Saudi Registered aircraft to depart Las Vegas bound for Geneva, I checked with the FBI Las Vegas office. They confirmed that they had completed their interviews and had no objections to their departure. I then cleared their departure." Records of State's Terrorist Attack Task Force established after 9/11 contain 13 references to U.S. government coordination regarding flights of Saudi nationals, the earliest of which—involving the Saudi Deputy Defense Minister--occurred after the reopening of national airspace on September 13, 2001. Ibid. One entry on September 15, 2001 regarding a proposed flight of Saudi royalty states "there is no issue of whether the Saudis may or may not depart the country, the only issue is whether they qualify for diplomatic clearance which would expedite their departure vs. waiting in backlogged airport for routine clearances." Ibid. In other words, diplomatic clearance expedited departure once the decision whether a person was allowed to depart had already been made. There is no evidence from these records or elsewhere that State worked to limit the FBI's ability to screen passengers on the departing Saudi flights. See Jack Salata interview (June 14, 2004), stating that the State Department did not press the FBI to take any shortcuts in checking out passengers on the Saudi flights.

[15] Richard Clarke Testimony before the Senate Judiciary Committee, Subcommittee on Terrorism, Technology and Homeland Security, Sept. 3, 2003, stating that the week of September 11, the State Department asked if the Saudis could evacuate some of their citizens; that he (Clarke) directed that the flight manifests for all the flights be vetted by the FBI and that the FBI "sign off" on the concept of Saudis being allowed to leave. "And as I recall, all of that was done."

[16] Richard Clarke interview (Jan. 12, 2004).

[17] President Bush and Vice President Cheney meeting (Apr. 29, 2004); Condolezza Rice meeting (Feb. 7, 2004); Prince Bandar interview (May 5, 2004); Richard Clarke interview (Jan. 12, 2004); Richard Clarke testimony, Mar. 24, 2004 ("I would love to be able to tell you who did it, who brought this proposal to me, but I don't know"). Andrew Card, the White House Chief of Staff has told us that neither he, nor anyone else in the Chief of Staff's Office, to his knowledge, got any call from the Saudis or told Clarke to do anything. Andrew Card interview (Mar. 31, 2004). However, he recalls "being aware" of the request or the issue as early as September 11 or September 12. Ibid. This appears to be the highest level within the U.S. government to which the matter rose.

[18] See, e.g., FBI record, Information on "Bin Ladin" Family Flights that Departed the United States in September 2001, May 28, 2004, stating "Contacts with an SSA at FBIHQ (whose name was not recalled) coordinated this departure to occur as soon as the FAA had authorized air traffic. SSA Foster further noted that during the hectic days following 9/11/2001, he spoke with several supervisors at FBIHQ concerning these issues, but did not keep specific records." FBI Assistant Director Tom Pickard recalled being in the SIOC on September 13 or 14, and being told by one of three people—Dale Watson, Mike Rolince, and Steve Jennings, who has told us he had no involvement in the Saudi flights issue (Steve Jennings interview (June 9, 2004)--that the issue of a UBL family flight had come up on a secure video teleconference. Both Pickard and Watson told us that they did not participate in SVTC communications with Dick Clarke, and that the person frequently involved in those conferences in the SIOC was Mike Rolince. Tom Pickard interview (June 3, 2004); Dale Watson interview (June 3, 2004). Pickard was not able to recall who—he was told--had raised the issue on the SVTC, and said to us that he thought it had come from Richard Clarke

or the State Department. He understood that the issue was that they wanted to leave the country. But, he told us, there was no information suggesting that they were "here illegally or clandestinely." Tom Pickard interview (June 3, 2004). Pickard said that he knew prior to 9/11--when Usama Bin Ladin had been placed onto the FBI's Most Wanted List--that UBL had family members inside the U.S., that the FBI had "looked at them," and that the FBI had found "no connections" between these family members and UBL himself. "Now we had this extended family who wanted permission to leave," Pickard said. At the time, he said that he viewed the issue as a "low priority," given what he had been told and what he already knew about the Bin Ladin family members. Pickard said that his approach was to tell his subordinate to handle the matter. He told us that he did not believe he conveyed the need to come back to him about it. In the scheme of things, Pickard said, he did not see anything to raise an alarm. Pickard did not recall discussing any other flights beyond this one Saudi flight. Ibid. Similarly, Dale Watson recalls that at about the same time he received the call from Rihab Massoud, the Deputy Chief of Mission of the Saudi Embassy in Washington, the issue "came up to him" from within the FBI, possibly raised by Mike Rolince. Watson recalled being told in this discussion that all the individuals on the flight had been identified and there was no one of interest on the flight. Watson said he recalled telling whoever it was who raised it with him words to the effect of "that's fine." Dale Watson interview (June 3, 2004).

[19] See 8 CFR § 231.2 (Requiring that air carriers submit "a departure manifest" to an immigration officer "at the port of departure . . . within 48 hours of the departure.")

[20] For example, as the Commission has previously reported, the 768 so-called "Special Interest" Aliens detained after 9/11 by the INS in conjunction with the FBI were detained lawfully on immigration violations.

[21] United States law provides that no alien may depart the United States "if his departure would be prejudicial to the interests of the United States," 8 C.F.R § 15.2(a)(implementing INA § 215 --Travel control of citizens and aliens), and includes within that category any alien "who is needed in the United States as a witness in, or as a party to, any criminal case under investigation." 8 CFR § 215.3(g). However, the power to prevent departure under this law is vested in "departure control officers" that, prior to the creation of the Department of Homeland Security, were employees of the Immigration and Naturalization Service, not the FBI. 8 CFR § 215.1(i) ("The term *departure-control officer* means any immigration officer as defined in the regulations of the Immigration and Naturalization Service"). In addition, persons prevented from departing under this provision of law are provided with a hearing before a "special inquiry" officer and the law sets out the procedures and evidentiary requirements for such a hearing. 8 CFR § 215.4 (Procedure in case of alien prevented from departing from the United States), § 215.5 (Hearing procedure before special inquiry officer). Thus, before an individual on one of these flights could have been prevented from departing, the FBI would have needed some evidence that they had information about either the 9/11 attacks or some other terrorist activity. By insisting that they be able to identify all persons on these flights, and by checking the biographical information of these persons against databases with derogatory information, such as terrorist watchlists, the FBI took the logical steps necessary to develop such evidence.

[22] According to FBI Special Agent Tim D., the Terrorist Screening Center (TSC) found one name match, but the TIPOFF record was for an individual born in 1980, and the "Bin Ladin flight" passenger was listed on the manifest as born in 1962. Tim D. interview (March 30, 2004).

[23] In order to be as comprehensive as possible, the TSC checked the names on the manifests listed on the House of Bush/House of Saud website using the biographical information contained on those manifests. With minor exceptions, the website contained data previously checked by the TSC prior to our April hearing.

[24] This information was reported on the House of Bush/House of Saud Web site as having been obtained by the Judicial Watch organization from DHS pursuant to a FOIA request. However, the materials produced to Judicial Watch did not have complete biographical information such as the name and passport number of the individuals on these flights. The FBI obtained the complete records from DHS, and, at our request, ran the complete list of names and other biographical data against the TIPOFF Terrorist watchlist. There were no matches. Tim D. interview (June 30, 2004).

[25] Although the FBI states that "a total of 18 Saudi passengers [were] aboard this flight," that does not seem possible since at least two of the names of the passengers – Gualberto Simpao Glore and Gilles Gerard -- do not have Arabic names, and their passport numbers are not consistent with Saudi issuance.

[26] We do not know the destination of this flight.

[27] Kathy Steele, "Phantom Flight From Florida," Tampa Tribune, Oct. 5, 2001. It was featured prominently in an article in Vanity Fair magazine and in articles and op-ed pieces in major newspapers and magazines. It has been discussed on television news shows. A U.S. Senator requested that the Justice Department Inspector General investigate it. Letter from United States Senator Charles Schumer to DOJ Inspector General Glenn Fine, June 16, 2004, stating "I am troubled that such a flight could have been allowed to take place just two days after the terrorist attacks of 9/11."
[28] This security detail began when one of the Saudis contacted a Tampa police officer and requested security fearing they would be attacked. Tampa police officers were then hired off-duty and were paid to provide security. John Solomon interview (June 4, 2004); Mike Fendle interview (June 4, 2004). We have reviewed documents provided by the Tampa Police Department regarding "extra-duty pay" provided for six hours by Detective Mike Fendle to "Sultan Bin Fahad" on September 13, 2001.
[29] John Solomon interview (June 4, 2004).
[30] Ibid.
[31] Ibid.
[32] Ibid.
[33] Ibid.
[34] Dan Grossi interview (May 24, 2004); Manuel Perez interview (May 27, 2004).
[35] John Solomon interview (June 4, 2004); Mike Fendle interview (June 4, 2004).
[36] Mike Fendle interview (June 4, 2004); Dan Grossi interview (May 24, 2004).
[37] Mike Fendle interview (June 4, 2004).
[38] The Tampa officers were paid through the Tampa Police Department according to routine procedures. Mike Fendle interview (June 4, 2004); John Solomon interview (June 4, 2004). Dan Grossi reimbursed the Tampa Police Department with money he obtained in Lexington, Kentucky later on September 13. John Solomon interview (June 4, 2004); Dan Grossi interview (May 24, 2004).
[39] Dan Grossi interview (May 24, 2004); Manuel Perez interview (May 27, 2004); Christopher Steele interview (June 14, 2004).
[40] Christopher Steele interview (June 14, 2004); Barry Ellis interview (June 14, 2004).
[41] Christopher Steele interview (June 14, 2004); FAA record, Supplemental Response to QFR No. 1, June 16, 2004.
[42] Christopher Steele interview (June 14, 2004); Barry Ellis interview (June 14, 2004).
[43] Barry Ellis interview (June 14, 2004).
[44] Christopher Steele interview (June 14, 2004).
[45] FAA record, Supplemental Response to QFR No. 1, June 16, 2004.
[46] FAA record, Response to QFR No. 1, June 8, 2004.
[47] Dan Grossi interview (May 24, 2004); Manuel Perez interview (May 27, 2004).
[48] Tampa's system captures the noise made by planes taking off and landing at the airport and attaches that information to the aircraft type and flight identification number. Gigi Skipper interview (June 4, 2004). Tampa's system recorded HPJ32, model LJ35 arriving at 3:34 p.m., departing at 4:37 p.m., arriving back in Tampa at 8:23 p.m. and departing for the last time at 8:48 p.m. Tampa International Airport record, Responses to QFRs, June 7, 2004.
[49] FAA records show 30 flights departing Tampa Airport on September 13, including commercial flights departing as early as 12:43 p.m. FAA record, Response to Questions for the Record (QFR) No. 1, June 8, 2004.
[50] The aircraft which arrived before this flight took off included: two general aviation flights, four "passenger" flights that included commercial airlines and four flights categorized as "other." The aircraft that departed before this flight included one general aviation, eight passenger flights that included commercial airlines, and three flights categorized as "other." Tampa International Airport record, responses to QFRs, June 7, 2004.
[51] FAA record, Supplemental Response to QFRs, June 18, 2004.
[52] Daniel Walsh interview (June 14, 2004); Dan Grossi interview (May 24, 2004); Manuel Perez interview (May 27, 2004); Christopher Steele interview (June 14, 2004); FAA record, Supplemental Response to QFR No. 1, June 16, 2004, indicating that this flight took off heading back to Tampa at 6:43 p.m..
[53] Lexington-Blue Grass Airport record, Response to QFRs, June 8, 2004.
[54] Mark Barnard interview (June 7, 2004), in which Barnard commented, "It happened. They flew from Tampa to Lexington," and "Trust me. It landed. I was there." See also, TAC Air record, Response to QFR,

June 9, 2004, Statement of Daniel Walsh, General Counsel that "I am aware of a trip that did arrive with persons of Arab descent. If my memory served me correctly, this aircraft was a Learjet." Dan Grossi interview (May 24, 2004); Manuel Perez interview (May 27, 2004).

[55] Dan Grossi interview (May 24, 2004); Manuel Perez interview (May 27, 2004).

[56] Mark Barnard interview (June 7, 2004). These three individuals departed the United States days on a separate flight on September 16, 2001. Their departure is discussed below.

[57] TAC Air record, Response to QFRs, June 9, 2004, with attachment TAC Air Daily Fuel Disbursement Report for "9/13/01" indicating a "Lear" with Tail "32HJ" received fuel at approximately 6:45 p.m.—the time on the log is unclear; FAA record, Supplemental Response to QFR No. 1, June 16, 2004.

[58] Dan Grossi interview (May 24, 2004); Manuel Perez interview (May 27, 2004); Christopher Steele interview (June 14, 2004).

[59] The FBI agrees that this flight occurred. James M. interview (June 18, 2004). Special Agent M. told the Commission that approximately one week after the 9/13/01 flight, he spoke with a Lexington Police officer who had provided security to the Saudi nationals on this flight. M. asked how the three young Saudis on the Tampa-Lexington flight arrived in Lexington and, when informed that they had flown, he questioned whether this was possible. M. says the officer "hemmed and hawed," and then suggested that the three young Saudis actually drove to Lexington and said they had flown to avoid the displeasure of their elder male relative in Lexington. Special Agent M. told the Commission he now believes based on his own independent investigation that this flight in fact took place. Ibid.

[60] FBI record, "All Passports Obtained by the FBI of Individuals on Northstar Aviation Flight from Providence, Rhode Island (Departing on or about September 14, 2001)," June 15, 2004. We have reviewed the copies of these passports collected by the FBI, and have not found anything unusual.

[61] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003.

[62] Christine Beyer interview (July 14, 2004).

[63] According to the FBI, airport accounting records and log sheets prepared by airport personnel indicate the plane departed the airport at this time. Tim D. interview (July 14, 2004).

[64] FBI record, "Documents related to Saudi Arabian Airlines Flight from Newark Airport," June 2004.

[65] Ibid.

[66] Port Authority of New York and New Jersey record, Responses to QFRs, July 9, 2004.

[67] The FBI has provided us with a copy of the manifest for this flight. FBI record, "All Passports Obtained by the FBI of Individuals on a Chartered Boeing 727 flight from Lexington, Kentucky (Departing on or about September 16, 2001)," June 15, 2004.

[68] We have reviewed copies of those passports and found nothing unusual.

[69] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003; FBI record, Summary of "Information Regarding Flights Taken by Saudi Citizens, Including Members of the Binladen Family, Out of the United States Shortly After September 11, 2001," Oct. 29, 2003.

[70] Lexington-Blue Grass Airport record, Response to QFR, June 8, 2004.

[71] FBI record, "All Passports Obtained by the FBI of Individuals on a Chartered Boeing 727 flight from Lexington, Kentucky (Departing on or about September 16, 2001)," June 15, 2004.

[72] Craig Unger, "Questions," Boston Globe, April 11, 2004, citing Gerald Posner, "While America Slept."

[73] CIA record, Response to QFR, June 23, 2004. We found no evidence for this assertion in the interrogation reports of Abu Zubaydah we reviewed.

[74] Boston-Logan Airport reopened to commercial air traffic at 5 a.m. on September 15, 2001. Massachusetts Port Authority record, Response to the Logan International Airport QFRs, June 17, 2004.

[75] FBI record, Report of Leads Covered from FBI Las Vegas Office, Sept. 25, 2001.

[76] Ibid.

[77] Ibid.

[78] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003; FBI record, Flight manifest for Republic of Gabon Flight, Feb. 26, 2004.

[79] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003.

[80] Ibid.

[81] FBI record, Report of Leads Covered from FBI Las Vegas Office, Sept. 25, 2001.
[82] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003.
[83] Las Vegas-McCarran International Airport reopened at 5 a.m., PST, on September 14, 2001. McCarran International Airport record, Responses to QFRs, June 17, 2004.
[84] FBI record, Report of Leads Covered from FBI Las Vegas Office, Sept. 25, 2001; FBI record, Flight Manifest, Sept. 24, 2001. Although the FBI states that "a total of 18 Saudi passengers [were] aboard this flight," that does not seem possible since at least two of the names of the passengers – Gualberto Simpao Glore and Gilles Gerard -- do not have Arabic names, and their passport numbers are not consistent with Saudi issuance.
[85] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003; FBI record, Flight manifest for Republic of Gabon Flight, Feb. 26, 2004.
[86] Ibid.
[87] Ibid.
[88] Las Vegas-McCarran International Airport reopened at 5 a.m., PST, on September 14, 2001. McCarran International Airport record, Responses to QFRs, June 17, 2004.
[89] James C. interview (June 3, 2004).
[90] Ibid.
[91] FBI record, Report of Leads Covered from FBI Las Vegas Office, Sept. 25, 2001.
[92] James C. interview (June 3, 2004).
[93] There is conflicting evidence on which one of two individuals were actually on the flight. In its summary of these flights, the FBI lists "Maria Bayma" as a passenger on the flight manifest. However, another FBI record of this flight indicates that Khalil Bin Laden "and his wife and son" boarded in Orlando, Florida. FBI record, Report of Leads Covered from FBI Los Angeles Office, Sept. 25, 2001. An analyst comment then states: "Khalil Bin Laden's wife's name is Isabel Bayma." Ibid. Thus, it is unclear whether Isabel or Maria Bayma were on Flight 441. The FBI's records indicate that Maria Bayma "appears to be a relative of Khalil Bin Laden's wife, Isabel Bayma." Ibid.
[94] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003. Although the Vanity Fair Article states Abdullah Bin Laden was on this flight, there is no evidence that Abdullah Bin Laden was on Ryan Air Flight 441.
[95] In total, the FBI conducted 22 interviews of the 23 passengers on Ryan Air Flight 441. FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003.
[96] FBI record, "All Interview Reports for Any Passengers on the Flights," containing reports dated Sept. 13 through Sept. 26, 2001.
[97] FBI record, Summary of "Information Regarding Flights Taken by Saudi Citizens, Including Members of the Binladen Family, Out of the United States Shortly After September 11, 2001," Oct. 29, 2003.
[98] According to FBI records, in Boston, 17 people got onto this flight in Boston, and one person – a security guard -- got off the plane. FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003.
[99] Ibid.
[100] Ibid.
[101] FBI record, Report of Leads Covered from FBI Los Angeles Office, Sept. 25, 2001.
[102] FBI record, "All Interview Reports for Any Passengers on the Flights," containing reports dated Sept. 13 through Sept. 26, 2001; FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003.
[103] FBI record, "All Interview Reports for Any Passengers on the Flights," containing reports dated Sept. 13 through Sept. 26, 2001.
[104] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003. The FBI agent reported that this flight was delayed two hours because flight crew members refused to fly upon learning "the identities of the passengers." According to the agent, "The matter was resolved after the charter company agreed to pay each flight crew member an additional five thousand dollars." FBI record, "All Interview Reports for Any Passengers on the Flights," containing reports dated Sept. 13 through Sept. 26, 2001.

[105] FBI record, "All Interview Reports for Any Passengers on the Flights," containing reports dated Sept. 13 through Sept. 26, 2001.
[106] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003.
[107] Ibid.
[108] Ibid.
[109] FBI record, Report of Leads Covered from FBI Los Angeles Office, Sept. 25, 2001.
[110] We say apparently because New York-JFK Airport informed us that they have no information on this "VIP" flight. James Begley email, June 10, 2004.
[111] The website is www.houseofbush.com.
[112] State Department logs contain a number of references to "VIPs" and "Saudi royals" in connection with proposed flights out of the country prior to this flight. In each case it is clear that the FAA and/or the FBI was involved in clearance for the flight. DOS record, "Terrorist Attack Task Force log," September 16 and 17, 2001.
[113] New York-JFK Airport reopened on September 14, 2001, at 10:58 a.m. Port Authority of New York and New Jersey record, facsimile from the Law Department, June 4, 2004.
[114] Hanscom Airfield reopened to commercial air traffic at 5 a.m. on September 15, 2001. Massachusetts Port Authority record, Response to the Hanscom Airfield QFRs, June 17, 2004.
[115] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003..
[116] Ibid.
[117] FBI record, Flight Manifest, Sept. 19, 2001.
[118] FBI record, "Final Draft of Response to October 2003 Vanity Fair Article (re: Bin Laden Family Departures after 9/11/2001)," Sept. 24, 2003.
[119] Las Vegas-McCarran International Airport reopened at 5 a.m., PST, on September 14, 2001. McCarran International Airport, Responses to Questions for the Record, June 17, 2004.
[120] Letter from Christopher Farrell of Judicial Watch to 9/11 Commission Executive Director Philip Zelikow, June 1, 2004.
[121] Kelly B. interview (April 27, 2004).
[122] Tim D. interview (June 30, 2004).

APPENDIX C
Immigration Histories of Certain Individuals with Terrorist Connections

The following analysis is based on information obtained primarily from reviewing immigration files, court documents and government reports. Individual INS immigration files were reviewed unless otherwise noted. The individuals whose immigration histories are discussed here are either known terrorists, or individuals with connections to terrorist attacks, including the 9/11 attacks, whose backgrounds are not discussed extensively in either the 9/11 Commission Report or Chapter 3 of this Staff Report.

- **CIA Attack January 25, 1993**

Mir Aimal Kansi aka Kasi[1]
Place of birth: Pakistan
Date of birth: February 10, 1964

12/4/90 Using the alias of Mir Aimal Kasi, Kansi was issued a B-1 business visa at the U.S. Consulate in Karachi, Pakistan.

2/27/91 Kansi, still using the name Kasi, arrived in New York on Pakistani passport G399099. He was permitted to stay for one month, but remained in the country for a year without the permission of the Immigration and Naturalization Service, in violation of INA 237(a)(1)(A). This was grounds for deportation.

3/19/91 He was issued a new Pakistani passport at the Pakistani Embassy in Washington, D.C. in the name of Kansi.[2] The new passport had a notation that it replaced Pakistani passport D398086, which was not the number of the passport he used to enter the U.S. a month earlier.

2/7/92 Kansi filed a claim for political asylum, claiming he illegally entered the United States on March 3, 1991 at New York City without inspection by the INS. He received permission from the INS to work in the United States while his application was pending. He obtained a Virginia driver's license and began working for a courier service in the Washington, D.C. area. This political asylum claim was denied.

Kansi didn't give up. He applied for legalization under the Immigration Reform and Control Act of 1986. One of the requirements of this amnesty program was that the applicant must have entered the United States illegally prior to January 1, 1982.[3] Kansi claimed he entered the United States from Mexico and had lived here illegally from April 1981 to June 1987, a contradiction to his assertions in his political asylum petition. To support this claim, Kansi presented two leases, four letters of employment and one letter from a friend in Pakistan verifying a visit to that country. An examination of copies of these documents indicated that they all were typed on the same typewriter.[4]

Kansi, however, missed the statutory filing deadline for this program. He then joined a class action lawsuit, *Catholic Social Services v INS,* involving aliens who also missed the

filing deadline or who had left the United States for a brief period of time.[5] With his application pending, Kansi again applied for and received authorization to work in the United States.

4/15/92 The INS renewed Kansi's work authorization.[6]

1/25/93 Armed with an AK-47 assault rifle, Kansi opened fire on five male CIA employees while they sat in their cars at a stoplight in front of CIA headquarters in Langley, Virginia, killing Frank Darling and Lansing Bennett and seriously injuring three others. The following day Kansi fled to Pakistan.

2/16/93 The State of Virginia charged Kansi with murder, malicious wounding and five counts of using a firearm in the commission of a felony.[7]

6/15/97 The FBI, working with Pakistani intelligence, arrested Kansi in a hotel.[8]

11/10/97 After trial in Fairfax County, Virginia, Kansi was guilty of all counts, and sentenced to death for capital murder, life in prison for first degree murder, 20 years on each of the five counts of malicious wounding, two years in prison on one firearms charge and four years in prison on each of the other four firearms charges. Kansi was executed in 1998.

- **World Trade Center Bombing, February 26, 1993**

Eyad Mahmoud Ismail aka Ismoil[9]
Place of birth: Kuwait
Country of citizenship: Jordan
Date of birth: January 26, 1964

10/3/89 The U.S. consulate in Kuwait issued Ismail an F-1 student visa to study English in the United States.

10/9/89 He entered the United States at Honolulu and enrolled at Wichita State University in Kansas where he attended the English language program.

11/21/90 Ismail received approval from the INS to work part-time for one year while he was in school. He dropped out and eventually made his way to Texas. Because he was no longer a student, Ismail was in violation of the terms of his visa.

2/21/93 Ismail flew from Texas to New York City.

2/26/93 The World Trade Center was bombed. Ismail drove the van containing the bomb. That night he fled to Jordan.

9/12/94 Ismail was indicted on 10 counts for his role in the World Trade Center bombing.[10]

8/3/95 Ismail was extradited from Jordan for prosecution in the United States.

11/13/97 Ismail was convicted and sentenced to 240 years in federal prison and ordered to pay restitution of $10 million.

Mohammed Abouhalima aka Abo Halima[11]
Place of Birth: Egypt
Date of Birth: 2/23/64

7/22/85 Abouhalima entered the United States at New York on a B-2 tourist visa and was granted permission to remain in the country until Aug. 15, 1985.

11/6/85 Abouhalima asked the INS to extend his length of stay but his request was denied. He was ordered to voluntary depart the country before Dec. 5, 1995. He failed to comply and became in violation of immigration laws, subject to deportation.

9/30/87 Abouhalima filed for and received temporary residence under the Seasonal Agricultural Worker (SAW) program claiming to have picked beans in Florida. This program involved 1.3 million applications from aliens claiming to have worked for at least 90 days in agriculture from 1985 to 1986.

7/15/92 His application was denied after it was determined that he had never worked in agriculture.[12]

2/26/93 After the World Trade Center attack, Abouhalima was indicted as an accessory after the fact under 18 USC § 3, for his assistance to the first World Trade Center bombing terrorists. The indictment charged that he drove his brother, Mahmoud Abouhalima, to the airport knowing that he was involved in the bombing plot.

11/24/98 He was found guilty at trial and sentenced to 96 months in prison.

4/23/02 Based on his felony conviction Abouhalima was ordered deported following the service of his sentence. Abouhalima is in federal prison and scheduled for release on August 25, 2005.[13]

Biblal A. Alkaisi aka Bibal Elqisi
Place of Birth: Jordan[14]

11/5/90 Alkaisi attended a rally held by Rabbi Meir Kahane. He accompanied El Sayyid Nosair, who shot and killed Kahane at the event. Alkaisi was questioned about the shooting but released by the police.

8/20/91 The Islamic Brotherhood, Inc. in Brooklyn, New York wrote a letter in support of Bilal El Qisi's application for temporary protected status. In their letter they used the same address as the Al-Farouq Mosque and the Alkifah Refugee Center, both locations since linked Islamist extremist activity.[15]

9/21/91 Still using the name of Bilal El Qisi, Alkaisi filed an application for temporary protected status (TPS) at the Cleveland, Ohio INS office.[16] He stated that he was born in Lebanon on September 6, 1965 and that he entered the United States at New York City on September 25, 1988.[17] He supported these claims with a Lebanese birth certificate and an INS Form I-94 (Arrival and Departure Record), which was later determined to have been altered to show a different country of birth.

3/11/92 The Cleveland INS office initiated an investigation into a number of suspected fraudulent TPS applications, including Alkaisi's.

3/19/92 The INS Forensic Document Laboratory completed an examination of Alkaisi's Lebanese birth certificate and concluded it was produced by a color copier. The English translation of the Arabic document was also incorrect. In addition, the INS I-94 Record of Entry and Departure that Alkaisi submitted with his application was altered to change the country of birth.

5/22/92 Bibal El Qisi filed a request for political asylum, now claiming he was born in Jordan on December 20, 1965 and had entered the United States on October 10, 1987 in New York via Jordan Airlines. He claimed he was not inspected by the INS and said that he lived in

Brooklyn, New York. The INS assigned him a new case file. INS recordkeeping did not connect this application with his previous one.

7/13/92 El Qisi failed to appear for his political asylum interview.

7/28/92 As a result of his failure to appear the INS terminated action on his political asylum claim.

2/26/93 The World Trade Center was bombed.

3/25/93 A known associate of the conspirators, El Qisi was arrested by the FBI office in Newark, New Jersey. He told the agents that his name was Bilal Salem Alkaisi and that he was born on December 25, 1965 in Jordan. The ensuing investigation revealed that all of the residences and employments that Alkaisi had listed on his political asylum claim were false.

8/8/93 Under the name El Qisi, Alkaisi was indicted with five other co-conspirators for his part in the bombing. The U.S. Attorney for the Southern District of New York later severed Alkaisi from the indictment due to a lack of evidence.

5/9/94 Alkaisi plead guilty to making false statements to the INS.[18]

5/19/94 The INS certified that there was no record of an entry of Alkaisi under that name or any of his other aliases.

7/123/94 Alkaisi was sentenced to 20 months in prison for making false statements in his political asylum claim.

11/7/94 He was released from Federal prison and deported to Jordan the following day.

Nidal Abderrahman Ayyad
Place of birth: Kuwait
Country of citizenship: Jordan
Date of birth: July 17, 1967

7/15/85 Abderrahman Yousif Ayyad, a legal permanent resident, petitioned the INS to bring his son Nidal to the United States.

10/10/85 His petition was granted and Nidal Ayyad entered the United States at New York City as the unmarried son of a lawful permanent resident.

2/21/91 Nidal applied for naturalization at the INS office in Newark, and swore allegiance to the United States.

3/7/91 Nidal became a naturalized citizen in a ceremony in Newark.

2/26/93 The World Trade center was bombed. The following day Nidal called the *New York Times*, proclaiming the bombing to be the work of the "Liberation Army."

5/24/94 Nidal was charged and convicted as part of the World Trade Center plot, and was sentenced to 240 years in prison for conspiracy to destroy buildings with an explosive device, explosive destruction of property, destruction of a motor vehicle, assault of a federal officer and using or carrying a destructive device during a crime of violence.

5/28/96 The INS Newark office recommended that Nidal's citizenship be revoked based on his membership in a terrorist group before and after his naturalization. The recommendation is based on INA 340 (a)(2) "withholding of a material fact," section 340(c) "reopening of naturalization proceedings" and 313(3) "membership in groups advocating the violent overthrow of the government of the United States."[19] It does not appear that action was taken to formally revoke his citizenship. The Commission was not provided access to his immigration file, and the Department of Homeland Security advised that his file was protected by the Privacy Act, which covers citizens, legal permanent residents and naturalized citizens. Ayyad is scheduled for release on April 3, 2095.

Mohammed Salameh[20]
Place of birth: Jordan
Date of birth: September 1, 1967

4/8/84 The Jordanian Passport office in Amman issued passport #B468365 to Mohammad Amin Abdel-Rahim Salameh. Ramzi Yousef's fingerprints were later found on this passport.[21]

11/5/90 Rabbi Meir Kahane was shot to death by El Sayyid Nosair. Salameh was arrested that night at one of Nosair's addresses and admitted that he was with Nosair at the shooting. However, the next day Salameh was released for lack of evidence.

9/22/92 Salameh submitted a fraudulent Seasonal Agricultural Worker (SAW) application in an attempt to become a legal permanent resident. He claimed that he planted tomatoes, and weeded and picked green beans for Oak Valley Farms in Crawford, Texas.

2/26/93 Salameh drove a rented Ryder van containing a bomb into the World Trade Center.

3/4/93 Salameh was arrested trying to obtain a $400 refund on the rented truck. He was later charged with criminal violations of the immigration laws and prosecuted on charges related to the bombing.

3/4/94 Salameh was convicted in Federal court of all charges including 8 USC § 1546(a) ("fraud and misuse of visas, permits and other documents") and was sentenced to 240 months in Federal prison. His projected release date is January 2, 2024.

Mahmud Abouhalima aka "Mahmud the Red"[22]
Place of birth: Egypt
Date of birth: November17, 1959

1985 Abouhalima and his German wife, Marianne Weber, entered the United States on tourist visas. They were admitted for six months but overstayed their authorized length of stay.

1987 Abouhalima applied for amnesty under the Special Agricultural Program (SAW) program claiming that he worked seven months on a South Carolina farm. There were indications that this claim was fraudulent, namely that Abouhalima was in New York and never worked on a farm. Nevertheless, he received his legal permanent resident alien status (green card).

11/5/90 Abouhalima was supposed to drive the getaway taxi from the Marriott Eastside Hotel after Nosair's assassination of Rabbi Meir Kahane. While he waited for Nosair, an employee at the hotel ordered him to move his car, which was blocking the hotel entrance. That night Abouhalim was arrested along with Mohammed Salameh and others. However, like Salameh, he was released for lack of evidence.

2/23/93 Abouhalima filed Form I-131, Application for a Travel Document, listing an expected departure on March 6, 1993 for Egypt. This allowed him to remain abroad for more than one year without losing his legal resident status.

2/26/93 The World Trade Center was bombed. Abouhalima drove behind the Ryder rental truck carrying the bomb. He then drove the group away from the scene.

3/2/93 Abouhalima fled to Sudan via Jeddah, Saudi Arabia.

6/93 One of Abouhalima's fingerprints was found in one of the bomb-making manuals seized from another bombing conspirator, Ahmad Ajaj, when Ajaj had entered the United States at JFK airport in New York on September 1, 1992. Another fingerprint belonging to Ramzi Yousef, the mastermind of the plot, was found on the same manual. After a worldwide search, he was arrested by FBI agents in Egypt and returned to the United States where he was tried on terrorism charges. He was convicted and sentenced to 1,300 months in prison. His is scheduled for release on September 2, 2087.

- **Plot to Destroy New York City Landmarks June 24, 1993**

Matarawy Mohammed Said Saleh[23]
Place of birth: Egypt
Date of birth: March 4, 1956

1/31/86 Using the alias Wahid Mohamed Ahmed, Saleh married Evelyn Cortez, a United States citizen.[24] Based on this marriage, Cortez filed INS form I-130, Petition to Classify Status of Alien Relative in INS New York City.[25] This application started the process of acquiring legal permanent residency for Saleh. In the petition, Saleh claimed to be a self-employed scuba diver. It also claimed both he and his wife lived at the same address in the Bronx.

5/14/86 The INS denied the petition on the ground that Cortez failed to submit a divorce decree from her previous marriage. The denial was sent by certified mail but was returned marked "unclaimed."

10/4/87 Still married to Cortez, Saleh married Leslie Sonkin, also a United States citizen, in a ceremony in Egypt. They then filed an immigrant visa petition for Saleh claiming Saleh had never been previously married.

12/12/87 Saleh entered the United States at New York City as a conditional resident alien based on his marriage to Sonkin. This status allowed him to remain in the United States legally for two years after which time he could file to permanently remain in the United States.[26]

8/11/88 Saleh was convicted in federal court for selling heroin in Detroit and sentenced to five years' imprisonment.[27] He was paroled after two and a half years and turned over to the INS for deportation on the basis of his conviction.

12/18/90 The INS initiated deportation proceedings while Saleh was detained in Oakdale, Louisiana. One month later, Sultan El Gawly posted an $8,000 bail with the INS to secure Saleh's release. The deportation order was still pending.

3/31/93 Saleh's conditional residence status was terminated by the INS.

7/16/93 The FBI interviewed Saleh's wife Evelyn Cortez, who claimed she had re-married to Ashraf Mohammed. She claimed that she had a son by Saleh six years earlier.

7/22/93 Saleh was arrested by a joint INS-FBI team in Wildwood, New Jersey.

12/15/95 Saleh was convicted of conspiracy to bomb various targets in New York City.[28] He was sentenced to time served and placed on supervised release for three years despite his outstanding deportation order, despite his illegal immigration status, heroin conviction, violation of probation, assault of his ex-wife Cortez, assaults on his current wife, and involvement in credit card fraud and theft.[29]

6/4/96 The INS Philadelphia office issued an arrest warrant for Saleh for his violation of immigration laws. Shortly thereafter he was arrested by INS Special Agents at the Federal Probation office in Wilkes-Barre, Pennsylvania, and placed in INS custody.

6/27/96 Based on his terrorism conviction, Saleh was placed in administrative deportation proceedings as an aggravated felon. This procedure did not involve a deportation hearing.[30]

9/25/96 Saleh was served with a final notice of deportation. Egypt issued a temporary travel document allowing Saleh to travel only to Egypt.

11/19/96 Saleh was released from prison and deported to Egypt.

El Sayyid Nosair[31]
Place of birth: Egypt

1981 Nosair entered the United States at an unknown time and place. He obtained legal permanent residence status based on his marriage to a United States citizen.

1985 Nosair moved to New Jersey and became a regular visitor at the Alkifah Refugee Center in Brooklyn where he contacted Sheik Rahman, an Egyptian radical cleric also known as the Blind Sheik.

9/27/89 Nosair was naturalized in Newark, New Jersey. Prior to his naturalization he was observed, while under surveillance by the FBI, shooting a variety of weapons with other suspected Muslim militants at a firing range. The INS was not aware of this fact.

11/5/90 Nosair shot and killed radical Jewish Rabbi Meir Kahane in front of a crowd of followers at the Marriott Eastside Hotel in New York City. He also shot an elderly man who tried to

stop him. He accidentally got into the wrong taxi, believing it was the getaway car driven by Mahmud Abouhalima. Realizing his mistake, he jumped out of the taxi with his gun still in his hand. He was confronted by an off-duty postal inspector. Both were shot in the ensuing gun fight.

11/8/90 The FBI raided Nosair's apartment. They found numerous military documents from Ft. Bragg, North Carolina. The documents were traced to Ali Mohammed, a sergeant in the Army Special Forces. Mohammed, an FBI informant, was later convicted for his role in the bombings of the U.S. embassies in Kenya and Tanzania in 1998.

12/21/91 At trial, Nosair was found not guilty of murder and attempted murder. He was convicted of carrying a weapon and of assault. He was sentenced to eight years' imprisonment.

2/26/93 The World Trade Center was bombed.

3/4/93 FBI agents obtained a search warrant for Ibrahim el Gabrowny's apartment in connection with the bombing investigation. There, FBI agents found Nosair's U.S. passport, five Nicaraguan passports issued in July 1991 and five Nicaraguan birth certificates for Nosair, his wife and his three children as well as Nicaraguan drivers' licenses. The foreign documents were in alias names.[32]

5/8/96 The INS recommended revoking Nosair's naturalization based on his lack of "good moral character," required for naturalization. He was also subject to a violation of 18 USC § 1425 for having unlawfully obtained naturalization.[33] We have found no evidence that further action has been taken with regard to this recommendation. Nosair is currently serving a life sentence in Federal prison. His projected release date is September 2, 2087.

Abdel Rahman Yasin

Yasin was born in Indiana to Iraqi parents. His father was a graduate student. Yasin left the United States and grew up in Baghdad. Later he returned to the United States to live with his mother in Jersey City, New Jersey.

6/21/92 Yasin applied for a new U.S. passport in Amman, Jordan, to replace one he claimed to have lost.[34]

Ramzi Yousef, the mastermind of the 1993 bombing of the World Trade Center, stayed at Yasin's apartment before the bombing. They also mixed the chemicals for the bomb. During this process, Yasin's leg was burned by chemicals.

2/26/93 The World Trade Center was bombed. As part of the investigation the FBI questioned Yasin whom they encountered while executing a search warrant. He provided information on Ramzi Yousef, who had fled the United States. He also took the agents to the apartment where the bomb chemicals were mixed. Yasin appeared helpful and open and was released by the FBI. He immediately disappeared.

5/23/02 CBS news reporter Lesley Stahl located Yasin, then living in Baghdad, and interviewed him. Yasin remains a fugitive, his whereabouts unknown.

Begin Text Box
The Landmarks Conspirators

A number of conspirators in the June 1993 plot to blow up the Federal building, the FBI office, the Lincoln and Holland Tunnels, and the George Washington Bridge, obtained legal permanent residency or were naturalized citizens. The Privacy Act prevented our review of their files.[35] They are:

- **Amir Abdelghani.** Currently in Federal prison, projected release date of August 13, 2019.[36]
- **Fadil Abdelghani**. Currently in Federal prison, projected release date of April 5, 2015.[37]
- **Tarig El Hassan**. Currently in Federal prison, projected release date of December 21, 2023.[38]
- **Fares Khallafalla**. He obtained legal permanent residency immigration status through the Special Agricultural Worker (SAW) provision of the Immigration Reform and Control Act of 1986. Currently in Federal prison, projected release date of August 13, 2019.[39]
- **Siddig Ibrahim Siddiq Ali**.

End Text Box

- **Plot to Destroy the New York City Subway**

In this plot two illegal immigrants conspired to blow up the Atlantic Avenue subway in Brooklyn, New York. The plot was discovered shortly before five bombs were planted.

Mohamed Mustafa Khalil[40]
Place of birth: Amman, Jordan
Date of birth: October 5, 1974

7/6/96 Khalil was issued Jordanian passport E925402 in Amman, Jordan. He applied for and received a Canadian tourist visa.

11/19/96 Khalil traveled to Toronto. He was permitted to study English in Canada.

1/14/97 Khalil was arrested by INS Border Patrol officers at a Greyhound Bus station in Bellingham, Washington during routine patrol duties. Khalil told the Border Patrol that he had crossed the Canadian border with co-conspirator Abu Mezer (See chapter 3) in a taxi but was not inspected by the INS. Khalil had violated immigration law by failing to obtain a visa to visit the United States. He was detained without bond until his detention hearing.[41]

1/29/97 Immigration Judge Anna Ho set bail at $10,000.

2/27/97 At the deportation hearing, Khalil said he wanted to apply for political asylum. His bond was reduced to $5,000 It was posted by Kamal Hourani, an acquaintance. Khalil told the judge that upon release from INS custody he planned to live in Centreville, Virginia.

7/4/97 Khalil told the INS that he had married Sofina Assaf, a United States citizen residing in Canada.

8/1/97 Khalil was arrested in New York City during the investigation of the New York subway bombing plot.[42]

11/12/97 Khalil was released from prison and deported to Jordan.[43]

- **The Manila Air Plot**

  In 1994, KSM accompanied Ramzi Yousef to the Philippines, and the two of them began planning what is now known as the Manila air or "Bojinka" plot—the intended bombing of 12 U.S. commercial jumbo jets over the Pacific during a two-day span.

  Abdul Hakim Murad aka Ahmed Saeed
  Place of birth: Pakistan; raised in Kuwait
  Date of birth: January 4, 1968

  Late in 1994, KSM sent $3,000 to Ramzi Yousef in the Philippines to fund the plot. Another conspirator, Murad, transported the money.[44]

1/6/95 Murad was arrested by the Philippine police in Manila after he returned to the scene of a small fire at the Dona Josefa Apartments where he had been building bombs with Ramzi Yousef. Murad had wanted to retrieve his laptop. Following 67 days of interrogation he disclosed the substance of the plot—planting bombs aboard U.S. airliners and a related plan to fly an explosives-laden plane into the CIA. At the time of his arrest, Murad used the alias of Ahmed Saeed.

4/12/95 Murad was transported to the United States where he testified at the trial of Ramzi Yousef, who had been extradited from Pakistan. Murad was charged with terrorist acts in Federal court and was sentenced to life imprisonment. Murad is currently in federal prison serving a life sentence.[45]

- **Other persons of interest**

Eyad Mohammed Mohammed Mustafa aka Eyad M. Mustafa al Rababah[46]
Place of birth: Jordan
Date of birth: July 21, 1972

3/21/99 Rababah entered the United States at New York City as a tourist and was admitted until September 20, 1999. He said he was going to Bridgeport, Connecticut.[47]

10/12/00 Rababah was arrested by the Virginia Department of Motor Vehicles for assisting persons to illegally obtain Virginia driver's licenses and Virginia identification cards. Rababah later pleaded guilty to a misdemeanor offense in connection with these charges.

5/01 Rababah told the FBI that he met two Saudi males, "Nawaf" and "Hani," at a 7-11 convenience store in Falls Church, Virginia. Rababah told the pair that he could assist them in obtaining driver's licenses.

6/01 Rababah received a phone call from his former roommate in Virginia that the two men he met—Nawaf and Hani—had tried to contact him. Rababah spoke to Nawaf who said that he had two other friends who would like to "travel around." Rababah, who had since moved to Connecticut, drove to Virginia to pick up the four men. The following day Rababah drove them to the Fairfield Motor Inn in Fairfield, Connecticut. They stayed for two nights.

9/28/01 Rababah voluntarily told the FBI in New Haven, Conn. that he may have known some of the 9/11 hijackers. The men were subsequently identified by Rababah as hijackers Ahmed al Ghamdi, Hani Hanjour, Majed Moqed and Nawaf al Hamzi.[48]

The FBI contacted the INS Hartford office regarding Rababah's immigration status. At 11:30 p.m., two Hartford INS agents took Rababah into custody. The following day Rababah was charged with overstaying his tourist visa in violation of INA § 237(a)(1)(B), and detained.

9/30/01 A material witness warrant was issued against Rababah in connection with the 9/11 plot and he was transferred to the INS detention center in New York, and then to the Metropolitan Correctional Center (MCC). The INS filed a detainer with the MCC and closed the immigration proceeding against him since he was no longer in INS custody. The detainer directed the MCC to turn Rababah over to the INS when he was released.

11/16/01 A criminal complaint was filed against Rababah in the U.S. Court for the Eastern District of Virginia charging him with knowingly and without lawful authority producing an identity document, and aiding and abetting the same, in violation of 18 USC § 2 and 8 USC § 1028(a)(1), § (b)(1)(A)(ii), and § (c)(3)(A). A federal arrest warrant was issued for Eyad M. Al Rababah for the document fraud charges.

12/8/01 The INS filed a detainer with the U.S. Marshal for the Eastern District of Virginia where Rababah had been transferred to stand trial.

5/20/02 Rababah was convicted and sentenced to six months imprisonment and ordered to pay a special assessment of $200. His sentence was conditioned on his cooperation with the INS and his agreement not to oppose any removal or deportation action.

The deportation hearing was postponed a number of times at the request of Rababah's attorney. Rababah sought to have his bail reduced so that he could be released in order to marry his American girlfriend. The INS legal counsel concluded that the special conditions included as part of the sentence were unenforceable because the federal court order involved matters of criminal law, but immigration hearings involved administrative law.

10/17/02 The INS received a letter from the FBI stating that Rababah was no longer of investigative interest to them.

10/22/02 A deportation hearing was held. Rababah requested political asylum, protection under the convention against torture, and relief from deportation. The Immigration Judge ruled that Rababah did not provide sufficient evidence to support his claims for relief and ordered him removed from the United States.

11/4/02 Rababah lost the appeal of his removal order.

7/10/03 Rababah was deported to Jordan via Paris.

Anwar Nasser Aulaqi aka al Awalaki[49]
Place of birth: Yemen
Date of birth: 1971

Aulaqi entered the United States at an unknown place as a J-1 Exchange Visitor. He enrolled in the civil engineering program at Colorado State University. He later obtained legal permanent residence status in the United States; we were unable to determine on what basis this status was granted.

Aulaqi was a cleric who preached at the Dar al-Hijrah Islamic Center in Falls Church, Virginia and at a mosque in San Diego. He became a "spiritual adviser" to hijackers Nawaf al Hazmi and Khalid al Midhar. Eyad al Rababah was also a member of the Falls Church mosque. Aulaqi's telephone number was found when police raided Ramzi Binalshibh's apartment in Hamburg, German.

Mohdar Mohamed Abdullah[50]
Place of birth: Yemen
Date of birth: May 8, 1978

4/14/99 Abdullah requested and received political asylum based on his claim of religious persecution in Somalia.

1/15/02 Nawaf al Hazmi and Khalid al Mihdhar arrived in Southern California. They eventually met Mohdar Abdullah who assisted them in their housing search and helped them with English translations.[51]

10/3/02 Abdullah received a "Notice of Intent to Terminate Asylum Status" before an immigration judge based on his fraudulent political asylum claim. The INS had determined that he was a citizen of Yemen, not Somalia, and had entered the United States as a temporary visitor on December 10, 1998, from Canada using a Yemeni passport. Abdullah had testified that he illegally entered the United States on December 7, 1998, in New York on an Italian passport.

Abdullah was indicted in the Southern District of California for violations of 18 USC § 371 (Conspiracy), 18 USC § 1546 (False Statement in an Immigration Application), 18 USC §1001 (False Statements) and 18 USC § 2 (Aiding and Abetting).

7/19/02 Abdullah pleaded guilty to 18 USC § 1001 (False Statements) for submitting fraudulent documents in support of his political asylum claim. While in custody on these charges, Abdullah reportedly claimed that he knew about the 9/11 attack weeks before it happened.[52]

10/02/02 Abdullah was released from federal prison and transferred to the custody of the INS.[53]

5/21/04 Abdullah was deported to Yemen.[54]

- **Los Angeles Airport murder on July 4, 2002**[55]

  Hesham Mohamed Ali Hedayet aka Hadayet
  Date of birth: July 4, 1961
  Place of birth: Egypt

11/14/87 Hadayet was issued Egyptian passport 69662.

7/13/92 He received a multiple entry B-2 tourist visa from the U.S. Consulate in Cairo, Egypt.

7/31/92 He entered the United States at Los Angeles as a tourist and was admitted until January 25, 1993.

12/01/92 Hadayet filed an application for political asylum and permission to work. He claimed he would be persecuted for his religious beliefs if he returned to Egypt. Specifically, Hadayet claimed to be a member of "Assad Eben Furat Mosque Association," which called for a strict Islamist government. Hadayet also claimed to have been arrested many times over the previous 14 years by the Egyptian secret police for his strong religious beliefs. Based on his asylum application, he was approved for an Employment Authorization Document (EAD) by the Los Angeles INS office.

3/93 Hadayet's wife arrived in the United States with their son, an Egyptian citizen. There was no immigration record of their arrival.[56]

3/8/93 Hadayet's permission to work was approved for another year.

3/30/93 Hadayet was interviewed about his political asylum claim. He lied about the presence of his wife and son in the United States. Concealment of this material fact was grounds for denial of his petition.

3/7/95 After reviewing all the facts in the case, the INS issued a "Notice of Intent to Deny the Political Asylum Claim." Hadayet was given thirty days to respond. He did not.

3/18/94 Hadayet received another one-year renewal of his employment authorization. He worked as a chauffeur, mainly at the Los Angeles airport.

10/19/95 Deportation proceedings were initiated for his previous overstay in 1992. Hadayet's permission to work was also terminated. His deportation hearing was scheduled for March 26, 1996. All case documents were sent to him via certified mail.

The certified mail was returned "undeliverable." Because he did not receive the official INS notification of his deportation hearing, under INS regulations he was not placed in the Deportable Alien Control System (DACS) system. Thus, no one at INS was tracking him or looking for him.

3/29/96 Deportation proceedings against Hadayet were terminated because he could not be located.

6/96 Hadayet applied to renew his employment authorization. The DACS was checked but because Hadayet's name was not entered, he received authorization to work another year.

Meanwhile, his wife won one of the 50,000 "diversity immigrant visas" issued in an annual lottery, and was granted legal permanent residence status in the United States.

1/97 Hadayet's wife filed an application for permanent residence for Hadayet based on her status as a legal resident.[57]

8/29/97 Hadayet was approved for permanent residence as an asylee.

5/3/00 Hadayet was issued a second California driver's license in the name Hesham Mohamed Hadayet. His previous driver's license was in the name of Hesham Mohamed Ali.

7/4/02 Hadayet drove to the Los Angeles Airport armed with a .45 caliber pistol, a 9-millimeter automatic handgun and a hunting knife. He approached the El Al ticket counter and shot and killed an El Al employee and a man waiting in line. He was shot and killed by a security officer.

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[1] See DHS document, immigration file A72 415 284 and immigration file A93 249 086.
[2] The new passport contained a curious notation that the correct name on the passport should be "Kansi."
[3] Immigration Reform and Control Act of 1986, *Eligibility for Temporary Resident Status Under the Main Legalization Program*
[4] He also provided a completed form requesting status in a class action lawsuit against the INS by the League of United Latin American Citizens (LULAC).
[5] DHS/CIS Press Release, *Federal Courts Approve Settlements in CSS and LULAC Legalization Cases,* Mar. 23, 2004.
[6] See DHS document, immigration file A93 249 086.
[7] Kansi's roommate, Zahed Ahmad Mir, was visited by law enforcement authorities after the CIA attack and permitted the police to seize two handguns and magazines for the AK-47 believed to be used by Kansi in the shooting. Mir was later arrested and convicted of fraud for his application for amnesty under the Seasonal Agricultural Worker (SAW) provisions of the Immigration Reform and Control Act of 1986. This provision permitted illegal aliens who had engaged in seasonal agricultural work for at least 90 days to apply for amnesty and receive legal residence in the United States. Mir falsely asserted on his SAW application that he entered the United States in 1985 and picked "watermelons, cantaloupe and assorted other crops" for a farm in Georgia. See DHS document, immigration file A93 001 385.
[8] Mir Aimal Kasi v. Commonwealth of Virginia (Virginia Supreme Court), Circuit Court of Fairfax County, Record Numbers 980797 and 980798, Nov. 6, 1998.
[9] See DHS document, immigration file A73 140 727.
[10] Department of Justice, U.S. Attorney's Office for the Southern District of New York, Press Release, Aug. 3, 1995.
[11] See DHS document, immigration file A 91 184 226.
[12] The petitioner on his behalf, Lee Artis Breedlove, a Florida farm owner, claimed to have employed Abouhalima and others. Breedlove pled guilty in federal court to issuing 260 fraudulent employment records used by aliens in their SAW applications.
[13] Department of Justice, Federal Bureau of Prisons.
[14] See DHS documents, immigration files A71 495 857, A93 003 841 and A94 010 816. Only parts of these files were available for our review.

[15] *The Cell,* John Miller and Michael Stone, Hyperion, 2002, p.49.
[16] Section 244 of the Immigration and Nationality Act grants temporary protected status (TPS) to eligible nationals of designated countries (or parts thereof) as determined by the Attorney General. TPS can be given to aliens in the United States who are temporarily unable to safely return to their home country because of ongoing armed conflict, the temporary effects of an environmental disaster, or other extraordinary and temporary conditions.
[17] Alkaisi could not get TPS as a citizen of Jordan. Lebanon was a designated Temporary Protected Status country.
[18] 18 USC § 1001 (False Statements).
[19] Memorandum of Record, "Request for Recommendation re: Revocation of Naturalization", from Warren Louis, INS District Director, Newark, NJ to Carol D. Chasse, Regional Director, INS Eastern Region, May 28, 1996.
[20] His INS immigration file (A 90 678 144) was not available for review. Although the Department of Homeland Security (Bureau of Immigration and Customs Enforcement) stated that the file had been located in New York City, it was not provided to the Commission. They did state that the individual was not a legal permanent resident or naturalized citizen.
[21] Trial exhibit, WTC 1, U.S. District Court, Southern District of New York.
[22] His INS immigration file (A 90 568 993) was not available for review. DHS informed us that the Privacy Act barred the Commission from obtaining immigration files on legal permanent residents and naturalized citizens, even those convicted of terrorism or related crimes.
[23] See DHS documents, immigration files A41 066 738 and A27 520 221.
[24] This was Cortez's second marriage; her first husband, Jonathan Rivera Rosario, was also an alien. See DHS document, immigration file A27 520 221.
[25] The petition was for Wahid Mohamed Ahmed (alias for Saleh) with a date of birth of June 13, 1950.
[26] INA Section 213, Conditional Residence, states "this status, based on marriage, lasts for two years after entry if the marriage was less then two years prior to day you have received your permanent residence".
[27] This was a violation of 21 USC § 841(a)(1) and 18 USC § 2.
[28] 18 USC § 371, 18 USC § 844 (i) and 18 USC§ 842(a)(3)(A).
[29] Under immigration law, because the INS had placed a detainer on him, Saleh ordinarily would have been turned over to them for deportation following his release.
[30] Relief from deportation is available to someone convicted of terrorism under immigration law if they can show "hardship," which Saleh could not do based on his terrorism and drug convictions.
[31] His Immigration file (A 23 406 577) was not available for review. The Privacy Act barred the Commission from obtaining this file.
[32] Many birth records were destroyed in an earthquake in Nicaragua on December 23, 1972. Applications for Nicaraguan passports do not require a personal visit.
[33] INS Memo to File from District Counsel, INS, Newark, New Jersey, undated.
[34] He also might have held an Iraqi passport M0887925 in the name of Abdul Rahman S. Taher. See FBI fugitive web site www.fbi.gov/mostwant/topten/fugitives/fugitives.
[35] United States v Omar Ahmad Ali Abdel Rahman, El Sayyid Nosair, Ibrahim A. El-Gabrowny, Siddig Ibrahim Siddiq Ali, Clement Hampton-El, Amir Abdelgani, Fares Khallafalla, Tarig Elhassan, Fadil Abdelgani, Mohammed Saleh, Victor Alvarez, Matarawy Mohammmed Said Saleh, US District Court, Southern District of New York.
[36] Department of Justice, Federal Bureau of Prisons.
[37] Department of Justice, Federal Bureau of Prisons.
[38] Department of Justice, Federal Bureau of Prisons.
[39] Department of Justice, Federal Bureau of Prisons.
[40] See DHS document, immigration file A73 442 758.
[41] A warrant of arrest was issued by Aaron Miller, Assistant Chief Patrol Agent, Bellingham, Washington for Khalil's immigration violations.
[42] On August 11, 1997, the INS requested that Khalil be tried in New York, rather than in Arlington, Virginia since he was being held in New York City as a material witness in the attempted bombing. The judge agreed to move the case.
[43] Department of Justice, Federal Bureau of Prisons.
[44] 9/11 Commission Report, page 489, endnote 13.

[45] Department of Justice, Federal Bureau of Prisons.
[46] See DHS document, immigration file A78 392 527. The A file contains poor quality copies of two passports belonging to Rababah. Jordanian passport E041890 was issued on March 3, 1994 and was valid until March 8, 1999. Jordanian passport G263860 was issued on March 1, 1999 and was valid until March 12, 2004.
[47] He had entered the United States two times before on a B-2 multiple entry tourist visa.
[48] Testimony of Michael E. Rolince, Section Chief, International Terrorist Operations Section, Counterterrorism Division, Federal Bureau of Investigation in Bond Proceedings before the Executive Office for Immigration Review, Oct. 23, 2001.
[49] His INS immigration file was not available for review. The Privacy Act barred the Commission from obtaining immigration files on legal permanent residents and naturalized citizens.
[50] See DHS document, immigration file A75 628 802.
[51] 9/11 Commission Report, pp. 215-220.
[52] 9/11 Commission Report, p. 220.
[53] Department of Justice, Bureau of Prisons.
[54] *Man held as a material witness in 9/11 probe deported to Yemen,* The San Diego Union-Tribune, May 26, 2004.
[55] See DHS document, immigration file A70 640 955.
[56] Testimony by William Yates, Deputy Executive Associate Commissioner, Immigration Services Division before the House Subcommittee on Immigration, Border Security, and Claims, House Committee on the Judiciary, Oct. 9, 2002.
[57] Since she was a legal permanent resident alien, her immigration file is covered by the Privacy Act and the Commission was barred from reviewing it.

REPORT OF THE JOINT INQUIRY INTO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001 – BY THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE AND THE SENATE SELECT COMMITTEE ON INTELLIGENCE

S. REPT. NO. 107- 351 107TH CONGRESS, 2D SESSION H. REPT. NO. 107-792

JOINT INQUIRY INTO INTELLIGENCE COMMUNITY ACTIVITIES BEFORE AND AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

REPORT

OF THE

U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE

AND

U.S. HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

TOGETHER WITH ADDITIONAL VIEWS

DECEMBER 2002

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TOGETHER WITH ADDITIONAL VIEWS

DECEMBER 2002

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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE
WASHINGTON, DC 20515–6415

TIMOTHY R. SAMPLE, STAFF DIRECTOR
CHRISTOPHER BARTON, CHIEF COUNSEL
MICHAEL W. SHEEHY, DEMOCRATIC COUNSEL

December 20, 2002

The Honorable J. Dennis Hastert
Speaker of the House
U.S. Capitol
Washington, D.C.

Dear Mr. Speaker:

We are pleased to file today, as a House report, the Report of the Joint Inquiry of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001. Each committee, by separate vote on December 10, 2002, agreed to the identical text for the report and ordered it to be reported to that committee's House of Congress. Accordingly, it is also being filed today as a Senate report by the Senate Select Committee on Intelligence.

The report of the Joint Inquiry includes findings and conclusions, accompanying narrative, and recommendations. It also includes additional views, of both House and Senate members of their respective committees, which are collected in an Appendix.

We are delivering with this letter four nonclassified portions of the report: (1) the cover page; (2) a table of general contents; (3) a list of findings and conclusions (without accompanying narrative); and (4) the recommendations. The remainder of the House report contains highly classified and sensitive information that must be retained in a Sensitive Compartmented Information Facility (SCIF), and will therefore be stored in the secure facilities of the House Permanent Select Committee on Intelligence. The classified portions of the report will be submitted for declassification and a nonclassified text produced as a result of that process. The entire nonclassified report will be published as early as possible in the 108th Congress. The committees anticipate that the report of the Joint Inquiry will be published as a single document, bearing both a House and a Senate report number, as was done with the report of the Iran-Contra committees.

Sincerely yours,

Porter Goss
Chairman

Nancy Pelosi
Ranking Democrat

BOB GRAHAM, FLORIDA, CHAIRMAN
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KATHLEEN P. McGHEE, CHIEF CLERK

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

December 20, 2002

The Honorable Robert C. Byrd
President pro tempore
United States Senate
Washington, D.C.

Dear Mr. President:

We are pleased to file today, as a Senate report, the Report of the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001. Each committee, by separate vote on December 10, 2002, agreed to identical text for the report and ordered it to be reported to that committee's House of Congress. Accordingly, it is also being filed today as a House report by the House Permanent Select Committee on Intelligence.

The report of the Joint Inquiry includes findings and conclusions, accompanying narrative, and recommendations. It also includes additional views, of both House and Senate members of their respective committees, which are collected in an Appendix. The Senate's unanimous consent agreement of November 15, 2002, 148 Cong. Rec. S11228, authorized the Secretary of the Senate to receive the Senate Select Committee on Intelligence's report after the adjournment sine die.

We are delivering to the Legislative Clerk, with this letter, four unclassified portions of the report: (1) the cover page; (2) a table of general contents; (3) a list of findings and conclusions (without accompanying narrative); and (4) the recommendations. The remainder of the report contains highly classified and sensitive information and must be retained in a sensitive compartmented information facility. For that reason it is being held in the secure facilities of the Senate Select Committee on Intelligence, in accordance with past practices regarding the retention by the committee of classified annexes. All Members of the Senate will be advised that the classified report is available for reading by them at the committee.

The classified portions of the report will be submitted for declassification and an unclassified text produced as a result of that process. The entire unclassified report will be published as early as possible in the 108th Congress. The committees anticipate that the report of the Joint Inquiry will be published as a single document, bearing both a House and a Senate report number, as was done with the report of the Iran-Contra Committees.

Sincerely,

Bob Graham
Chairman

Richard Shelby
Vice Chairman

Enclosures – As stated

Foreword

This is the declassified version of the Final Report of the Joint Inquiry that was approved and filed with the House of Representatives and the Senate on December 20, 2002. With the exception of portions that were released to the public previously (e.g., the additional views of Members, the GAO Anthrax Report, etc.), this version has been declassified by the Intelligence Community prior to its public release. That review was for classification purposes only, and does not indicate Intelligence Community agreement with the accuracy of this report, or concurrence with its factual findings or conclusions.

At appropriate points in the report, relevant information that developed after the report was filed, or that has appeared in other public sources, has been inserted and is denoted with an asterisk (*) and an accompanying footnote. Where necessary, information that the Intelligence Community has identified as classified for national security purposes has been deleted. Such deletions are indicated with brackets and a strikethrough [~~————————~~]. In other portions of the report, alternative language that the Intelligence Community has agreed is unclassified has been substituted for the original report language which remains classified. Paragraphs that contain alternative language, whether one word or several sentences, have been identified by brackets at the beginning and end of the paragraph.

As a result of these changes to the text, the page numbers at the bottom of each page do not match those of the original report. In order to preserve a record of the original pagination, page numbers have been inserted in gray font [page xx] in the text to mark where the corresponding pages begin and end in the original report.

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107th Congress

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* As of December 1, 2002. In addition, a substantial contribution to the development and direction of the Joint Inquiry was made by the Staff's first Staff Director, Britt Snider. Other original members of the staff included Catherine Lotrionte, who left the staff in the summer of 2002.

ABRIDGED FINDINGS AND CONCLUSIONS

FACTUAL FINDINGS

1. Finding: While the Intelligence Community had amassed a great deal of valuable intelligence regarding Usama Bin Ladin and his terrorist activities, none of it identified the time, place, and specific nature of the attacks that were planned for September 11, 2001. Nonetheless, the Community did have information that was clearly relevant to the September 11 attacks, particularly when considered for its collective significance.

2. Finding: During the spring and summer of 2001, the Intelligence Community experienced a significant increase in information indicating that Bin Ladin and al-Qa'ida intended to strike against U.S. interests in the very near future.

3. Finding: Beginning in 1998 and continuing into the summer of 2001, the Intelligence Community received a modest, but relatively steady, stream of intelligence reporting that indicated the possibility of terrorist attacks within the United States. Nonetheless, testimony and interviews confirm that it was the general view of the Intelligence Community, in the spring and summer of 2001, that the threatened Bin Ladin attacks would most likely occur against U.S. interests overseas, despite indications of plans and intentions to attack in the domestic United States.

4. Finding: From at least 1994, and continuing into the summer of 2001, the Intelligence Community received information indicating that terrorists were contemplating, among other means of attack, the use of aircraft as weapons. This information did not stimulate any specific Intelligence Community assessment of, or collective U.S. Government reaction to, this form of threat.

5. Finding: Although relevant information that is significant in retrospect regarding the attacks was available to the Intelligence Community prior to September 11, 2001, the Community too often failed to focus on that information and consider and appreciate its collective significance in terms of a probable terrorist attack. Neither did the Intelligence Community demonstrate sufficient initiative in coming to grips with the new transnational threats. Some significant pieces of information in the vast stream of data being collected were overlooked, some were not recognized as potentially significant at the time and therefore not disseminated, and some required additional action on the part of foreign governments before a direct connection to the hijackers could have been established. For all those reasons, the Intelligence Community failed to fully capitalize on available, and potentially important, information. The sub-findings below identify each category of this information.

[Terrorist Communications in 1999]

5.a. [During 1999, the National Security Agency obtained a number of communications – none of which included specific detail regarding the time, place or nature of the September 11 attacks -- connecting individuals to terrorism who were identified, after September 11, 2001, as participants in the attacks that occurred on that day.]

Malaysia Meeting and Travel of al-Qa'ida Operatives to the United States

5.b. The Intelligence Community acquired additional, and highly significant, information regarding Khalid al-Mihdhar and Nawaf al-Hazmi in early 2000. Critical parts of the information concerning al-Mihdhar and al-Hazmi lay dormant within the Intelligence Community for as long as eighteen months, at the very time when plans for the September 11 attacks were proceeding. The CIA missed repeated opportunities to act based on information in its possession that these two Bin Ladin-associated terrorists were traveling to the United States, and to add their names to watchlists.

[Terrorist Communications in Spring 2000]

5.c. [In January 2000, after the meeting of al-Qa'ida operatives in Malaysia, Khalid al-Mihdhar and Nawaf al-Hazmi entered the United States [————————————]. Thereafter, the Intelligence Community obtained information indicating that an individual named "Khaled" at an unknown location had contacted a suspected terrorist facility in the Middle East. The Intelligence Community reported some of this information, but did not report all of it. Some of it was not reported because it was deemed not terrorist-related. It was not until after September 11, 2001 that the Intelligence Community determined that these contacts had been made from future hijacker Khalid al-Mihdhar while he was living within the domestic United States.]

[Two Hijackers Had Numerous Contacts With an Active FBI Informant]

5.d. [This Joint Inquiry confirmed that these same two future hijackers, Khalid al-Mihdhar and Nawaf al-Hazmi, had numerous contacts with a long time FBI counterterrorism informant in California and that a third future hijacker, Hani Hanjour, apparently had more limited contact with the informant. In mid- to late-2000, the CIA already had information indicating that al-Mihdhar had a multiple entry U.S. visa and that al-Hazmi had in fact traveled to Los Angeles, but the two had not been watchlisted and information suggesting that two suspected terrorists could well be in the United States had not yet [page xiii] been given to the FBI. The San Diego FBI field office that handled the informant in question, did not receive that

information or any of the other intelligence information pertaining to al-Mihdhar and al-Hazmi, prior to September 11, 2001. As a result, the FBI missed the opportunity to task a uniquely well-positioned informant -- who denies having any advance knowledge of the plot --- to collect information about the hijackers and their plans within the United States].

The Phoenix Electronic Communication

5.e. On July 10, 2001, an FBI Phoenix field office agent sent an "Electronic Communication" to 4 individuals in the Radical Fundamentalist Unit (RFU) and two people in the Usama Bin Ladin Unit (UBLU) at FBI headquarters, and to two agents on International Terrorism squads in the New York Field Office. In the communication, the agent expressed his concerns, based on his first-hand knowledge, that there was a coordinated effort underway by Bin Ladin to send students to the United States for civil aviation-related training. He noted that there was an "inordinate number of individuals of investigative interest" in this type of training in Arizona and expressed his suspicion that this was an effort to establish a cadre of individuals in civil aviation who would conduct future terrorist activity. The Phoenix EC requested that FBI Headquarters consider implementing four recommendations:

- **accumulate a list of civil aviation university/colleges around the country;**
- **establish liaison with these schools;**
- **discuss the theories contained in the Phoenix EC with the Intelligence Community; and**
- **consider seeking authority to obtain visa information concerning individuals seeking to attend flight schools.**

However, the FBI headquarters personnel did not take the action requested by the Phoenix agent prior to September 11, 2001. The communication generated little or no interest at either FBI Headquarters or the FBI's New York field office.

The FBI Investigation of Zacarias Moussaoui

5.f. In August 2001, the FBI's Minneapolis field office, in conjunction with the INS, detained Zacarias Moussaoui, a French national who had enrolled in flight training in Minnesota. FBI agents there also suspected that Moussaoui was involved in a hijacking plot. FBI Headquarters attorneys determined that there was not probable cause to obtain a court order to [page xiv] search Moussaoui's belongings under the Foreign Intelligence Surveillance Act (FISA). However, personnel at FBI Headquarters, including the Radical Fundamentalism Unit and the National Security Law Unit, as well as agents in the Minneapolis field office, misunderstood the legal standard for obtaining an order under FISA. As a result, FBI Minneapolis Field Office personnel wasted valuable investigative resources trying to connect the Chechen rebels to al-Qa'ida. Finally, no one at the FBI apparently connected the Moussaoui investigation with the heightened threat environment in the summer of

2001, the Phoenix communication, or the entry of al-Mihdhar and al-Hazmi into the United States.

Hijackers In Contact With Persons of FBI Investigative Interest in the United States

5.g. The Joint Inquiry confirmed that at least some of the hijackers were not as isolated during their time in the United States as has been previously suggested. Rather, they maintained a number of contacts both in the United States and abroad during this time period. Some of those contacts were with individuals who were known to the FBI, through either past or, at the time, ongoing FBI inquiries and investigations. Although it is not known to what extent any of these contacts in the United States were aware of the plot, it is now clear that they did provide at least some of the hijackers with substantial assistance while they were living in this country.

Hijackers' Associates in Germany

5.h. [Since 1995, the CIA had been aware of a radical Islamic presence in Germany, including individuals with connections to Usama Bin Ladin. Prior to September 11, 2001, the CIA had unsuccessfully sought additional information on individuals who have now been identified as associates of some of the hijackers.]

Khalid Shaykh Mohammad

5.i. Prior to September 11, the Intelligence Community had information linking Khalid Shaykh Mohammed (KSM), now recognized by the Intelligence Community as the mastermind of the attacks, to Bin Ladin, to terrorist plans to use aircraft as weapons, and to terrorist activity in the United States. The Intelligence Community, however, relegated Khalid Shaykh Mohammed (KSM) to rendition target status following his 1996 indictment in connection with the Bojinka Plot and, as a [page xv] **result, focused primarily on his location, rather than his activities and place in the al-Qa'ida hierarchy. The Community also did not recognize the significance of reporting in June 2001 concerning KSM's active role in sending terrorists to the United States, or the facilitation of their activities upon arriving in the United States. Collection efforts were not targeted on information about KSM that might have helped better understand al-Qa'ida's plans and intentions, and KSM's role in the September 11 attacks was a surprise to the Intelligence Community.**

[Terrorist Communications in September 2001]

5.j. [In the period from September 8 to September 10, 2001 NSA intercepted, but did not translate or disseminate until after September 11, some communications that indicated possible impending terrorist activity.]

CONCLUSION – FACTUAL FINDINGS

In short, for a variety of reasons, the Intelligence Community failed to capitalize on both the individual and collective significance of available information that appears relevant to the events of September 11. As a result, the Community missed opportunities to disrupt the September 11th plot by denying entry to or detaining would-be hijackers; to at least try to unravel the plot through surveillance and other investigative work within the United States; and, finally, to generate a heightened state of alert and thus harden the homeland against attack.

No one will ever know what might have happened had more connections been drawn between these disparate pieces of information. We will never definitively know to what extent the Community would have been able and willing to exploit fully all the opportunities that may have emerged. The important point is that the Intelligence Community, for a variety of reasons, did not bring together and fully appreciate a range of information that could have greatly enhanced its chances of uncovering and preventing Usama Bin Ladin's plan to attack these United States on September 11, 2001.

SYSTEMIC FINDINGS

Our review of the events surrounding September 11 has revealed a number of systemic weaknesses that hindered the Intelligence Community's counterterrorism efforts before September 11. If not addressed, these weaknesses will continue to undercut U.S. counterterrorist efforts. In order to minimize the possibility of attacks like September 11 in the future, effective solutions to those problems need to be developed and fully implemented as soon as possible.
[page xvi]

1. Finding: Prior to September 11, the Intelligence Community was neither well organized nor equipped, and did not adequately adapt, to meet the challenge posed by global terrorists focused on targets within the domestic United States. Serious gaps existed between the collection coverage provided by U.S. foreign and U.S. domestic intelligence capabilities. The U.S. foreign intelligence agencies paid inadequate attention to the potential for a domestic attack. The CIA's failure to watchlist suspected terrorists aggressively reflected a lack of emphasis on a process designed to protect the homeland from the terrorist threat. As a result, CIA employees failed to watchlist al-Mihdhar and al-Hazmi. At home, the counterterrorism effort suffered from the lack of an effective domestic intelligence capability. The FBI was unable to identify and monitor effectively the extent of activity by al-Qa'ida and other international terrorist groups operating in the United States. Taken together, these problems greatly exacerbated the nation's vulnerability to an increasingly dangerous and immediate international terrorist threat inside the United States.

2. Finding: Prior to September 11, 2001, neither the U.S. Government as a whole nor the Intelligence Community had a comprehensive counterterrorist strategy for combating the threat posed by Usama Bin Ladin. Furthermore, the Director of Central Intelligence (DCI) was either unwilling or unable to marshal the full range of Intelligence Community resources necessary to combat the growing threat to the United States.

3. Finding: Between the end of the Cold War and September 11, 2001, overall Intelligence Community funding fell or remained even in constant dollars, while funding for the Community's counterterrorism efforts increased considerably. Despite those increases, the accumulation of intelligence priorities, a burdensome requirements process, the overall decline in Intelligence Community funding, and reliance on supplemental appropriations made it difficult to allocate Community resources effectively against an evolving terrorist threat. Inefficiencies in the resource and requirements process were compounded by problems in Intelligence Community budgeting practices and procedures.

4. Finding: While technology remains one of this nation's greatest advantages, it has not been fully and most effectively applied in support of U.S. counterterrorism efforts. Persistent problems in this area included a lack of collaboration between Intelligence Community agencies, a reluctance to develop and implement new technical capabilities aggressively, the FBI's reliance on outdated and insufficient technical systems, and the absence of a central counterterrorism database.

5. Finding: Prior to September 11, the Intelligence Community's understanding of al-Qa'ida was hampered by insufficient analytic focus and quality, particularly in terms of strategic analysis. Analysis and analysts were not always used effectively because of the perception in some quarters of the Intelligence Community that they were less important to agency counterterrorism missions than were operations personnel. The quality of counterterrorism analysis was inconsistent, and many analysts were inexperienced, unqualified, under-trained, and without access to critical information. As a result, there was a dearth of creative, aggressive analysis targeting Bin Ladin and a persistent inability to comprehend the collective significance of individual pieces of intelligence. These analytic **[page xvii]** **deficiencies seriously undercut the ability of U.S. policymakers to understand the full nature of the threat, and to make fully informed decisions.**

6. Finding: Prior to September 11, the Intelligence Community was not prepared to handle the challenge it faced in translating the volumes of foreign language counterterrorism intelligence it collected. Agencies within the Intelligence Community experienced backlogs in material awaiting translation, a shortage of language specialists and language-qualified field officers, and a readiness level of only 30% in the most critical terrorism-related languages used by terrorists.

7. Finding: [Prior to September 11, the Intelligence Community's ability to produce significant and timely signals intelligence on counterterrorism was limited by NSA's failure to address modern communications technology aggressively, continuing conflict between Intelligence Community agencies, NSA's cautious approach to any collection of intelligence

relating to activities in the United States, and insufficient collaboration between NSA and the FBI regarding the potential for terrorist attacks within the United States].

8. Finding: The continuing erosion of NSA's program management expertise and experience has hindered its contribution to the fight against terrorism. NSA continues to have mixed results in providing timely technical solutions to modern intelligence collection, analysis, and information sharing problems.

9. Finding: The U.S. Government does not presently bring together in one place all terrorism-related information from all sources. While the CIA's Counterterrorist Center does manage overseas operations and has access to most Intelligence Community information, it does not collect terrorism-related information from all sources, domestic and foreign. Within the Intelligence Community, agencies did not adequately share relevant counterterrorism information, prior to September 11. This breakdown in communications was the result of a number of factors, including differences in the agencies' missions, legal authorities and cultures. Information was not sufficiently shared, not only between different Intelligence Community agencies, but also within individual agencies, and between the intelligence and the law enforcement agencies.

10. Finding: Serious problems in information sharing also persisted, prior to September 11, between the Intelligence Community and relevant non-Intelligence Community agencies. This included other federal agencies as well as state and local authorities. This lack of communication and collaboration deprived those other entities, as well as the Intelligence Community, of access to potentially valuable information in the "war" against Bin Ladin. The Inquiry's focus on the Intelligence Community limited the extent to which it explored these issues, and this is an area that should be reviewed further.

11. Finding: Prior to September 11, 2001, the Intelligence Community did not effectively develop and use human sources to penetrate the al-Qa'ida inner circle. This lack of reliable and knowledgeable human sources significantly limited the Community's ability to [page xviii] acquire intelligence that could be acted upon before the September 11 attacks. In part, at least, the lack of unilateral (i.e., U.S.-recruited) counterterrorism sources was a product of an excessive reliance on foreign liaison services.

12. Finding: During the summer of 2001, when the Intelligence Community was bracing for an imminent al-Qa'ida attack, difficulties with FBI applications for Foreign Intelligence Surveillance Act (FISA) surveillance and the FISA process led to a diminished level of coverage of suspected al-Qa'ida operatives in the United States. The effect of these difficulties was compounded by the perception that spread among FBI personnel at Headquarters and the field offices that the FISA process was lengthy and fraught with peril.

13. Finding: [———————————————

_____
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_____
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_____].

14. Finding: [Senior U.S. military officials were reluctant to use U.S. military assets to conduct offensive counterterrorism efforts in Afghanistan, or to support or participate in CIA operations directed against al-Qa'ida prior to September 11. At least part of this reluctance was driven by the military's view that the Intelligence Community was unable to provide the intelligence needed to support military operations. Although the U.S. military did participate in [——] counterterrorism efforts to counter Usama Bin Ladin's terrorist network prior to September 11, 2001, most of the military's focus was on force protection].

15. Finding: The Intelligence Community depended heavily on foreign intelligence and law enforcement services for the collection of counterterrorism intelligence and the conduct of other counterterrorism activities. The results were mixed in terms of productive intelligence, reflecting vast differences in the ability and willingness of the various foreign services to target the Bin Ladin and al-Qa'ida network. Intelligence Community agencies sometimes failed to coordinate their relationships with foreign services adequately, either within the Intelligence Community or with broader U.S. Government liaison and foreign policy efforts. This reliance on foreign liaison services also resulted in a lack of focus on the development of unilateral human sources.

16. Finding: [The activities of the September 11 hijackers in the United States appear to have been financed, in large part, from monies sent to them from abroad and also brought in on their persons. Prior to [page xix] September 11, there was no coordinated U.S. Government-wide strategy to track terrorist funding and close down their financial support networks. There was also a reluctance in some parts of the U.S. Government to track terrorist funding and close down their financial support networks. As a result, the U.S. Government was unable to disrupt financial support for Usama Bin Ladin's terrorist activities effectively.]

RELATED FINDINGS

17. Finding: Despite intelligence reporting from 1998 through the summer of 2001 indicating that Usama Bin Ladin's terrorist network intended to strike inside the United States, the United States Government did not undertake a comprehensive effort to implement defensive measures in the United States.

18. Finding: Between 1996 and September 2001, the counterterrorism strategy adopted by the U. S. Government did not succeed in eliminating Afghanistan as a sanctuary and training ground for Usama Bin Ladin's terrorist network. A range of instruments was used to counter al-Qa'ida, with law enforcement often emerging as a leading tool because other

means were deemed not to be feasible or failed to produce results. While generating numerous successful prosecutions, law enforcement efforts were not adequate by themselves to target or eliminate Bin Ladin's sanctuary. The United States persisted in observing the rule of law and accepted norms of international behavior, but Bin Ladin and al-Qa'ida recognized no rules and thrived in the safe haven provided by Afghanistan.

19. Finding: Prior to September 11, the Intelligence Community and the U.S. Government labored to prevent attacks by Usama Bin Ladin and his terrorist network against the United States, but largely without the benefit of an alert, mobilized and committed American public. Despite intelligence information on the immediacy of the threat level in the spring and summer of 2001, the assumption prevailed in the U.S. Government that attacks of the magnitude of September 11 could not happen here. As a result, there was insufficient effort to alert the American public to the reality and gravity of the threat.

20. Finding: Located in Part Four Entitled "Finding, Discussion and Narrative Regarding Certain Sensitive National Security Matters."

PART ONE—FINDINGS AND CONCLUSIONS

I. THE JOINT INQUIRY

In February 2002, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence agreed to conduct a Joint Inquiry into the activities of the U.S. Intelligence Community in connection with the terrorist attacks perpetrated against our nation on September 11, 2001. Reflecting the magnitude of the events of that day, the Committees' decision was unprecedented in Congressional history: for the first time, two permanent committees, one from the House and one from the Senate, would join together to conduct a single, unified inquiry.

The three principal goals of this Joint Inquiry were to:

- conduct a factual review of what the Intelligence Community knew or should have known prior to September 11, 2001, regarding the international terrorist threat to the United States, to include the scope and nature of any possible international terrorist attacks against the United States and its interests;
- identify and examine any systemic problems that may have impeded the Intelligence Community in learning of or preventing these attacks in advance; and
- make recommendations to improve the Intelligence Community's ability to identify and prevent future international terrorist attacks.

It should be noted that this Joint Inquiry had the specific charter to review the activities of the Intelligence Community and was limited to approximately one year's duration. It is recognized that there are many other issues relating to the events of September 11, 2001 that are outside the limits of the Intelligence Community, and that additional new [page 2] information may be developed within the Intelligence Community that was not reviewed by the Inquiry within the allotted time. With that in

mind, we look forward to cooperating with the new National Commission on Terrorist Attacks Upon the United States and the continuing oversight efforts of the House and Senate Intelligence Committees.

During the course of this Inquiry, these Committees have held nine public hearings as well as thirteen closed sessions in which classified information has been considered. In addition, the Joint Inquiry Staff has reviewed almost 500,000 pages of relevant documents from the Intelligence Community agencies and other sources, of which about 100,000 pages have been selected for incorporation into the Joint Inquiry's records. The Staff also has conducted approximately 300 interviews, and has participated in numerous briefings and panel discussions, that have involved almost 600 individuals from the Intelligence Community agencies, other U.S. Government organizations, state and local entities, and representatives of the private sector and foreign governments.

Thus, the Inquiry has sought and considered information from agencies throughout the Intelligence Community and other parts of the federal government; from relevant state and local authorities; and from private sector and foreign government individuals and organizations. This report is based on information gathered by the Committees throughout this Inquiry as well as testimony and exhibits received during the course of both the closed and open hearings. Consistent with the need to protect the national security, [page 2] the Committees will also subsequently issue an unclassified version of this report for public release.[*]

The statement of the Committees' findings and recommendations in Part I of this report includes only a brief summary of the nature of the terrorist threat that faced the United States, and the Intelligence Community, in the years that preceded the vicious attacks of September 11, 2001. Given the scope of the information and issues considered during the course of this Inquiry, these findings and recommendations can only be completely understood against the background of the full hearing and investigative record. To provide that context, a detailed description of the hearings and investigative work of the Joint Inquiry is contained in Part II of this report.[1]

[*] This is the unclassified version of the original classified report that was approved by the Joint Inquiry.

II. THE CONTEXT

September 11, 2001, while indelible in our collective memory, was by no means America's first confrontation with international terrorism. Although the nature of the threat had evolved considerably over time, the United States and its interests have long been prime terrorist targets. For example, the bombings of the Marine barracks and the U.S. Embassy in Beirut, Lebanon in 1983 should have served as a clear warning that terrorist groups were not reluctant to attack U.S. interests when they believed such attacks would further their ends.

The Intelligence Community also had considerable evidence before September 11 that international terrorists were capable of, and had planned, major terrorist strikes within the United States. The 1993 attack on the World Trade Center confirmed this point, as did the 1993 plots to bomb New York City landmarks and the 1999 arrest at the U.S.-Canadian border of Ahmad Ressam, who intended to bomb the Los Angeles International Airport. [Page 4]

Usama Bin Ladin's role in international terrorism had also been well known for some time before September 11. He initially came to the attention of the Intelligence Community in the early 1990s as a financier of terrorism. However, Bin Ladin's own words soon provided evidence of the steadily escalating threat to the United States he and his organization posed. In August 1996, he issued a *fatwa* -- or religious decree -- authorizing attacks on Western military targets in the Arabian Peninsula. In February 1998, Bin Ladin issued a second *fatwa* authorizing attacks on U.S. civilians and military personnel anywhere in the world. Bin Ladin's fatwas cited the U.S. military presence in

[1] Anthrax attacks in October 2001 eventually killed five Americans, contaminated the Senate Hart Office building in Washington, D.C. as well as U.S. Postal Service facilities in Maryland, and significantly affected the U.S. economy. The statement of Initial Scope of this Joint Inquiry made specific reference to the anthrax attacks. In pursuing that matter, the Inquiry received briefings from the FBI and the U.S. General Accounting Office (GAO) regarding their investigations of the anthrax attacks. It also requested that GAO's Center for Technology and Engineering review the attacks; current knowledge regarding the use of anthrax as a weapon; technologies available to detect anthrax; and the law enforcement community's ability to combat chemical and biological terrorist attacks, including the FBI's resources and analytical capabilities to investigate such attacks. The GAO report has been completed. It is summarized in Part Three of this report and is included in its entirety as an appendix. To date, no connection has been established between the anthrax attacks and the terrorist attacks of September 11, 2001.

Saudi Arabia and the Persian Gulf, the Palestinian issue, and U.S. support for Israel as justification for ordering these attacks.

The gradual emergence of Bin Ladin and others like him marked a change from the type of terrorist threat that had traditionally confronted the Intelligence Community. Throughout the Cold War, radical left and ethno-nationalist groups had carried out most terrorist acts. Many of these groups were state-sponsored. The first bombing of the World Trade Center in February 1993, however, led to a growing recognition in the Intelligence Community of a new type of terrorism that did not conform to the Cold War model: violent radical Islamic cells, not linked to any specific country, but united in anti-American zeal. A July 1995 National Intelligence Estimate noted the danger of this "new breed". By 1996, agencies within the Intelligence Community were aware that Bin Ladin was organizing these kinds of cells, and they began to collect intelligence on him actively.

In January 1996, the Counterterrorist Center (CTC) – which had been established at CIA in 1986 -- created a special unit that was dedicated to focusing on Bin Ladin and his associates. The unit quickly determined that he was more than a terrorist financier, and it soon became a hub for expertise on Bin Ladin and for operations directed against his terrorist network, al Qa'ida. Officials from the unit, which started with about 16 CIA officers and grew to about 40 officers from throughout the Intelligence Community prior to September 11, 2001, had unprecedented access to senior agency officials and White House policymakers.

[Page 5]

[At the FBI, the Radical Fundamentalist Unit was created in March 1994 to handle responsibilities related to international radical fundamentalist terrorists, including Usama Bin Ladin. This Unit also handled other counterintelligence matters, and was

responsible for the coordination of extraterritorial intelligence operations and criminal investigations targeted at radical fundamentalist terrorists. In 1999, the FBI recognized the increased threat to the United States posed by Bin Ladin and created the Usama Bin Ladin Unit to handle al-Qa'ida-related counterterrorism matters].

[As al-Qa'ida grew, both CIA and FBI officials recognized that the foreign intelligence, security, and law enforcement agencies of foreign governments, collectively referred to as "foreign liaison," could be of great value in penetrating and countering the organization. They understood that foreign liaison could act as a tremendous force multiplier against terrorism and, with that in mind, tried to coordinate and streamline what had been ad hoc relationships. As a result, as former National Security Advisor Sandy Berger testified, al-Qa'ida cells were disrupted in a number of countries after 1997. CTC also stepped up its efforts to enhance the capabilities of some foreign liaison services to work against joint terrorist targets. These efforts had mixed results].

The FBI also increased its focus on counterterrorism, establishing its own Counterterrorism Center at FBI Headquarters in 1996. Recognizing the importance of good relationships with foreign liaison services, the FBI expanded the permanent stationing of agents, known as Legal Attaches, or "Legats," in principal cities across the globe. In addition to improving relations with foreign services, the FBI engaged in an aggressive program with the CIA to arrest terrorists outside the United States. Finally, the FBI established Joint Terrorism Task Forces (JTTFs) in thirty-five field offices before September 11. These task forces were designed to bring together a range of federal, state and local agencies that could provide valuable assistance in counterterrorism investigations.

[Page 6]

The August 1998 bombing of two American embassies in East Africa definitively put the U.S. Intelligence Community on notice of the danger that Bin Ladin and his network, al-Qa'ida, posed. The attacks showed that Bin Ladin's network was capable of carrying out very bloody, simultaneous attacks and inflicting mass casualties. In December 1998, George Tenet, the Director of Central Intelligence, gave a chilling direction to his deputies at the CIA:

> We must now enter a new phase in our effort against Bin Ladin. . . . We are at war. . . . I want no resources or people spared in this effort, either inside the CIA or the Community.

Discovering and disrupting al-Qa'ida's plans proved exceptionally difficult, however. Details of major terrorist plots were not widely shared within the al-Qa'ida organization, making it hard to develop the intelligence necessary to preempt or disrupt attacks. Senior al-Qa'ida officials were sensitive to operational security, and many al-Qa'ida members enjoyed sanctuary in Afghanistan, where they could safely plan and train for their missions. Finally, senior members of al-Qa'ida were skilled and purposeful: they learned from their mistakes and were flexible in organization and planning.

Nonetheless, particularly after the bombings in East Africa, the Intelligence Community amassed a body of information detailing Bin Ladin's ties to terrorist activities against U.S. interests around the world. Armed with that information, prior to September 11, 2001, U.S. Government counterterrorist efforts to identify and disrupt terrorist operations focused to a substantial degree on Bin Ladin and his network. The Intelligence Community achieved some successes – in some cases, major successes – in these operations. In other cases, little came of the Intelligence Community's efforts. [Page 7]

By late 2000 and 2001, the Intelligence Community was engaged in an extensive, shadowy struggle against al-Qa'ida. Despite such efforts, Bin Ladin carried out successful and devastating attacks against Americans and citizens of other nations, including the bombing of USS Cole in Yemen in October 2000 and the attacks on the World Trade Center and the Pentagon on September 11, 2001.

III. FINDINGS AND CONCLUSIONS

A. Factual Findings

In reviewing the documents, interview reports, and witness testimony gathered during this Inquiry, the Joint Inquiry has sought to determine what information was available to the Intelligence Community prior to September 11, 2001 that was relevant to

the attacks that occurred on that day. The record that has been established through this Inquiry leads to the following factual findings and conclusions.

1. Finding: While the Intelligence Community had amassed a great deal of valuable intelligence regarding Usama Bin Ladin and his terrorist activities, none of it identified the time, place, and specific nature of the attacks that were planned for September 11, 2001. Nonetheless, the Community did have information that was clearly relevant to the September 11 attacks, particularly when considered for its collective significance.

Discussion: This Inquiry has uncovered no intelligence information in the possession of the Intelligence Community prior to the attacks of September 11 that, if fully considered, would have provided specific, advance warning of the details of those attacks. The task of the Inquiry was not, however, limited to a search for the legendary, and often absent, "smoking gun." The facts surrounding the September 11 attacks demonstrate the importance of strengthening the Intelligence Community's ability to detect and prevent terrorist attacks in what appears to be the more common, but also far more difficult, scenario. Within the huge volume of intelligence reporting that was available prior to September 11, there were various threads and pieces of information that, at least in retrospect, are both relevant and significant. The degree to which the Community was or was not able to build on that information to discern the bigger picture [page 8] successfully is a critical part of the context for the September 11 attacks and is addressed in the findings that follow.

2. Finding: During the spring and summer of 2001, the Intelligence Community experienced a significant increase in information indicating that Bin Ladin and al-Qa'ida intended to strike against U.S. interests in the very near future.

Discussion: The National Security Agency (NSA), for example, reported at least 33 communications indicating a possible, imminent terrorist attack in 2001. Senior U.S. Government officials were advised by the Intelligence Community on June 28 and July 10, 2001, that the attacks were expected, among other things, to "have dramatic consequences on governments or cause major casualties" and that "[a]ttack preparations have been made. Attack will occur with little or no warning."

Some Community personnel described the increase in threat reporting as unprecedented, at least in their own experience. The Intelligence Community advised senior policymakers of the likelihood of an attack but, given the non-specific nature of the reporting, could not identify when, where, and how an attack would take place. Deputy Secretary of State Richard Armitage, in his testimony, described his recollection of the threat and the U.S. Government's response:

> We issued between January and September nine warnings, five of them global, because of the threat information we were receiving from the intelligence agencies in the summer, when [DCI] George Tenet was around town literally pounding on desks saying, something is happening, this is an unprecedented level of threat information. He didn't know where it was going to happen, but he knew that it was coming.

3. Finding: Beginning in 1998 and continuing into the summer of 2001, the Intelligence Community received a modest, but relatively steady, stream of intelligence reporting that indicated the possibility of terrorist attacks within the United States. Nonetheless, testimony and interviews confirm that it was the general view of the Intelligence Community, in the spring and summer of 2001, that the threatened Bin Ladin attacks would most likely occur against U.S. interests overseas, despite indications of plans and intentions to attack in the domestic United States.

[Page 9]

Discussion: Communications intercepts, the arrests of suspected terrorists in the Middle East and Europe, and a credible report of a plan to attack a U.S. Embassy in the Middle East shaped the Community's thinking about where an attack was likely to occur. While former FBI Director Louis Freeh testified that the FBI was "intensely focused" on terrorist targets within the United States, the FBI's Executive Assistant Director for Counterterrorism testified that in 2001 he thought there was a high probability – "98 percent" – that the attack would be overseas. The latter was the clear majority view, despite the fact that the Intelligence Community had information suggesting that Bin Ladin had planned, and was capable of, conducting attacks within the domestic United States.

This stream of reporting began as early as 1998 and continued during the time of heightened threat levels in 2001. For example, the Community received reporting in May 2001 that Bin Ladin supporters were planning to infiltrate the United States to conduct terrorist operations and, in late summer 2001, that an al-Qa'ida associate was considering mounting terrorist attacks within the United States.

[Of particular interest to the Joint Inquiry was whether and to what extent the President received threat-specific warnings during this period. The Joint Inquiry was advised by a representative of the Intelligence Community that, in August 2001, a closely held intelligence report for senior government officials included information that Bin Ladin had wanted to conduct attacks in the United States since 1997. The information included discussion of the arrest of Ahmed Ressam in December 1999 at the U.S.-Canadian border and the 1998 bombings of U.S. embassies in Kenya and Tanzania. It mentioned that members of al-Qa'ida, including some U.S. citizens, had resided in or traveled to the United States for years and that the group apparently maintained a support structure here. The report cited uncorroborated information obtained and disseminated in 1998 that Bin Ladin wanted to hijack airplanes to gain the release of U.S.-held extremists; FBI judgments about patterns of activity consistent with preparations for hijackings or other types of attacks; as well as information acquired in May 2001 that indicated a group of Bin Ladin supporters was planning attacks in the United States with explosives].[*]
[Page 10]

4. Finding: From at least 1994, and continuing into the summer of 2001, the Intelligence Community received information indicating that terrorists were contemplating, among other means of attack, the use of aircraft as weapons. This information did not stimulate any specific Intelligence Community assessment of, or collective U.S. Government reaction to, this form of threat.

Discussion: [While the credibility of the sources was sometimes questionable and the information often sketchy, the Inquiry confirmed that the Intelligence Community did receive intelligence reporting concerning the potential use of aircraft as weapons. For example, the Community received information in 1998 about a Bin Ladin operation that would involve flying an explosive- laden aircraft into a U.S. airport and, in summer 2001, about a plot to bomb a U.S. embassy from an airplane or crash an airplane into it. The FBI and CIA were also aware that convicted terrorist Abdul Hakim Murad and several others had discussed the possibility of crashing an airplane into CIA Headquarters as part of "the Bojinka Plot" in the Philippines, discussed later in this report. Some, but

[*] National Security Advisor Condoleeza Rice stated in a May 16, 2002 press briefing that, on August 6, 2001, the President's Daily Brief (PDB) included information about Bin Ladin's methods of operation from a historical perspective dating back to 1997. One of the methods was that Bin Ladin might choose to highjack an airliner in order to hold passengers hostage to gain release of one of their operatives. She stated, however, that the report did not contain specific warning information, but only a generalized warning, and did not contain information that al-Qa'ida was discussing a particular planned attack against a specific target at any specific time, place, or by any specific method.

apparently not all, of these reports were disseminated within the Intelligence Community and to other agencies].

The Transportation Security Administration, for example, advised the Committees that the Federal Aviation Administration (FAA) had not received three of these reports, that two others were received by the FAA but through State Department cables, and that one report was received by the FAA, but only after September 11, 2001. Many policymakers and U.S. Government officials apparently remained unaware of this kind of potential threat and the Intelligence Community did not produce any specific assessments of the likelihood that terrorists would in fact use airplanes as weapons. For example, former National Security Advisor Sandy Berger testified before these Committees that:

> I don't recall being presented with any specific threat information about an attack of this nature [the use of aircraft as weapons] or any alert highlighting this threat or indicating it was any more likely than any other.

That testimony is consistent with the views publicly expressed by the current National Security Advisor, Condoleeza Rice, shortly after the September 11 attacks. [Page 11] Similarly, Deputy Under Secretary of Defense Paul Wolfowitz testified that he had not been made aware of this type of potential threat:

> I don't recall any warning of the possibility of a mass casualty attack using civilian airliners or any information that would have led us to contemplate the possibility of our shooting down a civilian airliner.

Even within the Intelligence Community, the possibility of using aircraft as weapons was apparently not widely known. At the FBI, for instance, the FBI Phoenix field office agent who wrote the so-called "Phoenix memo" testified that he was aware of the plot to crash a plane into CIA Headquarters, but not the other reports of terrorist groups considering the use of aircraft as weapons. The Chief of the Radical Fundamentalist Unit in the FBI's Counterterrorism Division also confirmed, in an Joint Inquiry interview, that he was not aware of such reports.

5. Finding: Although relevant information that is significant in retrospect regarding the attacks was available to the Intelligence Community prior to September 11, 2001, the Community too often failed to focus on that information and consider and appreciate its collective significance in terms of a probable terrorist attack. Neither did the Intelligence Community demonstrate sufficient initiative in coming to grips

with the new transnational threats. Some significant pieces of information in the vast stream of data being collected were overlooked, some were not recognized as potentially significant at the time and therefore not disseminated, and some required additional action on the part of foreign governments before a direct connection to the hijackers could have been established. For all those reasons, the Intelligence Community failed to capitalize fully on available, and potentially important, information. The sub-findings below identify each category of this information.

[Terrorist Communications in 1999}

5.a. [During 1999, the National Security Agency obtained a number of communications – none of which included specific detail regarding the time, place or nature of the September 11 attacks -- connecting individuals to terrorism who were identified, after September 11, 2001, as participants in the attacks that occurred on that day].

[Page 12]

Discussion: [In early 1999, the National Security Agency (NSA) analyzed communications involving a suspected terrorist facility in the Middle East that had previously been linked to al-Qa'ida activities directed against U.S. interests. Information obtained [——] included, among other things, the full name of future hijacker Nawaf al-Hazmi. Beyond the fact that the communications involved a suspected terrorist facility in the Middle East, the communications did not, in NSA's view at the time, feature any other terrorist-related information. The information was not published because the individuals mentioned in the communications were unknown to NSA, and, according to NSA, the information did not meet NSA's reporting thresholds. NSA has explained that these thresholds are flexible, sometimes changing daily, and consist of several factors, including: the priority of the intelligence requirement; the apparent intelligence value of the information; the level of customer interest in the topic; the current situation; and the volume of intercept to be analyzed and reported].

[During the summer of 1999, NSA analyzed additional communications involving a suspected terrorist facility in the Middle East that included the name of Khaled. At about the same time, the name Khallad also came to NSA's attention. This information did not meet NSA's reporting thresholds and thus was not disseminated].

[In late 1999, NSA analyzed communications involving a suspected terrorist facility in the Middle East that included the names of Khaled and Nawaf. At this time, NSA did not associate the latter individual with the Nawaf al-Hazmi it had learned about in early 1999. Later, the two individuals [–] were determined to be Khalid al-Mihdhar and Nawaf al-Hazmi, now known to be two of the September 11 hijackers. [————————]. This information was passed to the CIA as well as the FBI in late 1999. In early 2000, NSA also [————————————————] passed additional information about Khalid to the CIA, FBI, FAA, the Departments of State, Treasury, Transportation, and Justice, and others in the U.S. Government].

[Page 13]

Malaysia Meeting and Travel of al-Qa'ida Operatives to the United States

5.b. The Intelligence Community acquired additional, and highly significant, information regarding Khalid al-Mihdhar and Nawaf al-Hazmi in early 2000. Critical parts of the information concerning al-Mihdhar and al-Hazmi lay dormant within the Intelligence Community for as long as eighteen months, at the very time when plans for the September 11 attacks were proceeding. The CIA missed repeated opportunities to act based on the information in its possession that these two Bin Ladin-associated terrorists were traveling to the United States, and to add their names to watchlists.

Discussion: [By early January 2000, CIA knew al-Mihdhar's full name and that it was likely Nawaf's last name was al-Hazmi, knew that they had attended what was believed to be a gathering of al-Qa'ida associates in Malaysia, was aware that they had been traveling together, and had documents indicating that al-Mihdhar held a U.S. B-1B-2 multiple entry visa that would allow him to travel to and from the United States until April 6, 2000. CIA arranged surveillance of the meeting and the DCI was kept informed as the operation progressed].

Despite having all this information, and despite the republication of CTC guidance regarding watchlisting procedures in December 1999 (see Appendix, "CTC Watchlisting Guidance – December 1999"), CIA did not add the names of these two individuals to the State Department, INS, and U.S. Customs Service watchlists that are used to deny individuals entry into the United States. The weight of the record also

suggests that, despite providing the FBI with other, less critical, information about the Malaysia meeting, the CIA did not advise the FBI about al-Mihdhar's U.S. visa and the very real possibility that he would travel to the United States. The CIA stated its belief that the visa information was sent to the FBI and produced a cable indicating that this had been done.*

The FBI, for its part, had no record the visa information was received. Although the facts of the Malaysia meeting were included in several briefings for senior FBI officials, including FBI Director Louis Freeh, no record could be found that the visa information was part of these briefings.

[Page 14]

[On March 5, 2000, CIA Headquarters received a cable from an overseas CIA station indicating that Nawaf al-Hazmi had traveled to Los Angeles, California on January 15, 2000. The following day, March 6, CIA Headquarters received a message from another CIA station noting its "interest" in the first cable's "information that a member of this group had traveled to the U.S." The CIA did not act on either message, again did not watchlist al-Hazmi or al-Mihdhar, and, again, did not advise the FBI of their possible presence in the United States. In 2000, these same two individuals had numerous contacts with an active FBI counterterrorism informant while they were living in San Diego, California].

On January 4, 2001, CIA acquired information that Khallad, a principal planner in the bombing of *USS Cole*, had, along with al-Mihdhar and al-Hazmi, attended the January 2000 meeting in Malaysia. Again, the CIA did not watchlist these two individuals. At the time, al-Mihdhar was abroad, but al-Hazmi was still in the United States. FBI Director Robert Mueller testified to the Joint Inquiry that: "al-Mihdhar's role in the September 11 plot . . . before his re-entry into the United States may well have been that of the coordinator and organizer of . . . the non-pilot hijackers."

In May 2001, the CIA provided FBI Headquarters with photographs taken in Malaysia, including one of al-Mihdhar, for purposes of identifying another *Cole* bombing

* In interviews, CIA personnel could not confirm that the visa information had in fact been provided to the FBI.

suspect. Although the CIA told FBI Headquarters about the Malaysia meeting and about al-Mihdhar's travel in Southeast Asia at that time, the CIA did not advise the FBI about al-Mihdhar's or al-Hazmi's possible travel to the United States. Again, the CIA did not watchlist the two individuals. While CIA personnel were working closely with the FBI in support of the *USS Cole* bombing investigation, the importance and urgency of information tying suspected terrorists to the domestic United States apparently never registered with them. CIA Director Tenet testified that CIA personnel:

> . . . in their focus on the [*USS Cole*] investigation, did not recognize the implications of the information about al-Hazmi and al-Mihdhar that [page 15] they had in their files.

On June 11, 2001, FBI Headquarters and CIA personnel met with the New York FBI field office agents who were handling the *USS Cole* investigation. The New York agents were shown the Malaysia photographs, but were not given copies. Although al-Mihdhar's name was mentioned, the New York agents' requests for more information about al-Mihdhar and the circumstances surrounding the photographs were refused, according to one of the field office agents. The FBI Headquarters analyst recalls that she said at the meeting that she would try to get the information the agents had requested.

In Joint Inquiry hearing testimony, one of the New York FBI agents who was present described his recollection of the meeting:

> When these photos were shown to us, we had information at the time that one of the suspects had actually traveled to the same region of the world that this might have taken place, so we pressed the individuals there for more information regarding the meeting. So we pressed them for information. [A]t the end of the meeting – some of them say it was because I was able to get the name out of the analyst, but at the end of that day we knew the name Khalid al-Mihdhar but nothing else. The context of the meeting was that we continued to press them two or three times on information regarding, "Why were you looking at this guy? You couldn't have been following everybody around the Millennium. What was the reason behind this?
>
> And we were told that that information – as I recall, we were told that that information could not be passed and that they would try to do it in the days and weeks to come. That meeting – I wouldn't say it was very contentious, but we were not very happy, the New York agents at the time were not very happy that certain information couldn't be shared with us.

Again, in that meeting, the CIA had missed yet another opportunity to advise the FBI about al-Mihdhar's visa and possible travel to the United States and, again, the CIA took no action to watchlist these individuals. Just two days later, al-Mihdhar obtained a new U.S. visa and, on July 4, 2001, he re-entered the United States.

It was not until mid July 2001, that a concerned CIA officer assigned to the FBI triggered a CIA review of its cables regarding the Malaysia meeting, a task that, [page 16] ironically, fell to an FBI analyst assigned to the CTC. Working with the Immigration and Naturalization Service (INS), the FBI analyst determined that both al-Mihdhar and al-Hazmi had entered the United States. As a result of that effort, on August 23, 2001, the CIA finally notified the FBI and requested of the State Department that the two individuals should be watchlisted.

Even then, there was less than an all-out effort to locate what amounted to two Bin Ladin-associated terrorists in the United States during a period when the terrorist threat level had escalated to a peak level. For example, neither CIA, FBI, nor State Department informed the FAA. On August 21, 2001, coincidentally, FAA had issued a Security Directive, entitled "Threat to U.S. Aircraft Operators." That Directive alerted commercial airlines that nine named terrorism-associated individuals – none of whom were connected to the 19 hijackers -- were planning commercial air travel and should receive additional security scrutiny if they attempted to board an aircraft. The Directive was updated on August 24 and August 28, 2001. Had FAA been advised of the presence of al-Hazmi and al-Mihdhar in the United States, a similar directive could have been issued, subjecting the two, their luggage and any carry-on items to detailed, FAA-directed searches.

Further, only the FBI's New York field office received a request from FBI Headquarters to conduct a search for the two prior to September 11, 2001. The Headquarters written instruction to the New York field office only identified al-Mihdhar in its subject line. Nawaf al-Hazmi was mentioned in the text, and it is not clear whether it was intended that he be a subject of the search as well. It was not until September 11, 2001 that the Los Angeles FBI field office was asked to conduct a search. Other FBI

offices with potentially useful informants, such as San Diego, were not notified prior to September 11.

A New York FBI field office agent testified that he urged FBI Headquarters on August 28, 2001 to allow New York field office criminal agents to participate in the search with FBI intelligence agents, given the limited resources that are often applied to [page 17] intelligence investigations. The request was refused by FBI Headquarters because of concerns about the perceived "wall" between criminal and intelligence matters. Looking back, the New York FBI agent testified about his hope that the Intelligence Community would overcome this kind of restriction in the future:

> …after everything happened and we had ramped up where thousands of FBI agents all over the world were trying to find somebody, I thought to myself – and I don't necessarily know how to do it, but we've got to be able to get there – when we find out a Khalid al-Mihdhar is in the country, intelligence, criminal, or whatever, we've got to be able to get to the level we were at September 12, the afternoon of September 11. We've got to be able to get there before September 11, not September 12.

Joint Inquiry witnesses testified that other federal agencies with potentially valuable information databases were never asked to assist in FBI's search.

[Terrorist Communications in Spring 2000]

5.c. [In January 2000, after the meeting of al-Qa'ida operatives in Malaysia, Khalid al-Mihdhar and Nawaf al-Hazmi entered the United States [————————————]. Thereafter, the Intelligence Community obtained information indicating that an individual named "Khaled" at an unknown location had contacted a suspected terrorist facility in the Middle East. The Intelligence Community reported some of this information, but did not report all of it. Some of it was not reported because it was deemed not terrorist-related. It was not until after September 11, 2001 that the Intelligence Community determined that these contacts had been made from future hijacker Khalid al-Mihdhar while he was living within the domestic United States].

Discussion: [While the Intelligence Community had information regarding these communications, it did not determine the location from which they had been made [——]

[————————————————————————————]. After September 11, the FBI determined from domestic toll records that it was in fact the hijacker Khalid al-Mihdhar who had made these communications and that he had done so from within the United States. The Intelligence Community did not identify what was critically important [page 18] information in terms of the domestic threat to the United States: the fact that the communications were between individuals within the United States and suspected terrorist facilities overseas. That kind of information could have provided crucial investigative leads to law enforcement agencies engaged in domestic counterterrorist efforts].

[Two Hijackers Had Numerous Contacts with an Active FBI Informant]

5.d. [This Joint Inquiry confirmed that these same two future hijackers, Khalid al-Mihdhar and Nawaf al-Hazmi, had numerous contacts with a long time FBI counterterrorism informant in California and that a third future hijacker, Hani Hanjour, apparently had more limited contact with the same informant. In mid- to late-2000, the CIA already had information indicating that al-Mihdhar had a multiple entry U.S. visa and that al-Hazmi had in fact traveled to Los Angeles, but the two had not been watchlisted and information suggesting that two suspected terrorists could well be in the United States had not yet been given to the FBI. The San Diego FBI field office, which handled the informant in question, did not receive that information or any of the other intelligence information pertaining to al-Mihdhar and al-Hazmi, prior to September 11, 2001. As a result, the FBI missed the opportunity to task a uniquely well-positioned informant -- who denies having any advance knowledge of the plot --- to collect information about the hijackers and their plans within the United States.]

Discussion**:** [Nawaf al-Hazmi and Khalid al-Mihdhar had numerous contacts with a long-time FBI counterterrorism informant while they were living in San Diego, California. There are several indications that hijacker Hani Hanjour may have had more limited contact with the same informant in December 2000.]

[During the summer of 2000, the informant advised the FBI handling agent that the informant had contacts with two individuals named “Nawaf” and “Khalid”. The informant described meeting these individuals. The informant described the two to the FBI agent as Saudi Muslim youths who were legally in the United States to visit and attend school. The FBI agent did not, at the time, consider these individuals to be of

interest to the [page 19] FBI. While the agent says he asked the informant for the individuals' last names, the informant never provided that information and the FBI agent did not press for the names because he had no reason to think they were significant until after September 11, 2001.]

[~~———————————————————————————————————————]~~

[During one of their last contacts, al-Hazmi advised the informant that he was moving to Arizona to attend flight training, but the informant did not advise the FBI of this information until after the September 11 attacks].

[When the FBI's San Diego field office determined after the attacks that a long-time FBI counterterrorism informant had had numerous contacts in 2000 with two of the September 11 hijackers, personnel there were immediately suspicious about whether the informant was involved in the plot. Subsequently, however, all of the field office personnel, including senior managers and various case agents, concluded that the informant was unwitting of, and had no role in, the September 11 plot].

[Several questions remain, however, with regard to the informant's credibility. First, while there are several indications suggesting that future hijacker Hani Hanjour had contact with the informant in December 2000, the informant has repeatedly advised the FBI that the informant does not recognize photos of Hanjour. Second, the informant told the FBI that the hijackers did nothing to arouse the informant's suspicion, but the informant also acknowledged that al-Hazmi had contacts with at least four individuals the informant knew were of interest to the FBI and about whom the informant had previously reported to the FBI. Third, the informant has made numerous inconsistent statements to the FBI during the course of interviews after September 11, 2001. Fourth, the informant's responses during an FBI polygraph examination to very specific questions about the informant's advance knowledge of the September 11 plot were judged by the FBI to be "inconclusive," although the FBI asserts that this type of result is not unusual for such individuals in such circumstances].

[Page 20]

[Finally, there is also information which conflicts with the information provided by the informant concerning the dates of contacts with the hijackers. The Joint Inquiry, for example, brought to the FBI's attention information that is inconsistent with the date of initial contact as provided by the informant. In its November 18, 2002 written response to the Joint Inquiry, the FBI has acknowledged that there are "significant inconsistencies" in the informant's statements about these contacts. The FBI investigation regarding this issue is continuing].

[The Administration has to date objected to the Inquiry's efforts to interview the informant in order to attempt to resolve those inconsistencies. The Administration also would not agree to allow the FBI to serve a Committee subpoena and deposition notice on the informant. Instead, written interrogatories from the Joint Inquiry were, at the suggestion of the FBI, provided to the informant. Through an attorney, the informant has declined to respond to those interrogatories and has indicated that, if subpoenaed, the informant would request a grant of immunity prior to testifying].

[The FBI agent who was responsible for the informant testified before the Joint Inquiry that, had he had access to the intelligence information on al-Mihdhar's and al-Hazmi's significance at the time they were in San Diego:

> It would have made a huge difference. We would have immediately opened [————————] investigations. We had the predicate for a [————————] investigation if we had that information.…[W]e would immediately go out and canvas the sources and try to find out where these people were. If we locate them, which we probably would have since they were very close – they were nearby – we would have initiated investigations immediately.…We would have done everything. We would have used all available investigative techniques. We would have given them the full court press. [Page 21] We would…have done everything – physical surveillance, technical surveillance and other assets.

[Whether, as the agent testified he believes, that kind of investigative work would have occurred and would have then uncovered the hijackers' future plans will necessarily remain speculation. What is clear, however, is that the informant's contacts with the hijackers, had they been capitalized on, would have given the San Diego FBI field office perhaps the Intelligence Community's best chance to unravel the September 11 plot. Given the CIA's failure to disseminate, in a timely manner, intelligence information on

the significance and location of al-Mihdhar and al-Hazmi, that chance, unfortunately, never materialized].

The Phoenix Electronic Communication

5.e. On July 10, 2001, an FBI Phoenix field office agent sent an "Electronic Communication" to four individuals in the Radical Fundamentalist Unit (RFU) and two individuals in the Usama Bin Ladin Unit (UBLU) at FBI Headquarters, and to two agents on International Terrorism squads in the FBI New York field office. In the communication, the agent expressed his concerns, based on his first-hand knowledge, that there was a coordinated effort underway by Bin Ladin to send students to the United States for civil aviation-related training. He noted that there was an "inordinate number of individuals of investigative interest" in this type of training in Arizona and expressed his suspicion that this was an effort to establish a cadre of individuals in civil aviation who would conduct future terrorist activity. The Phoenix agent's communication requested that FBI Headquarters consider implementing four recommendations:

- **accumulate a list of civil aviation universities/colleges around the country;**
- **establish liaison with these schools;**
- **discuss the theories contained in the Phoenix EC with the Intelligence Community; and**
- **consider seeking authority to obtain visa information concerning individuals seeking to attend flight schools.**

However, the FBI Headquarters personnel did not take the action requested by the Phoenix field office agent prior to September 11, 2001. The Phoenix communication generated little or no interest at either FBI Headquarters or the FBI's New York field office.

[Page 22]

Discussion: Before the Joint Inquiry, the Phoenix agent who authored the Phoenix communication testified that:

> What I wanted was an analytical product. I wanted this discussed with the Intelligence Community. I wanted to see if my hunches were correct.

He noted, however, that he also knew that this type of analytical product took a back seat to operational matters at the FBI:

> But, I am also a realist. I understand that the people at FBI Headquarters are terribly overworked and understaffed, and they have been for years. And at the time that I am a sending this in, having worked this stuff for 13 years, and watched the unit in action over the years, I knew that this was going to be at the bottom of the pile, so to speak, because they were

> dealing with real-time threats, real-timer issues trying to render fugitives back to the United States from overseas for justice. And again, it is a resource issue.

The Phoenix agent was correct, and his communication did fall to the bottom of the pile.

He sent the communication to four individuals in the Radical Fundamentalist Unit, two individuals in the Usama Bin Ladin Unit, and two agents on International terrorism squads in the New York field office. Only three of the eight addressees recall reading the communication prior to September 11, 2001. Neither of the two Intelligence Operations Specialists who reviewed it at FBI Headquarters undertook a comprehensive national analysis of the theories it set forth. Nor did they send the communication to the FBI's analytic unit or the Intelligence Community, as requested by the Phoenix agent. Instead, it was forwarded to the Portland FBI field office, not primarily because of concerns about flight school theories, but rather because that field office had a possible investigative interest in one of the individuals who were named in the communication.

Similarly, the New York field office personnel who reviewed the communication said they found it to be speculative and not particularly significant. That office had been one of the recipients of a 1999 FBI Headquarters request to track Islamic flight students in its area of jurisdiction.

[Page 23]

The Chief of the Radical Fundamentalist Unit testified that he did not see the communication prior to September 11, 2001. In his testimony before the Joint Inquiry, FBI Director Mueller acknowledged that: "the Phoenix [communication] should have been disseminated to all field offices and to our sister agencies, and it should have triggered a broader analytical approach."

After September 11, the FBI discovered that [————————],* one of the individuals who was identified in the Phoenix communication, was an associate of hijacker Hani

* The identities of several individuals whose activities are discussed in this report have been deleted by the Joint Inquiry. While the FBI has provided the Joint Inquiry with these names and those names are contained in the classified version of this final report, the Joint Inquiry has decided to delete them from this unclassified version due to the as yet unresolved nature of much of the information regarding their activities.

Hanjour. [This individual] left the United States in April 2000 and returned in June 2001, remaining in the United States for approximately one month. The FBI now speculates that [the individual] may have returned to the United States either to evaluate Hanjour's flying skills, or to provide Hanjour with his final training on the flight simulator before the September 11 attacks. [The individual] was an experienced flight instructor who was certified to fly Boeing 737s.

The FBI also has determined since September 11, 2001 that another individual mentioned in the Phoenix communication – [————————] -- is also connected to the al-Qa'ida network. [————————] was arrested at an al-Qa'ida safehouse in Pakistan in 2002 along with [————————], one of the most prominent al-Qa'ida facilitators.

The FBI Investigation of Zacarias Moussaoui

5.f. In August 2001, the FBI's Minneapolis field office, in conjunction with the INS, detained Zacarias Moussaoui, a French national who had enrolled in flight training in Minnesota. FBI agents there also suspected that Moussaoui was involved in a hijacking plot. FBI Headquarters attorneys determined that there was not probable cause to obtain a court order to search Moussaoui's belongings under the Foreign Intelligence Surveillance Act (FISA). However, personnel at FBI Headquarters, including the Radical Fundamentalist Unit and the National Security Law Unit, as well as agents in the Minneapolis field office, misunderstood the legal standard for obtaining an order under FISA. As a result, FBI Minneapolis field office personnel wasted valuable investigative resources trying to connect the Chechen rebels to al-Qa'ida. Finally, no one at the FBI apparently connected the Moussaoui investigation with the heightened threat environment [page 24] in the summer of 2001, the Phoenix communication, or the entry of al-Mihdhar and al-Hazmi into the United States.

Discussion: On February 23, 2001, Moussaoui entered the United States at Chicago's O'Hare Airport, traveling on a French passport that allowed him to stay in the country without a visa for 90 days, until May 22, 2001. On August 11, 2001, Moussaoui and his roommate arrived in Eagan, Minnesota to begin classes at Pan Am, a flight school that offered training on a Boeing 747 flight simulator used by professional pilots.

According to FBI documents, on August 15, an employee at Pan Am called the FBI's Minneapolis field office because he and other employees were suspicious of Moussaoui, who met none of the usual qualifications for Pan Am students. The FBI's Minneapolis field office opened an international terrorism investigation and determined that, since Moussaoui had been authorized to stay in the United States only until May 22, 2001, he was no longer in proper legal status.

On the same day the Minneapolis field office learned about Moussaoui, it asked both the CIA and the FBI's legal attaché in Paris for any information about Moussaoui and informed FBI Headquarters of the investigation. The FBI Headquarters agent who was responsible for the contact suggested that the Minneapolis field office put Moussaoui under surveillance. However, a Minneapolis field office supervisory agent testified to the Joint Inquiry that:

> . . . .[m]y background in the criminal arena suggests that when a violation occurs and you can stop further or potential criminal activity, you act on that. So that is exactly what I instructed the agents to do. . . . Because I didn't want him to get any additional time on a flight simulator that would allow him to have the knowledge that we could no longer take back from him to operate an aircraft.

INS agents took Moussaoui into custody on August 16 because his authority to stay in the United States had expired. Moussaoui declined to consent to a search of his belongings. On Saturday, August 18, the Minneapolis field office sent a detailed memorandum to an agent in the Radical Fundamentalist Unit (RFU) at FBI Headquarters describing the investigation.

[Page 25]

The memorandum stated that Moussaoui had two knives, padded gloves and shin guards in his possession when he was arrested; had told his roommate that "true Muslims must prepare themselves to fight;" and had begun exercise and martial arts training. In addition, the memorandum stated that the Minneapolis field office believed that Moussaoui and his roommate were part of a larger international radical fundamentalist group. Based on Moussaoui's "possession of weapons and his preparation through physical training for violent confrontation," the Minneapolis filed office stated it had reason to believe that Moussaoui, his roommate, "and others yet unknown," were conspiring to seize control of an airplane.

The Minneapolis field office agent testified to the Inquiry that Minneapolis agents decided not to try to obtain a criminal search warrant to search Moussaoui's belongings as that might prejudice any subsequent efforts to get a court order for a physical search under FISA. The FBI field office agent contacted the CTC, which then advised CIA stations abroad about Moussaoui and asked them in an August 25 cable to provide any relevant information they might have. Based on information provided by the FBI's Minneapolis field office, that cable described Moussaoui and his roommate as "suspect 747 airline attackers" and a "suspect airline suicide attacker," who might be "involved in a larger plot to target airlines traveling from Europe to the U.S….."

On August 21, 2001, the Minneapolis field office agent sent an e-mail to the RFU supervisory agent at FBI Headquarters stating: "[It is] imperative that the [U.S. Secret Service] be apprised of this threat potential indicated by the evidence.…If [Moussaoui] seizes an aircraft flying from Heathrow to NYC, it will have the fuel on board to reach DC." In an interview, the FBI Headquarters agent to whom the message was addressed said that he told the Minneapolis field office agent that he was working on a notification to the entire Intelligence Community and the Secret Service about the threat presented by Moussaoui. The RFU supervisory agent did send a teletype message to the Intelligence Community and other U.S. Government agencies, including the FAA, on September 4, 2001. That message reported the FBI's interviews of Moussaoui and his roommate, as well as other information the FBI had obtained. The teletype, however, merely described [page 26] the steps in the investigation and did not place Moussaoui's actions in the context of the
increased level of terrorist threats during the summer of 2001. Nor did it provide its recipients with any analysis of Moussaoui's actions or plans, or information about what type of threat he may have presented.

[On August 22, the FBI legal attache's office in Paris provided a report to the RFU and the Minneapolis field office that contained information [~~——————————~~]. The FBI's receipt of this information began a series of discussions between the Minneapolis field office and FBI Headquarters focusing on whether the Chechen rebels were a "recognized" foreign power for purposes of obtaining approval to

search Moussaoui's belongings under FISA. The Minneapolis field office agent testified to the Joint Inquiry that he had had no training in FISA, but that he believed, based on advice from FBI Headquarters, that "we needed to identify a – and the term that was thrown around was 'recognized foreign power' and so that was our operational theory." As the FBI's Deputy General Counsel has testified, however, this was incorrect. The FBI may obtain a search warrant under FISA for an agent of any international terrorist group, including the Chechen rebels. Because of this misunderstanding, the Minneapolis field office expended valuable time and effort trying to establish a connection between the Chechen rebels and al-Qa'ida, which it believed was a "recognized" foreign power].

The FBI Headquarters supervisory agent briefed the FBI's Deputy General Counsel, who testified that he agreed with the Headquarters agent that there was insufficient information to show that Moussaoui was an agent of a foreign power. The FBI's focus shifted to arranging for Moussaoui's deportation to France on September 17, 2001, at which point French officials would search his belongings and provide the results to the FBI. Although the FBI was no longer considering a search warrant under FISA, no one revisited the idea of attempting to obtain a criminal search warrant.

[Page 27]

Thus, during the summer of 2001 -- a time when the Intelligence Community was on the highest state of alert, disparate parts of the FBI had information about Zacarias Moussaoui – a suspected suicide hijacker, a Phoenix field office agent's suspicions about radical fundamentalists engaging in flight training, and the entry into the United States of Nawaf al-Hazmi and Khalid al-Mihdhar, who would become two of the September 11 hijackers. The FBI field office agents in Minneapolis who were investigating Moussaoui knew nothing about the Phoenix communication or al-Hazmi and al-Mihdhar. The Phoenix field office agent had never heard about Moussaoui or the two future hijackers. The FBI agents in New York who were informed on August 23, 2001 that al-Hazmi and al-Mihdhar had entered the United States knew nothing about the other events of that summer. And, finally, the Chief of the RFU at FBI Headquarters, which had handled both the Moussaoui investigation and the Phoenix communication, acknowledged in testimony to the Joint Inquiry on September 24, 2001, that no one at FBI Headquarters connected those events.

[The indictment against Moussaoui, which was filed on December 11, 2001, alleges that Moussaoui possessed a number of items on August 16, 2001. On that day, which is when FBI and INS agents first interviewed him, the INS took Moussaoui's possessions for safekeeping. Absent search authority, however, the possessions were not examined at that time. As it turned out, according to the indictment, Moussaoui's possessions included letters indicating that Moussaoui was a marketing consultant in the United States for Infocus Tech. The letters had been signed by Yazid Sufaat, whom the Intelligence Community was aware was the owner of the Malaysian condominium in which the January 2000 al-Qa'ida meeting attended by hijackers al-Mihdhar and al-Hazmi had been held. The indictment also alleges that Moussaoui possessed a notebook listing two German telephone numbers and the name "Ahad Sabet," which, the indictment states, was used by Ramzi Bin al-Shibh to send funds to Moussaoui. Bin al-Shibh, who was apprehended in Pakistan in September 2002, is named in the indictment as a supporting conspirator].

Hijackers In Contact With Persons of FBI Investigative Interest in the United States

5.g. The Joint Inquiry confirmed that at least some of the hijackers were not as isolated during their time in the United States as has been previously suggested. Rather, they maintained a number of contacts both in the United [page 28] **States and abroad during this time period. Some of those contacts were with individuals who were known to the FBI, through either past or, at the time, ongoing FBI inquiries and investigations. Although it is not known to what extent any of these contacts in the United States were aware of the plot, it is now clear that they did provide at least some of the hijackers with substantial assistance while they were living in this country.**

Discussion: The Intelligence Community had information indicating the potential existence of an al-Qa'ida support network in the United States prior to the attacks, and this was consistent with al-Qai'da's modus operandi in previous attacks. The FBI had, to some degree, focused sources and investigative work on radical Islamic extremists within the United States prior to September 11. Former National Security Advisor Sandy Berger testified that, during his time in office, the FBI view had been that "al-Qa'ida had limited capacity to operate in the United States and any presence here was under surveillance."

[Ironically, this Inquiry has confirmed that at least some of the hijackers operated, without detection, within the scope of the FBI's coverage of radical Islamic extremists. Hani Hanjour, Mohamed Atta, Marwan al-Shehhi, Nawaf al-Hazmi, and Khalid al-Mihdhar may have had contact with a total of 14 people who had come to the FBI's attention during counterterrorism or counterintelligence investigations prior to September 11, 2001. Four of those 14 were the focus of active FBI investigations during the time that the hijackers were in the United States. In fact, as noted earlier, two future hijackers had numerous contacts with an active FBI counterterrorism informant while in the United States. Despite their proximity to FBI targets and at least one FBI source, the future hijackers successfully eluded FBI attention].

Several examples illustrate not only the reliance of the hijackers on the potential support networks, but also the ease with which they operated despite the FBI's pre-September 11 domestic coverage. Shortly after their arrival in the United States, future hijackers Khalid Al-Mihdhar and Nawaf Al-Hazmi moved to San Diego at the suggestion of Omar al-Bayoumi, who had previously been the focus of an FBI counterterrorism [————] inquiry. In San Diego, they stayed at al-Bayoumi's apartment for several days until he was able to find them an apartment. He then co-signed their lease, paid [page 29] their security deposit and first month's rent, arranged a party to welcome them to the San Diego community, and tasked another individual to help them become acclimated to the United States. [————————————————————————————————————]. The second individual served as their translator, helped them obtain bank accounts and drivers' licenses, and assisted them in locating flight schools.

[Other individuals in San Diego also provided the two hijackers with similar types of assistance. A manager of a local gas station, who was at the time being investigated by the FBI, hired al-Hazmi to work for him briefly, after receiving a call from a mutual friend at the mosque. In addition, a local imam, who was the subject of an FBI counterterrorism inquiry for part of the time that the future hijackers were in San Diego, served as their spiritual advisor when they were living in San Diego. Finally, al-Hazmi and al-Mihdhar also maintained a number of other contacts in the local Islamic

community during their time in San Diego, some of whom were also known to the FBI through counterterrorist inquiries and investigations].

Future hijacker Hani Hanjour also may have received flight-related assistance from [an individual], who, was also known to the FBI and was, in fact, included among the individuals discussed in the Phoenix communication. As noted earlier, [this individual] left the United States in April 2000, and returned in June 2001, remaining in the United States for approximately one month. [The individual] was an associate of Hanjour's and the FBI now speculates that [the individual] may have returned to the United States either to evaluate Hanjour's flying skills, or to provide Hanjour his final training on the Cessna simulator before the attacks. This individual was an experienced flight instructor and was certified to fly Boeing 737s.

When some of the future hijackers relocated to the East Coast, it appears that they received assistance similar to that provided to them on the West Coast. Al-Hazmi and al-Mihdhar's spiritual advisor relocated to the East Coast, and, when Hanjour and al-Hazmi arrived at his mosque, one of the mosque's members helped them find an apartment in the area. After approximately a month, this same individual drove Hanjour and al-[page 30] Hazmi, along with two other hijackers, to Connecticut, and then to Paterson, New Jersey. From the hotel in Connecticut where they stayed for two nights, a total of 75 calls were made in attempts to locate apartments, flight schools, and car rental agencies for the future hijackers. The hijackers were also in contact with a number of other people during their time on the East Coast.

[The fact that these future hijackers could rely on this type of support within the United States is consistent with other information that was available to the Intelligence Community prior to September 11, 2001. That information also points to the existence of an al-Qa'ida support network within the United States. An August 2001 Intelligence Community publication for senior U.S. government policy officials (called a "SEIB"), for example, indicated that al-Qa'ida members, including some U.S. citizens, have resided in or traveled to the U.S. for years, and the group apparently maintains a support structure in the United States. The FBI Phoenix field office agent who authored the Phoenix communication also testified that, based on his experience, he had developed an

"investigative theory" that indicated that this kind of support network had been in place in Arizona for some time].

[Finally, an early summer 2001 Intelligence Community report stated that Khalid Shaykh Mohammed – the senior al-Qa'ida official who has been identified as the mastermind of the September 11 attacks -- was recruiting individuals to travel to the United States and engage in planning terrorist-related activity there. According to the [————————] report, these individuals would be "expected to establish contact with colleagues already living there." This information was disseminated [————————] to all Intelligence Community agencies and the [————], military commanders, and components within the Departments of Treasury and Justice].

[A September 12, 2001 FBI interview [————————————————————] also suggests the existence of an al-Qa'ida support network within the United States. In that interview, an individual with al-Qa'ida connections recalled that a senior al-Qa'ida operative had discussed [page 31] "using multiple cells operating independently in the United States that could execute ten operations simultaneously or in sequence that would produce a big impact on the United States." When queried by the FBI, the individual indicated that the senior operative had the necessary people positioned in the United States to carry out such a plan, noting that the senior operative has many contacts in the United States].

Hijackers' Associates in Germany

5.h. [Since 1995, the CIA had been aware of a radical Islamic presence in Germany, including individuals with connections to Usama Bin Ladin. Prior to September 11, 2001, the CIA had unsuccessfully sought additional information on individuals who have now been identified as associates of some of the hijackers].

Discussion: [CIA and FBI counterterrorism operations and investigations prior to September 11, 2001 repeatedly produced intelligence relating to two individuals in Hamburg, Germany – Mamoun Darkazanli, a suspected logistician in Bin Ladin's network, and Mohammed Zammar, a suspected recruiter for al- Qa'ida. The CIA had

been seeking more information about Darkazanli. [———].

After September 11, 2001, it was determined that these same two individuals had been associates in Hamburg of hijackers Mohamed Atta, Marwan al-Shehhi, and Ziad Jarrah, as well as other individuals, such as Ramzi bin al-Shibh, who are now believed to have been involved in the September 11 plot. In fact, the FBI now believes that Zammar recruited Atta, al-Shehhi, and Jarrah into Al Qaeda, and encouraged their participation in the September 11 attacks.

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Khalid Shaykh Mohammad

5.i. Prior to September 11, the Intelligence Community had information linking Khalid Shaykh Mohammed (KSM), now recognized by the Intelligence Community as the mastermind of the attacks, to Bin Ladin, to terrorist plans to use aircraft as weapons, and to terrorist activity in the United States. The Intelligence Community, however, relegated KSM to rendition target status following his 1996 indictment in connection with the Bojinka Plot and, as a result, focused primarily on his location, rather than his activities and place in the al-Qa'ida hierarchy. The Community also did not recognize the significance of reporting in June 2001 concerning KSM's active role in sending terrorists to the United States, or the facilitation of their activities upon arriving in the United States. Collection efforts were not targeted on information about KSM that might have helped better understand al-Qa'ida's plans and intentions, and KSM's role in the September 11 attacks was a surprise to the Intelligence Community.

Discussion: [According to information obtained by the Intelligence Community from several sources after September 11, 2001, Khalid Shaykh Mohammed (KSM) -- also known as "Mukhtar" (Arabic for "The Brain") -- masterminded the September 11 attacks. The information indicates that KSM presented a plan to Usama Bin Ladin to mount an attack using small rental aircraft filled with explosives. Usama Bin Ladin reportedly suggested using even larger planes. Thus, the idea of hijacking commercial airliners took hold.

Thereafter, KSM reportedly instructed and trained the hijackers for their mission, including directing them to undergo pilot training].

KSM came to the attention of the Intelligence Community as a terrorist in early 1995 when he was linked to Ramzi Yousef's "Bojinka Plot" in the Philippines. One portion of that plot involved the idea of crashing an airplane into CIA Headquarters. Through additional intelligence and investigative efforts in 1995, KSM was also connected to the first World Trade Center bombing. He was indicted by a U.S. grand jury in January 1996. The indictment was kept under seal until 1998 while the FBI and CIA attempted to locate him and arrange to take him into custody. Subsequently, indications were received that he might have been involved in the East Africa U.S. Embassy bombings.

[In June 2001, [————————] disseminated a report to all Intelligence Community agencies, [————], military commanders, and components in the Treasury and Justice [page 33] Departments emphasizing KSM's ties to Bin Ladin as well as his continuing travel to the United States. The report explained that KSM appears to be one of Bin Ladin's most trusted lieutenants and was active in recruiting people to travel outside Afghanistan, including to the United States, on behalf of Bin Ladin. According to the report, he traveled frequently to the United States, including as recently as May 2001, and routinely told others that he could arrange their entry into the United States as well. Reportedly, these individuals were expected to establish contact with colleagues already there. The clear implication of his comments, according to the report, was that they would be engaged in planning terrorist-related activities].

Although this particular report was sent from the CIA to the FBI, neither agency apparently recognized the significance of a Bin Ladin lieutenant sending terrorists to the United States and asking them to establish contacts with colleagues already there. CTC questioned this report at the time and commented: "We doubt the real [KSM] would do this…because if it is [KSM], we have both a significant threat and an opportunity to pick him up." Neither the CIA nor the FBI has been able to confirm whether KSM had in fact been traveling to the United States or sending recruits here prior to September 11.

[Terrorist Communications in September 2001]

5.j. [In the period from September 8 to September 10, 2001 NSA intercepted, but did not translate or disseminate until after September 11, some communications that indicated possible impending terrorist activity].

Discussion: [In early September 2001, NSA intercepted [————————] communications involving [————————————————————]. The communications discussed events that were to occur in the near term and appeared to be related to terrorism. In the first communication, [————————————] [————] asked whether [————————]. [—] responded that [————————] [————————].

[Page 34]

[Another communication, between [———] and an unknown person [———], was a discussion of whether [————————————————————]. [————————————————————

B. CONCLUSION – FACTUAL FINDINGS

In short, for a variety of reasons, the Intelligence Community failed to capitalize on both the individual and collective significance of available information that appears relevant to the events of September 11. As a result, the Community missed opportunities to disrupt the September 11 plot by denying entry to or detaining would-be hijackers; to at least try to unravel the plot through surveillance and other investigative work within the United States; [page 35] and, finally, to generate a heightened state of alert and thus harden the homeland against attack.

No one will ever know what might have happened had more connections been drawn between these disparate pieces of information. We will never definitively know to what extent the Community would have been able and willing to exploit fully all the opportunities that may have emerged. The important point is that the Intelligence Community, for a variety of reasons, did not bring together and fully appreciate a range of information that could have greatly enhanced its chances of uncovering and preventing Usama Bin Ladin's plan to attack the United States on September 11, 2001.

C. SYSTEMIC FINDINGS

Our review of the events surrounding September 11 has revealed a number of systemic weaknesses that hindered the Intelligence Community's counterterrorism efforts before September 11. If not addressed, these weaknesses will continue to undercut U.S. counterterrorist efforts. In order to minimize the possibility of attacks like September 11 in the future, effective solutions to those problems need to be developed and fully implemented as soon as possible.

1. Finding: Prior to September 11, the Intelligence Community was neither well organized nor equipped, and did not adequately adapt, to meet the challenge posed by global terrorists focused on targets within the domestic United States. Serious gaps existed between the collection coverage provided by U.S. foreign and U.S. domestic intelligence capabilities. The U.S. foreign intelligence agencies paid inadequate attention to the potential for a domestic attack. The CIA's failure to watchlist suspected terrorists aggressively reflected a lack of emphasis on a process designed to protect the homeland from the terrorist threat. As a result, CIA

employees failed to watchlist al-Mihdhar and al-Hazmi. At home, the counterterrorism effort suffered from the lack of an effective domestic intelligence capability. The FBI was unable to identify and monitor effectively the extent of activity by al-Qa'ida and other international terrorist groups operating in the United States. Taken together, these problems greatly exacerbated the nation's vulnerability to an increasingly dangerous and immediate international terrorist threat inside the United States.

[Page 36]

Discussion: The United States has a long history of defining internal threats as either foreign or domestic and assigning responsibility to the intelligence and law enforcement agencies accordingly. This division reflects a fundamental policy choice and is codified in law. For example, the National Security Act of 1947 precludes CIA from exercising any internal security or law enforcement powers. The Congressional investigations of the 1970's into the activities of the intelligence agencies, including their efforts to collect information regarding anti-Vietnam War activists and other "radicals," reinforced the importance of this division in the minds of the Congress, the American public, and the agencies.

The emergence, in the 1990s, of a threat posed by international terrorists who operate across national borders demanded huge changes in focus and approach from intelligence agencies traditionally organized and trained to operate primarily in either the United States or abroad. The legal authorities, operational policies and cultures that had molded agencies like CIA, NSA and the FBI for years had not responded to the "globalization" of terrorism that culminated in the September 11 attacks in the United States. While some efforts, such as the creation of the CTC at CIA in 1986, were made to increase collaboration between these agencies, the agencies focused primarily on what remained essentially separate spheres of operations. In the absence of any collective national strategy, they retained significant autonomy in deciding how to attack and array their resources against Usama Bin Ladin and al-Qa'ida. Efforts to develop such a strategy might have exposed the significant counterterrorism gaps that existed between the agencies as well as the increasingly urgent need to compensate for those gaps in the absence of more fundamental changes in organization and legal authority.

Prior to September 11, CIA and NSA continued to focus the bulk of their efforts on the foreign operations of terrorists. While intelligence reporting indicated that al-

Qa'ida intended to strike in the United States, these agencies believed that defending against this threat was primarily the responsibility of the FBI. This Joint Inquiry found that both agencies routinely passed a large volume of intelligence to the FBI, but that neither agency followed up to determine what the FBI learned from or did with that [page 37] information. Neither did the FBI keep NSA and CIA adequately informed of developments within its areas of responsibility.

As noted earlier, the record confirms instances where, despite numerous opportunities, information that was directly relevant to the domestic threat was simply overlooked and not disseminated in a timely manner to the FBI. For example, the CIA analyst who neglected to raise the information concerning al-Mihdhar and al-Hazmi's U.S. travel in a June 2001 meeting with the FBI in New York said in a Joint Inquiry interview that the information he had learned concerning the pair's travel to Los Angeles "did not mean anything to him." He also explained to the Joint Inquiry that the information was operational in nature and he would have needed permission before disclosing it.

The CIA's inconsistent performance regarding the watchlisting of suspected terrorists prior to September 11 also suggests a lack of attention to the domestic threat. Watchlists are a vital link in denying entry to the United States by terrorists and others who threaten the national security, and CTC had reminded personnel of the importance of watchlisting in December 1999 (see Appendix, "CTC Watchlisting Guidance – December 1999"). Yet, some CIA officers in CTC indicated they did not put much emphasis on watchlists. The Joint Inquiry confirmed that there was no formal process in place at the CTC prior to September 11 for watchlisting suspected terrorists, even where, as was the case with al-Hazmi and al-Mihdhar, there were indications of travel to the United States.

Other CIA personnel reported that they received no training on watchlisting and that names were added on an ad hoc basis. In the days and weeks following the September 11 attacks, more focused CIA review of over 1,500 Classified Intelligence Reports that had not previously been provided to the State Department for watchlist purposes resulted in the identification of 150 suspected terrorists and the addition of 58

suspected terrorist names to the watchlist. DCI Tenet acknowledged in his testimony before the Joint Inquiry that CIA's watchlisting training had been deficient and that a [page 38] mistake had been made in the failure to watchlist both al-Mihdhar and al-Hazmi promptly.

[There were also gaps between NSA's coverage of foreign communications and the FBI's coverage of domestic communications that suggest a lack of sufficient attention to the domestic threat. Prior to September 11, neither agency focused on the importance of identifying and then ensuring coverage of communications between the United States and suspected terrorist-associated facilities abroad [————————————————]. Consistent with its focus on communications abroad, NSA adopted a policy that avoided intercepting the communications between individuals in the United States and foreign countries].

NSA adopted this policy even though the collection of such communications is within its mission and it would have been possible for NSA to obtain FISA Court authorization for such collection. NSA Director Hayden testified to the Joint Inquiry that NSA did not want to be perceived as targeting individuals in the United States and believed that the FBI was instead responsible for conducting such surveillance. NSA did not, however, develop a plan with the FBI to collect and to ensure the dissemination of any relevant foreign intelligence to appropriate domestic agencies. This further evidences the slow response of the Intelligence Community to the developing transnational threat.

[The Joint Inquiry has learned that one of the future hijackers communicated with a known terrorist facility in the Middle East while he was living in the United States. The Intelligence Community did not identify the domestic origin of those communications prior to September 11, 2001 so that additional FBI investigative efforts could be coordinated. Despite this country's substantial advantages, there was insufficient focus on what many would have thought was among the most critically important kinds of terrorist-related communications, at least in terms of protecting the Homeland].

[Page 39]

While most of the Intelligence Community focused on the collection of foreign intelligence, the Joint Inquiry was told repeatedly that the nation lacked an effective domestic intelligence capability prior to September 11. Former National Coordinator for Counterterrorism Richard Clarke saw this as a longstanding problem that became painfully obvious in the aftermath of September 11:

> Well, I hear all of these comments about the Phoenix memo, the Minnesota case, whatever. I think they miss the point that the failures were years earlier. It was a failure on the part of the United States to not have a domestic intelligence collection capability. I understand the reasons for the lack of the ability. I know the abuses the FBI engaged in [during] the 1950s and 1960s. I know the reason we have the Attorney General-levied guidelines. But I think the pendulum swung too far, and when we became aware of the fact that there were forces in the world such as al-Qa'ida, and others, Iran, Hezbollah, that meant us ill, certainly by the 1980s or 1990s we should have recognized the need for a domestic intelligence collection capability. Other democracies with civil rights and civil liberties have that. It doesn't mean you become a totalitarian state if you do a good job of oversight and control. We needed to have a domestic intelligence collection and analysis capability, and we did not have it, and only now are we beginning to get it.
> . . . .
> But my point about the FBI was not just a few hints were missed or dots weren't connected; it is – my point was, they didn't have the mission. It was not their job to be a domestic collection service. Their job was to do law enforcement. And they didn't have the rules that permitted them to do domestic intelligence collection.

While the FBI's counterterrorist program had produced successful investigations and major prosecutions of both domestic and international terrorists, numerous witnesses told the Joint Inquiry that the program was, at least prior to September 11, incapable of producing significant intelligence products. The FBI's traditional reliance on an aggressive, case-oriented, law enforcement approach did not encourage the broader collection and analysis efforts that are critical to the intelligence mission. Lacking appropriate personnel, training, and information systems, the FBI primarily gathered intelligence to support specific investigations, not to conduct all-source analysis for dissemination to other intelligence agencies. Former National Security Advisor Sandy Berger testified about the FBI's failure, prior to September 11, to assess the extent of the foreign terrorist threat to the United States adequately: [page 40]

> Until the very end of our term in office, the view we received from the Bureau was that al-Qa'ida had limited capacity to operate in the United

> States and that any presence here was under surveillance. That was not implausible at the time. With the exception of the World Trade Center bombings in 1993, not attributed before 9/11 to Bin Ladin, plots by foreign terrorists within the United States have been detected and stopped. But revelations since September 11 have made it clear that the Bureau underestimated the domestic threat. The stream of threat information we received continuously from the FBI and CIA pointed overwhelmingly to attacks on U.S. interests abroad. Certainly, the potential for attacks in the United States was there.

Former National Security Advisor Brent Scowcroft told the Joint Inquiry hearing on September 19, 2002, that:

> . . . .I was thinking back [on] intelligence information from the FBI, and I was trying to think of cases where we actually got it. Not very much, because we are or I was focused on foreign intelligence primarily. There was some counterintelligence issues where the FBI intelligence was particularly involved, and the one case I mentioned. Pan Am 103, but that was investigative intelligence and the FBI and the CIA did an absolutely brilliant job on that. But I can't think of many--can't recall of any instances of pure intelligence product from the FBI. And I don't say that pejoratively at all.

Former National Coordinator for Counterterrorism Richard Clarke voiced similar concerns about the extent of the FBI's understanding of the domestic threat:

> Let me give you the FBI case, because I think it is the most clear. Following the Millennium alert . . . and . . . review, it became very clear to . . . the [FBI] Assistant Director for Counterterrorism, there was the potential for sleeper cells in the United States, people . . . the United States that had been involved in the planned attacks.
> . . . .
> This was in 2000. The Assistant Director . . . then began a program to try to get more control of the 56 FBI field offices, and I visited five or six of the field offices and asked them what they were doing about al-Qa'ida. I got sort of blank looks of "what is al-Qa'ida?"

He compared the effort to add priority to al-Qa'ida investigations in the FBI field offices to "trying to . . . sort of turn this big Queen Mary luxury liner, trying to turn it."

[Page 41]

Numerous individuals told this Inquiry that the FBI's 56 field offices enjoy a great deal of latitude in managing their work, consistent with the dynamic and reactive nature of its traditional law enforcement mission. In counterterrorism efforts, however, that flexibility apparently served to dilute the FBI's national focus on Bin Ladin and al-

Qa'ida. Although the FBI made counterterrorism a "Tier One" priority, not all of its field offices responded consistently to this FBI Headquarters decision. The New York Field Office did make terrorism a high priority and was given substantial responsibility for the al-Qa'ida target following the first attack on the World Trade Center in 1993. However, many other FBI offices were not focused on al-Qa'ida and had little understanding of the extent of the threat it posed within this country prior to September 11.

The combination of these factors seriously handicapped efforts to identify and defend against the foreign terrorist threat to the domestic United States. It is not surprising, in the absence of more focused intelligence, that senior policymakers told this Inquiry that, prior to September 11, they believed the terrorist threat was focused on U.S. interests overseas. Deputy Secretary of State Armitage, for example, testified that ". . . I don't think we really had made the leap in our mind that we are no longer safe behind these two great oceans. . . ." Former Deputy Secretary of Defense John Hamre said in a Joint Inquiry interview that he could not remember ever seeing an intelligence report on the existence of terrorist sleeper cells in the United States. In retrospect, he recalled: ". . . we thought we were dealing in important things, but we missed the domestic threat from international terrorism."

2. Finding: Prior to September 11, 2001, neither the U.S. Government as a whole nor the Intelligence Community had a comprehensive counterterrorist strategy for combating the threat posed by Usama Bin Ladin. Furthermore, the Director of Central Intelligence (DCI) was either unwilling or unable to marshal the full range of Intelligence Community resources necessary to combat the growing threat to the United States.

Discussion: The Intelligence Community is a large distributed organism. It encompasses 14 agencies and tens of thousands of employees. The number of people [page 42] employed exclusively in the effort against Usama Bin Ladin and al-Qa'ida was relatively small. In addition, these people were operating in geographically dispersed locations, often not connected by secure information technologies, and within established bureaucracies that were not culturally or organizationally attuned to one another's requirements. Many of them had limited experience against the target, and did not know one another. To achieve success in such an environment, leadership is a critical factor. The Joint Inquiry found that the Intelligence Community's structure made leadership difficult.

Usama Bin Ladin first came to the attention of the Intelligence Community in the early 1990s, initially as a financier of terrorist activities. In 1996, as Bin Ladin's direct involvement in planning and directing terrorist acts became more evident, the DCI's Counterterrorist Center (CTC) created a special unit to focus specifically on him and the threat he posed to the interests of the United States. Personnel within CTC recognized as early as 1996 and 1997 that Usama Bin Ladin posed a grave danger to the United States.

Following the August 1998 bombings of two U.S. embassies in East Africa, the DCI made combating the threat posed by Usama Bin Ladin one of the Intelligence Community's highest priorities, establishing it as a "Tier 0 priority." The DCI raised the status of the Bin Ladin threat still further when he announced in writing in December 1998 regarding Bin Ladin: "We are at war…I want no resources or people spared in this effort, either inside the CIA or the [Intelligence] Community." This declaration appeared in a memorandum from the DCI to CIA senior managers, the Deputy DCI for Community Management and the Assistant DCI for Military Support.

The Intelligence Community as a whole, however, had only a limited awareness of this declaration. For example, some senior managers in the National Security Agency and the Defense Intelligence Agency say they were aware of the declaration. However, it was apparently not well known within the Federal Bureau of Investigation. In fact, the Assistant Director of the FBI's Counterterrorism Division testified to the Joint Inquiry that he "was not specifically aware of that declaration of war."

[Page 43]

Furthermore, and even more disturbing, Joint Inquiry interviews of FBI field office personnel indicated that they were not aware of the DCI's declaration, and some had only a passing familiarity with the very existence of Usama Bin Ladin and al-Qa'ida prior to September 11. Neither were the Deputy Secretary of Defense or the Chairman of the Joint Chiefs of Staff aware of the DCI's declaration. This suggests a fragmented Intelligence Community that was operating without a comprehensive strategy for combating the threat posed by Bin Ladin, and a DCI without the ability to enforce consistent priorities at all levels throughout the Community.

The Director of NSA at the time of the DCI's 1998 declaration was Lieutenant General Kenneth Minihan. He acknowledged in a Joint Inquiry interview that he was aware of that declaration, but believed that the DCI was speaking for CIA only. In his experience, he said, the DCI generally left Intelligence Community matters to the head of the Community Management Staff.

The record of this Joint Inquiry indicates that the DCI *did not* marshal resources effectively even within CIA against the threat posed by al-Qa'ida. Despite the DCI's declaration to CIA officials that the Agency was at war with Bin Ladin, there is substantial evidence that the DCI's Counterterrorist Center needed additional personnel prior to September 11, and that the lack of resources had a substantial impact on its ability to detect and monitor al-Qa'ida's activities. For example:

- In a September 12, 2002 Joint Inquiry hearing, the former Chief of CTC testified that he did not have enough people to counter the threat posed by Bin Ladin's network: "The three concepts I would like to leave you with are people, the finances, and operational approvals or political authorities. We didn't have enough of any of these before 9/11."

- In the same hearing, a senior CTC manager said, "Did we have enough personnel resources? No. We always needed more."

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- In the same hearing, a former Chief of the CTC unit dedicated to focusing on Bin Ladin explained: "We never had enough officers from the Directorate of Operations. The officers we had were greatly overworked….We also received marginal analytic support from the Directorate of Intelligence…."

- In a September 20, 2002 Joint Inquiry hearing, a CIA officer commented on the reasons for the CIA's failure to follow-up regarding the two September 11 hijackers who came to the attention of the Intelligence Community in January 2000:

  > How could these misses have occurred?… The CIA operators focused on the Malaysia meeting while it occurred; when it was over, they focused on

> other, more urgent operations against threats real or assessed. Of the many people involved, no one detected that the data generated by this operation crossed a reporting threshold, or, if they did, they assumed that the reporting requirement had been met elsewhere…. They are the kinds of misses that happen when people – even very competent, dedicated people such as the CIA officers and FBI agents and analysts involved in all aspects of this story – are simply overwhelmed.

- When asked why there was no marshaling of personnel to CTC to fight Bin Ladin's network, the former Chief of CTC recalled that the CIA's Deputy Director of Operations said there were not enough personnel to go around and CTC was already well-endowed with people as compared to other divisions in CIA.

Almost immediately after September 11, 2001, there was a substantial infusion of personnel into the CTC. No comparable shift of resources occurred in December 1998 after the DCI's declaration of war, in December 1999 during the Millennium crisis, or after the attack on *USS Cole* in October 2000.

In his testimony before the Joint Inquiry on October 17, 2002, the DCI said, "In hindsight, I wish I had said, 'Let's take the whole enterprise down,' and put 500 more people there sooner." It is noteworthy that the DCI's comments were limited to the CIA [page 45] and did not encompass marshaling the resources of other agencies within the Intelligence Community.

Despite the DCI's December 1998 declaration of war, other priorities continued to detract from the Intelligence Community's effort against Bin Ladin. The Joint Inquiry heard repeatedly about intelligence priorities that competed contemporaneously with Bin Ladin for personnel and funds. These included a range of regional and global issues. The NSA Director described the pre-September 11 situation at NSA:

> We, like everyone else at the table, were stretched thin in September. The war against terrorism was our number one priority. We had about five number one priorities. And we had to balance what we were doing against all of them. . . . .

[Further, the NSA Director testified that he knew what NSA had to do to improve its capabilities against the modern means of communications used by Bin Ladin and other

targets prior to September 11, but was unable to obtain Intelligence Community support and resources for that effort:

> Given all the other intelligence priorities, it would have been difficult at that time within the [Intelligence Community] or the Department of Defense to accept the kind of resource decisions that would have been necessary to make our effort against the target more robust. NSA was focused heavily on [a range of regional and global issues]. Our resources, both human and financial, were in decline. Our efforts in 2000 to churn money internally were not accepted by the Community; its reliance on [signals intelligence] had made it reluctant to give it up].

The inability to realign Intelligence Community resources to combat the threat posed by Usama Bin Ladin is a relatively direct consequence of the limited authority of the DCI over major portions of the Intelligence Community. As former Senator Warren Rudman noted on October 8, 2002 in his testimony before the Joint Inquiry: "You have a Director of Central Intelligence who is also the Director of CIA; eighty-five percent of [the Intelligence Community's budget] is controlled by the Department of Defense." [Page 46]

While the DCI has statutory responsibility that spans the Intelligence Community, his actual authorities are limited to the budgets and personnel over which he exercises direct control, i.e., the CIA, the Office of the DCI, and the Community Management Staff. As former Congressman and House Intelligence Committee Chairman Lee Hamilton stated in his testimony to the Joint Inquiry on October 3, 2002:

> Currently, the Director of Central Intelligence, the leading intelligence figure, as we all know, does not control but a small portion of his budget. The DCI has, as I understand it, enhanced authority after 1997, and that permits him to consolidate the national intelligence budget, to make some trade-offs, but given the overwhelming weight of the Defense Department in the process, that is of limited value.
> . . . .
> The very phrase "Intelligence Community" is intriguing. It demonstrates how decentralized and fragmented our intelligence capabilities are. . . . The Intelligence Community is a very loose confederation. . . .
> . . . .
> [T]he thing that puzzles me here is why we reject for the Intelligence Community the model of organization that we follow in every other enterprise in this country. We have someone at the head who has responsibility and accountability. We accept that. But for some reason we reject it when it comes to the Intelligence Community.

Further evidence of the absence of authoritative leadership and a comprehensive counterterrorist strategy can be found in what the DCI referred to in his Joint Inquiry testimony on October 17, 2002 as "The Plan." In his testimony, the DCI said:

> In spring of 1999, we produced a new comprehensive operational plan of attack against [Usama Bin Ladin] and al Qaeda inside and outside of Afghanistan. The strategy was previewed to senior CIA management by the end of July of 1999. By mid-September it had been briefed to the CIA operational level personnel, to NSA, to the FBI and other partners. The CIA began to put in place the elements of this operational strategy which structured the agency's counterterrorism activity until September 11 of 2001.

[According to documents reviewed by the Joint Inquiry, "The Plan" of 1999 consisted primarily of a variety of CIA covert action efforts directed against Usama Bin Ladin. Later, "The Plan" also included [———————————————————————————————————]. Thus, "The Plan" was focused principally on CIA, Afghanistan, covert action, and technical collection aimed at Usama Bin Ladin].

From a broader perspective, "The Plan" was significant for what it did not include:

- An Intelligence Community-wide estimate of the threat posed by Usama Bin Ladin's network to the United States and to U.S. interests overseas;
- Significant participation by other elements of the Intelligence Community;
- A delineation of the resources required to execute "The Plan;"
- Any decisions to downgrade other Intelligence Community priorities to accommodate the priority of "The Plan;"
- Any attention to the threat to and vulnerabilities of the U.S. homeland; and
- Any FBI involvement.

The absence of involvement by agencies other than CIA in "The Plan" is particularly troubling, given gaps that existed in the efforts by other agencies to address Bin Ladin. While the CIA was putting significant effort and attention into Usama Bin Ladin, covert action, and Afghanistan, the FBI, for example, was focused on other issues. Although FBI leadership recognized after the Embassy bombings in August 1998 that al-

Qa'ida posed an increasing threat to United States interests, investigations in the United States of those who raised funds for other terrorist groups continued to consume considerable field resources and attention prior to September 11.

While the FBI devoted considerable resources to the criminal investigations of the terrorist attacks overseas, substantial efforts to prevent similar attacks at home were lacking. Former National Security Advisor Sandy Berger told the Joint Inquiry: ". . . if there was a flood of intelligence information [on terrorism] from the CIA, there was hardly a trickle from the FBI." In some FBI field offices, there was little focus on, or awareness of, Usama Bin Ladin and al-Qa'ida. This included the San Diego field office where FBI agents would discover, after September 11, that there had been numerous local connections to at least two of the hijackers.

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The Executive Assistant Director of the FBI's Counterterrorism Division testified to the Joint Inquiry that the FBI had no war plan against Bin Ladin: "Did we have a war plan, a five-paragraph ops order issued on Usama Bin Ladin and al-Qa'ida? Absolutely, we did not at that time." When asked how the FBI's counterterrorism program fit into the overall Intelligence Community counterterrorism program, the same Assistant Director replied: "I am not sure if I know the answer to that. I talked to [the DCI] briefly about this. I have talked to [the CTC Chief] prior to -- the answer to your question is, I don't know the answer." Without a comprehensive strategy in place for the whole Intelligence Community, there was no assurance that agencies like the FBI were focused on the DCI's "war" effort.

Consistent with the absence of any comprehensive strategy, a recent Department of Justice Inspector General (IG) report found that: "The FBI has never performed a comprehensive written assessment of the risk of the terrorist threat facing the United States." As the IG report explained: "Such an assessment would be useful not only to define the nature, likelihood, and severity of the threat but also to identify intelligence gaps that need to be addressed. Moreover, we believe that comprehensive threat and risk assessments would be useful in determining where to allocate attention and resources...on programs and initiatives to combat terrorism." This kind of assessment still had not been completed as recently as Director Mueller's testimony on October 17, 2002. Nor did the DCI's National Intelligence

Council ever produce a National Intelligence Estimate (NIE) regarding the threat to the United States posed by al-Qa'ida or Usama Bin Ladin.

Without the support of a comprehensive strategy or credible domestic threat assessment, DCI resource requests were often unsuccessful. In response to questions about his own efforts to obtain additional counterterrorism resources, the DCI described to the Joint Inquiry hearing on June 18, 2002 his inability, prior to September 11, to generate necessary support within the Executive Branch:

> [I would ask e]very year in [the] budget submission. [Page 49]
> . . . .
> I'm not talking about the Committee. I'm talking about the front end at OMB and the hurdle you have to get through to fully fund what we thought we needed to do the job. Senator Kyl once asked me a question in Senator Shelby's Committee and said, how much money are you short. I'm short $900 million to $1 billion every year for the next five years, is what I answered. And we told that to everybody downtown for as long as anybody would listen and never got to first base. So you get what you pay for in terms of our ability to be as big and robust as people - and when I became Director, we had [————] case officers around the world. Now we're up to about [————] and the President's given us the ability to grow that by another [————]. And everybody wonders why you can't do all the things people say you need to do. Well, if you don't pay at the front end, it ain't going to be there at the back end. Having said that, I think we made an enormous amount of progress against this target. That would be my view].

3. Finding: Between the end of the Cold War and September 11, 2001, overall Intelligence Community funding fell or remained even in constant dollars, while funding for the Community's counterterrorism efforts increased considerably. Despite those increases, the accumulation of intelligence priorities, a burdensome requirements process, the overall decline in Intelligence Community funding, and reliance on supplemental appropriations made it difficult to allocate Community resources effectively against an evolving terrorist threat. Inefficiencies in the resource and requirements process were compounded by problems in Intelligence Community budgeting practices and procedures.

Discussion: [Throughout the Joint Inquiry, numerous officials at CIA, NSA and the FBI testified that the greatest constraint in their effort against al-Qa'ida was the availability of too few resources, compounded by too many requirements and priorities. Regional and global issues were identified as some of the other important issues that competed with counterterrorism and made heavy resource demands].

These other policy priorities demanded the support of the Intelligence Community and made it difficult to transfer people or funds to counterterrorism. DCI Tenet testified that:

> As I 'declared war' against al-Qa'ida in 1998 – in the aftermath of the East Africa embassy bombings – we were in our fifth year of round-the-clock support to Operation Southern Watch in Iraq. Just three months earlier, we were embroiled in answering questions on the India and Pakistan nuclear tests and trying to determine how we could surge more people to understanding and countering [page 50] weapons of mass destruction proliferation. In early 1999, we surged more than 800 analysts and redirected collection assets from across the Intelligence Community to support the NATO bombing campaign against the Federal Republic of Yugoslavia.

[Similarly, NSA Director Hayden testified that NSA was focused heavily on several other high priority intelligence targets. An FBI budget official told the Joint Inquiry that counterterrorism was not a priority for Attorney General Ashcroft before September 11, and the FBI faced pressure to make cuts in counterterrorism to satisfy his other priorities].

The Joint Inquiry's review of available budget and resource data confirmed that, overall, the Intelligence Community budget peaked in fiscal year 1992 and thereafter fell or remained even in constant dollars. The FBI is an exception to the overall resource picture. Its overall funding increased for much of the 1990s, though most of this went to the Bureau's non-intelligence programs.

[In all, however, Intelligence Community capabilities declined over time. At the CIA, for example, the Directorate of Operations cut the number of its personnel deployed overseas by almost [————] and closed down a portion of facilities in one part of the world – where much information relating to terrorism could likely have been available. In addition, the necessary support "tail" for counterterrorism, such as communications and training, suffered from the decline in resources].

Specific funding for counterterrorism was, however, at least one exception to the overall budget decline. Within existing budgets, counterterrorism spending generally

increased while funding for other issues generally fell or remained steady. The counterterrorism component of the overall Intelligence Community budget, for example, at least doubled at most agencies. Former National Security Advisor Sandy Berger emphasized the added funding that was provided for counterterrorism: [page 51]

> . . . the Clinton Administration more than doubled the federal government's counterterrorism spending from $5 billion in FY [Fiscal Year] 1996 to over $11 billion in FY 2000) at a time of strong bipartisan effort to achieve balanced budgets that resulted in highly constrained spending for most programs. . . [T]he FBI's counterterrorism staff budget increased by 250% and their counterterrorism budget increased by nearly 350%. Similar increases were made in the CIA counterterrorism budget.

In general, personnel allocated to counterterrorism also increased. Although specifics are imprecise, this Inquiry's review and estimates provided by various agencies indicate that the number of personnel working on terrorism steadily increased despite overall decreases in Intelligence Community staffing. Nevertheless, the number of counterterrorism personnel prior to September 11 generally remained small and paled by comparison with post-September 11 levels.

During the course of the Joint Inquiry, Intelligence Community officials identified a number of factors that limited their ability to allocate greater resources for counterterrorism, despite the funding increases that occurred in that area. These included, in addition to the overall general decline in funding for intelligence, outdated and unrealistic intelligence priorities, and an overburdened requirements process.

The Intelligence Community's current strategic-level guidance for national security priorities was established by Presidential Decision Directive (PDD)-35 in 1995. Former National Security Advisor Anthony Lake described PDD-35 as follows: "It formally established our top intelligence priorities and placed terrorism among them, led only by intelligence support for our troops in the field and a small number of states that posed an immediate or potential serious threat to the United States." In an effort to rank the myriad post-Cold War threats facing the United States, PDD-35 established a tier system of priorities. The tiers were broad and concentrated at the upper levels of the scale. For example, there were both Tier 1A and Tier 1B priorities, but the highest priority was assigned to Tier Zero.

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However, as several Intelligence Community officers told the Joint Inquiry, in practice, the lack of adequate separation between the tiers made it very difficult to choose between priorities, and the intelligence prioritization process was often confusing. Former National Counterterrorism Coordinator Richard Clarke noted that the White House "…never really gave good systematic, timely guidance to the Intelligence Community about what priorities were at the national level." Deputy National Security Advisor Steven Hadley responded to Joint Inquiry questions by stating that Bush Administration officials were told by Clinton Administration officials during the transition that "this priority-setting process [PDD-35] … was not effective for communicating changing priorities over time." Joint Inquiry interviews with Intelligence Community officials indicate that many felt that the prioritization process was so broad as to be meaningless.

Moreover, PDD-35 was never effectively adapted before September 11 to meet the changing nature of the threat, despite specific language in the document that required an annual review. As certain threats, including terrorism, increased in the late 1990s, none of the "lower level" Tier 1 priorities were downgraded so that resources --money and people-- could be reallocated. For much of the Intelligence Community, everything became a priority since its customers in the U.S. Government wanted to know everything about everything all the time.

The growing inadequacy of the PDD-35 structure fueled an overburdened and increasingly ineffective requirements system within the Intelligence Community. At NSA, for example, an official described the PDD-35 requirements system as "cumbersome." NSA analysts acknowledged that they had far too many broad requirements -- some 1500 formal requirements by September 11 -- that covered virtually every situation and target. Working from these 1500 formal requirements, NSA had developed almost 200,000 "Essential Elements of Information" that were desired by its customers. While they understood the gross priorities and worked on the requirements that were practicable on any given day, several NSA analysts acknowledged that the [page 53] priority demands sometimes precluded them from delving as deeply into certain areas as they would have liked.

As counterterrorism became an increasingly important concern for senior Intelligence Community officials, collection and analytic efforts did not always keep pace because other requirements competed with terrorism for attention, and real priorities often were not clear. In Joint Inquiry interviews, CIA officials said that, because overall resources were finite, any increased focus on counterterrorism meant that other issues would have to receive less attention. At the FBI, where overall funding had increased, officials said that substantial efforts focused on investigating terrorist cases overseas, critical infrastructure protection programs, and other priorities not directly related to strategic intelligence or al-Qa'ida activity within the United States.

[The Director of NSA testified that prior to September 11, other priorities frustrated his attempts to acquire capabilities to process modern communications used by terrorists and other intelligence targets:

> It required a significant redirection of investment for us to acquire the capabilities to exploit modern communications. I mentioned . . .trying to churn . . .within what was then a fixed top line about $200 million . . . . And we could only get about a third of it to stick because the people who were using the products we created out of traditional means were unable to give up those product lines to allow us to reinvest those dollars for the new age signals environment . . . . I was unable to move some money because we were going to erode our coverage of [another intelligence target] as part of this effort.]

Even within the CTC, the staff and resources dedicated to counterterrorism could not keep pace with the amount and scope of incoming intelligence reporting. The DCI attributed CIA inaction on a cable pointing to al-Hazmi's travel to the United States to the fact that overworked CTC personnel did not have time to read "information only" cables from the field:

> The cable that came in from the field at the time, sir, was labeled "information only," and I know that nobody read that cable. . . . Sir, we weren't aware of it [page 54] when it came into headquarters. We couldn't have notified the [FBI]. Nobody read that cable in the March time frame. . . . It was an information-only cable from the field and nobody read that information-only cable. [In hindsight, of] course it should have been.

Another CIA official indicated, post-September 11: "The second thing that was clear, as I showed [CTC personnel] the cable from March 5, [2000] -- just the look on their face told me everything I needed to know. They just hadn't seen it. It passed them by." The former CTC Chief added:

> We have asked everyone have you seen this and what action was taken. It did not attract appropriate attention so that they could have been watchlisted. I think the Director has already mentioned that that was not done at the time. I think that it was reasonable by certainly March 5 that we would have been in the position, we should have been in a position to firmly watchlist this. I just have to underscore that we do this hundreds of times a month. It should have been done. It was not. We have very good people working this issue. It was not done, and it was not done because of the press of lots of other work. We probably should have picked up on this in early March, but we'd gone by for two months. The delay in that, sir, was the [ ], took about six weeks to get that information to us, and in March we should have picked up on it. All things being equal, they should have been watchlisted; I think that month we watchlisted about 150 people. It should have been done. It wasn't. It was a fact of life. And I think what contributed to that was these same officers watching this operation were also doing a lot of other things. So it's like balls in the air. There gets to a point where you don't treat each one with the attention that it deserves.

There was also a March 6, 2001 cable from the field that called attention to the portion of the March 5 cable regarding al-Hazmi's travel to the United States, but CTC personnel also did not read that cable at the time.

Senior NSA and CIA officials have acknowledged that, in hindsight, they would have devoted many more personnel resources to the al-Qa'ida target and expedited the development of certain collection capabilities. However, they testified that the operating environment prior to September 11 – a combination of escalating requirements and limited resources – limited their ability to respond to the growing terrorist threat.

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Those problems were aggravated by shortcomings that existed in the Intelligence Community's budgeting practices. The President annually submits to Congress an Intelligence Community budget for the coming fiscal year. Included in that request are both ongoing and new programs that are subject to long established, well understood oversight and accountability procedures. Supplemental appropriations usually are granted in reaction to unforeseen events that are not part of the President's budget

request. Since it is temporary by nature, supplemental funding is not meant to pay for additional personnel or for structural upgrades in future years.

The Intelligence Community received large supplemental appropriations from 1998 to 2001 to fight terrorism. These additional funds were provided by Congress following several major al-Qa'ida attacks and to support the effort during the Millennium celebrations. In particular, most of CIA's and some of NSA's efforts against al-Qa'ida in the late 1990's were funded from supplemental appropriations.

In Joint Inquiry interviews, Intelligence Community officials were critical of this reliance on supplementals for counterterrorism programs. A former CTC Chief, for example, told the Joint Inquiry that reliance on supplementals made it hard to create a stable counterterrorism program. He noted that it is far more difficult to develop plans for hiring and training personnel and to pursue long-term technical programs that require years to develop without a stable year-to-year funding basis.

Despite such limitations, the Intelligence Community agencies sought additional supplemental appropriations to sustain its counterterrorism effort rather than alter the President's budget request to provide annual counterterrorism funding. This is because altering the annual budget request would have required the Intelligence Community agencies to make substantial reductions in other programs, a course they were reluctant to follow because of the many other intelligence priorities for which they were responsible.

Certain other Intelligence Community budgeting practices and procedures further impeded efforts to ensure an effective allocation of resources to counterterrorism. A lack [page 56] of transparency in agency budgets made it very difficult to determine whether the counterterrorism mission was properly funded because counterterrorism is not an explicit Intelligence Community budget category. Instead, each Intelligence Community agency budget consists of a compilation of funding levels desired for specific capabilities, such as the cost of a particular number of intelligence officers or satellites. Many of these capabilities are useful for more than one mission. For example, a CIA operations officer may collect intelligence on the internal politics of a country, a weapons shipment, and terrorism. The CIA considered having its personnel record the time they

expend on various missions, as do FBI field officers, but this was rejected due to the perceived administrative burden it would impose.

This makes it very difficult to measure the amount of resources that the Intelligence Community allocates to a particular mission such as counterterrorism. As a result of this ambiguity, the Intelligence Community often does not know how much it spends on different issues and, therefore, is unable to compare the funding levels it is devoting to one mission versus another. For example, the CIA had great difficulty determining for this Inquiry precisely how many of its personnel worked on al-Qa'ida in recent years.

Moreover, different components of the Intelligence Community use different measures when they do try to determine how much they spend on missions such as counterterrorism. To further complicate matters, there is no agreed-upon way to measure the level of indirect costs, such as communications, that is devoted to counterterrorism versus other mission areas. Congressional overseers as well as senior Intelligence Community managers thus find it difficult to judge whether agency resource allocations reflect overall intelligence priorities.

In Fiscal Year 1999, the Office of Management and Budget began to require that the Intelligence Community identify counterterrorism spending in each agency. However, this information is gathered after money is spent, rather than as a planning and accountability tool for Intelligence Community managers. In addition, the information is [page 57] collected manually, is not subject to systematic controls and does not constitute much more than an educated estimate.

Finally, the Joint Inquiry confirmed through interviews that several other budget-related problems hindered Intelligence Community efforts to satisfy counterterrorism priorities and requirements:

- The DCI's Community Management Staff has little authority to ensure compliance with the DCI's priorities. It cannot withhold funding from the Intelligence Community agencies if they do not comply with those priorities;

- Managers within the CIA often found the budget planning and execution process confusing, making it harder for them to articulate their needs; and

- Intelligence Community officials complained that reprogramming money is difficult due to a slow Congressional approval process for even small changes.

4. Finding: While technology remains one of this nation's greatest advantages, it has not been fully and most effectively applied in support of U.S. counterterrorism efforts. Persistent problems in this area included a lack of collaboration between Intelligence Community agencies, a reluctance to develop and implement new technical capabilities aggressively, the FBI's reliance on outdated and insufficient technical systems, and the absence of a central counterterrorism database.

Discussion: The Joint Inquiry confirmed that the Intelligence Community had not yet fully incorporated the benefits of technology in the war against terrorism. Lack of agency collaboration in the areas of technical collection and systems development was one contributing factor. While CIA and NSA have had many successful joint counterterrorism technical operations, the Inquiry was told that overlapping targets and greater use of similar technologies caused friction between the two agencies in some instances. Disputes emerged regarding which agency should be in charge of developing and using such technologies against which targets. The Director of NSA explained to the Joint Inquiry that "the old divisions of labor are impractical – the new electronic universe [page 58] requires more and more cooperation." He added that he "would not be surprised if someday the closeness of this relationship would require organizational changes."

In Joint Inquiry interviews, agency personnel stated that, while individual relationships and cooperation between CIA and NSA at the working level had often been very good, relationships at the mid- and upper-management levels of those agencies were often strained. CIA perceived NSA as wanting to control technology use and development, while NSA was concerned that CIA was engaged in operations that were NSA's responsibility.

As a result, significant agency resources were devoted to documenting authorities and responsibilities. For example, no less than seven executive-level memoranda (including one from the President) have been necessary to reach agreement and define the responsibilities and authorities of CIA and NSA in one counterterrorism effort. The agencies also established a Senior Partnership Advisory Group to continue to deal with these issues and CIA assigned several officers to NSA to enhance technology development.

Prior to September 11, the Director of NSA publicly acknowledged the challenge posed by Usama Bin Ladin's access to the modern communications technology developed by a three trillion dollar industry. Despite this recognition, NSA failed to focus its efforts against al-Qa'ida's use of certain forms of this technology, [————————]. NSA also had not adapted technology fully to the challenge of transnational threats such as terrorism. These present much different challenges than those posed by state actors, such as the former Soviet Union, that were NSA's primary targets in the 1980's. As a result, prior to September 11, NSA provided little counterterrorism intelligence from certain important technical sources. More critically, NSA has not been able to describe to the Joint Inquiry its plans to address this technical problem on a larger scale.

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Similarly, NSA could not demonstrate its current analytic tools to the Joint Inquiry and could not identify upgrades that will assist NSA analysts in identifying critical intelligence amidst the large volumes of information it collects. In the absence of such tools, NSA language analysts must still conduct the bulk of their work with pencil and paper. Many develop their own personal "databases" on index cards that cannot be made readily available to counterterrorism analysts at other agencies. NSA's highly publicized TRAILBLAZER program was often cited by NSA officials as the solution to many of these problems, but the implementation of those solutions is three to five years away and confusion still exists at NSA as to what will actually be provided by that program.

The FBI's Deputy Assistant Director for Counterterrorism Analysis testified to the Joint Inquiry that "one of the FBI's major deficiencies was that the FBI confronted a

variety of problems in sharing information, not only with other agencies but within the Bureau itself. This was and is largely attributable to inadequate information technology." Likewise, Director Mueller acknowledged to the Joint Inquiry that "[o]ver the years, [the FBI] failed to develop a sufficient capacity to collect, store, search, retrieve, analyze, and share information."

In their testimony, FBI field agents from Phoenix, Minneapolis and New York all cited the FBI's technology problems as among the top three things they would like to see addressed in terms of the counterterrorism effort. As a New York agent explained:

> The technology, number one. The FBI is a member of the Intelligence Community. We have to be able to communicate with them. We have to be able to have databases that can be integrated with them, and right now we do not. It is a major problem. It is a major problem for our analysis.

The FBI deployed its Automated Case System (ACS) in 1995 to replace a system of written reports and indices. The ACS was supposed to enable agents to send leads to other FBI offices and units and to have access to a vast array of data electronically. [Page 60] However, study after study has concluded that ACS is limited in its search capacity, difficult to use, and unreliable.

The Chief of the FBI's Radical Fundamentalist Unit (RFU) testified that ACS remains unfriendly, unreliable and unworkable, and that, instead of using ACS to manage cases, many agents rely on e-mail and paper copies to transmit important data. In interviews, some FBI personnel conceded that "routine" leads, on which there were no automated communications, might have "fallen through the cracks." Despite the priority given to the war against terrorism since September 11, the Joint Inquiry heard testimony that, at least as of the end of September 26, 2002, there were still 68,000 outstanding, unassigned leads directed to the Counterterrorism Division, dating back to 1995. Because many FBI personnel did not use ACS to track outstanding leads, the FBI has been unable to determine how many of these leads have been completed. As the RFU Chief explained:

> I think we need to make it very clear, though, because there is [sic] 68,000 leads outstanding on that point, that does not mean that those leads were not handled.... [E]ven though the lead is shown in the computer as not covered by the Counterterrorism Division, it is covered by the operational

> unit. So there is a lot of duplication. . . .[T]he system is very cumbersome, and people unfortunately have just become very frustrated with it, to the point where . . . [w]hat will frequently happen, for example, is even though a field division sends a lead to headquarters and ACS, they are also e-mailing that communication to the particular FBI headquarters [supervisory special agent]. So they are getting it and working on it via the e-mail but not necessarily within the ACS system. . . . Even though a couple of years ago . . . there was a directive that went out to the field telling them to stop sending hard copies to headquarters because they should be retrieved electronically, it was well known, both in the field and at headquarters, that you wouldn't get the communication or there was a good chance that you weren't going to get it. As such, the field would routinely still send hard copy.

ACS requires that FBI analysts search for information relevant to their analytical responsibilities. This is in stark contrast to the CIA's automated system, which automatically routes communications to analysts that are relevant to their interests. Before September 11, 2001, many FBI field agents did not include sensitive information in ACS because they believed the system was not secure. In addition, many agents who did include information in ACS blocked access to it in order to limit the number of FBI [page 61] personnel who could obtain the information. Given these limitations, ACS does not provide assured retrieval of complete, authoritative information on any subject. The fact that many FBI personnel do not understand how to make maximum use of the limited capabilities of ACS and the FBI's other databases compounds the problem.

Because of its limitations, many agents simply did not use ACS as a research or case management tool. When the Phoenix FBI field office agent was drafting his July 2001 Electronic Communication, he had no easy or reliable way of querying a central FBI system to determine whether there were other reports on radical fundamentalists taking flight training or whether other FBI field offices were investigating similar cases. As a result, the agent did not know that another FBI field office had voiced concern about Middle Eastern men taking flight lessons in 1998 or that an operational unit in the Counterterrorism Section at FBI Headquarters had directed twenty-four field offices (including Phoenix) to pay close attention to certain Islamic students engaged in aviation training in 1999.

In addition, because of the limitations of ACS, a number of addressees on the Phoenix communication, including the Chief of the FBI Headquarters Radical Fundamentalist Unit, were not aware of the communication before September 11. Further, even though that Unit handled both the Phoenix communication and the exchanges with the Minneapolis FBI field office in connection with the Moussaoui investigation, no one connected the two matters. Likewise, the Minneapolis FBI field office agents investigating Moussaoui had no reliable way of determining whether there was information in FBI files about threats to aviation or terrorist plots to hijack planes and, therefore, did not know about the Phoenix communication and other concerns about Middle Eastern men taking flight lessons.

While ACS and most other FBI databases are classified at the Secret level, a large percentage of the information disseminated throughout the Intelligence Community is classified Top Secret and, therefore, cannot be maintained on ACS. The information is instead maintained on a separate database to which FBI counterterrorism personnel do [page 62] not have access at their desks. Further, the CIA places human intelligence information in a special compartment at the Secret level and that information also cannot be shared within the FBI's databases.

The Chief of the FBI's Radical Fundamentalist Unit described the FBI's situation in September 24, 2002 testimony to the Joint Inquiry:

> . . . [C]ommunications coming into our building from NSA, from CIA cannot be integrated into our existing databases. So if an analyst is working, say, on a subject in Phoenix division and they run that person's name through our databases, they will not retrieve information on that person that other agencies may also have. It is required of them to get up, walk over to a different set of--or a different computer that has access to a different database and search that name in that database; and the two databases will never come together and be integrated. So it is a setup for failure in terms of keeping a strategic picture of what we are up against.

Although some FBI personnel have access to separate Top Secret Intelligence Community networks, the FBI's computer systems are not linked to Intelligence Community systems or even to the Department of Justice.

5. Finding: Prior to September 11, the Intelligence Community's understanding of al-Qa'ida was hampered by insufficient analytic focus and quality, particularly in terms of strategic analysis. Analysis and analysts were not always used effectively because of the perception in some quarters of the Intelligence Community that they were less important to agency counterterrorism missions than were operations personnel. The quality of counterterrorism analysis was inconsistent, and many analysts were inexperienced, unqualified, under-trained, and without access to critical information. As a result, there was a dearth of creative, aggressive analysis targeting Bin Ladin and a persistent inability to comprehend the collective significance of individual pieces of intelligence. These analytic deficiencies seriously undercut the ability of U.S. policymakers to understand the full nature of the threat, and to make fully informed decisions.

Discussion: Despite the recognition of the increased threat posed to the United States by al-Qa'ida, the U.S. Intelligence Community's analytic focus on al-Qa'ida was woefully inadequate prior to the September 11 attacks. At the CTC, for example, there were only three analysts assigned to work on al-Qa'ida full time between 1998 and 2000, [page 63] and five between 2000 and September 11, 2001. Including analysts from elsewhere in CIA who were in some part attentive to al-Qa'ida, the total was fewer than forty.

[In terms of "work years," the equivalent of nine analyst work years was expended on al-Qa'ida within CTC's Assessments and Information Group in September 1998. According to CIA, nine CTC analysts and eight analysts in the Directorate of Intelligence were assigned to UBL in 1999. This was only a fraction of the analytic effort that was to be devoted to al-Qa'ida in July 2002].

DCI Tenet acknowledged at the June 19, 2002 Joint Inquiry hearing that:

> I think that is correct. I think [the number of analysts in the CTC analytic unit working on Usama Bin Ladin and al-Qa'ida] was too small. . . . I think one of the things I would say is from a strategic analytical perspective we should have had more analysts than we did. . . .

[At the FBI, there were fewer than ten tactical analysts and only one strategic analyst assigned to al-Qa'ida prior to September 11, 2001. The NSA had only a limited number of Arabic linguists, on whom analysis depends, and, prior to September 11, few were dedicated full-time to targeting al-Qa'ida. At the time, NSA's Arabic linguists were

also being used to support other high priority targets in the region and to translate intelligence originating in the region and elsewhere].

Elsewhere in the Intelligence Community, other agencies dedicated varying numbers of analysts to the al-Qa'ida issue prior to September 11, 2001. The other two primary all-source analysis centers, DIA's Joint Intelligence Task Force, Combating Terrorism, and State Department's Bureau of Intelligence Research (INR) focused on anti-terrorism and force protection analysis to protect overseas equities. INR dedicated one analyst solely to al Qa'ida, and, at Secretary of State direction, provided a daily summary of intelligence relating to Usama bin Ladin and his activities. DIA devoted 30 analysts to Sunni Extremism and, on any given day, several of them – augmented by Reservists – would be involved with Usama bin Ladin-related issues.

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Other agencies and organizations maintained at least an awareness of al-Qa'ida and performed roles such as financial tracking and training camp observation consistent with their charters. One non-Intelligence Community organization, the FAA, dedicated as many as five analysts at any one time to al Qa'ida. In late 2000, according to FAA officials, FAA offered CTC Chief Cofer Black the support of its nearly two-dozen analysts regarding transportation security issues in exchange for broader information sharing, but this offer was not accepted because of CTC concerns about protecting its sources and methods. The Joint Inquiry was told that a similar offer of analytic support was made to CTC Chief Black by DIA in 2000, but with similar results. FAA and DIA are both represented at CTC.

The Intelligence Community's focus was also far more oriented toward tactical analysis of al-Qa'ida in support of operations than on the strategic analysis needed to develop a broader understanding of the threat and the organization. For example, as mentioned earlier, the DCI's National Intelligence Council never produced a National Intelligence Estimate (NIE) on the threat to the United States posed by al-Qa'ida and Usama Bin Ladin. Active analytic efforts to identify the scope and nature of the threat, particularly in the domestic United States, were clearly inadequate.

As noted in an August 2001 CIA Inspector General report, analysts assigned to CTC only had time to focus on crises or short-term demands, and "did not have the time to spot trends or to knit together the threads from the flood of information." These shortcomings, unfortunately, had an impact on areas that were directly relevant to the September 11 attacks. The Joint Inquiry record confirms, for example, that the Intelligence Community had devoted little or no analytic focus prior to September 11 to the terrorist use of aircraft as weapons or to the significant role in al-Qa'ida that was played by Khalid Shaykh Mohammed.

This review also confirms that the FBI was performing little, if any, strategic analysis against al-Qa'ida prior to the September 11 attacks. The Chief of the FBI's National Security Intelligence Section testified that the FBI had "no analysts" dedicated [page 65] to strategic analysis prior to September 11. In fact, as of that date, the FBI had only one strategic analyst working on al-Qa'ida matters. FBI Assistant Director for Counterterrorism Dale Watson testified that he could not recall any instance where the FBI Headquarters terrorism analytical unit produced "an actual product that helped out."

When the FBI did complete analytic products, the quality was inadequate. During the summer of 2001, the U.S. Intelligence Community was in a state of heightened alert, due to concern about an imminent al-Qa'ida attack. However, this concern was not reflected in the FBI's National Law Enforcement Threat System (NLETS) reports, which are the means through which the FBI communicated terrorist threat information with state and local law enforcement entities. In a May 2001 NLETS report, for example, the FBI assessed the risk of terrorism as "low," and, in a July 2, 2001 NLETS report, stated that the FBI had no information indicating a credible threat of terrorist attack in the United States, although the possibility of such an attack could not be discounted. Additional FBI notices that were issued later in July 2001 indicated that there was a potential for attacks against U.S. interests abroad, but again that the possibility of an attack in the United States could not be discounted.

More focus on strategic analysis by the FBI and the CIA would have helped crystallize the threat, particularly within the United States, and perhaps spurred more immediate defensive action by U.S. Government policymakers. The Intelligence

Community was not, however, poised or equipped to deliver the kind of analytic products needed. The FBI, for example, was not even aware of the collective significance of information pertaining to al-Qa'ida that was contained within its own files. This fact is underscored by its failure to connect available information on al-Mihdhar and al-Hazmi, Zacarias Moussaoui, and the FBI Phoenix field office agent's Electronic Communication in the summer of 2001. The FBI's Deputy Assistant Director for Counterterrorism Analysis, recently detailed from CIA to improve the FBI's analytic capability, testified that the Bureau "didn't have analysts dedicated to sort of looking at the big picture and trying to connect the dots, say between the Phoenix memo and Moussaoui and some [page 66] other information that might have come in that might have suggested that there were individuals there who might be preparing to hijack aircraft."

One of the primary reasons that there was so little focus on strategic analysis in the Intelligence Community may have been the perception that operational personnel and matters were more important to agency counterterrorism missions and operations than analysis and analytic personnel. Consistent with its traditional law enforcement mission, the FBI was, prior to September 11, a reactive, operationally driven organization that did not value strategic analysis. While FBI personnel appreciated case specific analysis, for example, most viewed strategic analytic products as academic and of little use in on-going operations. The FBI's Assistant Director for Counterterrorism acknowledged in Joint Inquiry testimony that the reactive nature of the FBI was not conducive to success in counterterrorism:

> No one was thinking about the counterterrorism program what the threat was and what we were trying to do about it. And when that light came on, I realized that, hey, we are a reactive bunch of people, and reactive will never get us to a prevention and what we do. . . .Is there anybody thinking and where's al-Qa'ida's next target? And no one was really looking at that.

He also testified about the difficulty of going beyond the FBI's traditional case-oriented approach:

> We will never move away from being reactive. We understand that. And that's what people want to talk about most of the time is how's that case going in East Africa, or how's the *USS Cole* investigation going? But if you step back and look at it strategically you need to have people thinking

> beyond the horizon and that's very difficult for all of us. It's particularly difficult for law enforcement people.

Other FBI executives acknowledged the FBI's pre-September 11 analytic failings. Director Mueller testified that:

> I would be the first to concede that we have not done a good job in analysis. We have not had either the technology nor the analytical cadre of individuals that we have needed to perform strategic analysis.

In Joint Inquiry testimony, the FBI's Deputy Assistant Director for Counterterrorism Analysis referred to strategic analysis as the FBI's "poor stepchild" prior to September 11, 2001. As a result, our review confirmed that strategic analysts were often marginalized by the operational units and rarely, if ever, received requests from operational sections for analytical assessments of pending al-Qa'ida's cases.

In 2000, FBI management aggravated this situation by transferring five strategic analysts who had been working on al-Qa'ida matters to FBI operational units to assist with ongoing cases. According to a former Chief of the International Terrorism Analytic Unit, this "gutted" the analytic unit's al-Qa'ida-related expertise and left the unit with little ability to perform strategic analysis.

Concerns about protecting criminal prosecutions also limited the FBI's ability to utilize strategic analytic products. In interviews, some analysts said they frequently were told not to produce written analyses, lest the analyses be included in discovery during criminal prosecutions. FBI analysts were further hindered because of the limitations of the FBI's information technology.

Due in large part to these cultural and practical issues, the Bureau has had little success in building a strategic analytic capability, despite numerous attempts before September 11 to do so. For example, in 1996, the FBI hired approximately fifty strategic analysts for counterterrorism purposes, many with advanced degrees. According to both current and former FBI analytic personnel and supervisors, most of those analysts left the Bureau within two years because they were dissatisfied with the role of strategic analysis at the FBI.

The lack of emphasis on strategic counterterrorism analysis was also an issue at the CIA. The former Chief of CTC testified that, at the CTC:

> We have under-invested in the strategic only because we've had such near-term threats. The trend is always toward the tactical. . . . The tactical is where lives are saved. [Page 68] And it is not necessarily commonly accepted, but strategic analysis does not . . . get you to saving lives.

Analysts in the CTC also expressed concern to the Joint Inquiry that their opinions were not given sufficient weight. A manager in the CTC confirmed to the Staff that CIA operations officers in the field resented being tasked by analysts because they did not like "to take direction from the ladies from the Directorate of Intelligence." Despite the need for increased analytic capability, CTC reportedly refused to accept analytic support offered by at least two other agencies prior to September 11, 2001. As mentioned earlier, representatives of both FAA and DIA informed the Inquiry that CTC management rebuffed their offers of analytic assistance in 2000 because those agencies wanted greater access to CTC information in return, and this raised CTC concerns regarding protection of its intelligence sources and methods.

Analysts at NSA commented to the Joint Inquiry that CTC viewed them as subordinate – "like an ATM for signals intelligence." NSA analysts say they attempted to accommodate CTC preferences by focusing on short-term operational requirements – sometimes at the expense of more thorough analysis -- and even altered NSA reporting formats because CTC did not like including NSA analyst comments in the text of signals intelligence reports. Several NSA analysts also described a definite perception that the DCI would always side with CIA and CTC operational personnel in any disagreements between NSA and CTC.

Some of the shortcomings in analytical capability can be traced to the fact that analysts were often inexperienced, under-trained, and, in some cases, unqualified for the responsibilities they were given. At the CTC, the analysts were a relatively junior group prior to September 11 since CTC had traditionally relied on rotational assignments. An analytic career service was not created in CTC until about 1997. The average CTC

analyst had three years of analytic experience, versus the eight years for analysts in the CIA's Directorate of Intelligence.

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A former counterterrorism analyst at DIA explained to the Joint Inquiry the consequences for analytic perspective of this shortfall in experience and knowledge:

> Coupled with this issue of experience comes the ability to place current intelligence reporting in the context of historical perspectives. In the period leading up to the 1998 East Africa bombings and the 2000 attack against the *USS Cole* in Yemen, terrorism analysts nearly across the board incorrectly assessed that a group would not conduct an attack in an area where it was able to operate with relative ease. Additionally, there appears to be a continued reluctance to correctly assess and evaluate the nature of cooperation between many [————————] and [————————] Islamic extremist groups. Both of these examples, and there are certainly others, occurred despite over a decade of credible reporting to the contrary.

At the FBI, a January 2002 internal study found that 66% of the FBI's 1200 "Intelligence Research Specialists" (strategic analysts) were unqualified. This problem was compounded by the fact that newly-assigned strategic and operational analysts received little counterterrorism training upon assuming their positions. As the Chief of the FBI's National Security Intelligence Section testified:

> While there was no standardized training regimen, other than a two-week basic analytical course, training was available on an ad hoc basis and guidance was provided by both the unit chiefs of the analytical units and the FBI's Administrative Services Division. The development of a standardized curriculum, linked to job skills, and career advancement was being planned . . . , but it was never implemented.

The quality of Intelligence Community counterterrorism analysis also suffered as a result of the fact that agency analysts often did not have access to important information residing at other agencies. DIA's Associate Director for Intelligence at the Joint Chiefs of Staff testified about the extent of these problems:

> In my opinion, one of the most prolonged and troubling trends in the Intelligence Community is the degree to which analysts, while being expected to incorporate all sources of information into their assessments,

> have been systematically separated from the raw material of their trade…. At least for a few highly complex high stakes issues, such as terrorism, where information by its nature is fragmentary, ambiguous and episodic, we need to find ways to emphatically put the "all" back in the discipline of all-source analysis.

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Intelligence Community analysts had particularly limited access to "raw material" contained in the FBI's counterterrorism investigations, including Foreign Intelligence Surveillance Act (FISA)-derived information, and to unpublished NSA information. The former acting head of the FBI's Usama Bin Ladin Unit informed the Joint Inquiry that, prior to September 11, the FBI would generally only provide the CIA with FISA-derived information when the FBI wanted it passed to a foreign government. Primarily due to the FBI's technological problems, the FBI's analysts did not even have access to all relevant FBI information. The FBI's Deputy Assistant Director for Counterterrorism Analysis testified that "the FBI lacked effective data mining capabilities and analytical tools, it has often been unable to retrieve key information and analyze it in a timely manner—and a lot has probably slipped through the cracks as a result."

There also was, and apparently continues to be, a reluctance at CIA to provide raw data to analysts outside the Agency. DCI Tenet testified that even analysts at the Department of Homeland Security will not be allowed access to CIA raw data:

> There was a headline today that said raw data provided. Well, actually that's not what's envisioned. They will get all of the finished product, the finished analytical product, the finished intelligence that NSA, CIA and FBI issues, and on a case-by-case basis, depending on what kind of an environment we're in, we actually may give them a piece of raw data.

Discussions of access to "raw data" or "raw traffic" raise objections from CIA, since it immediately equates the term to internal operational traffic, and from NSA. Both agencies are concerned with protecting the sources and methods they use to collect intelligence, a responsibility that has been specifically placed upon the DCI by the National Security Act, and NSA is also concerned about its legal responsibilities to "minimize" U.S. person data in the information it collects.

A significant portion of the communications collected by NSA involves U.S. persons as parties or contains information about U.S. persons. NSA is responsible under law and Attorney General procedures for ensuring that information of this type that does [page 71] not have intelligence value is eliminated before intelligence is disseminated to persons outside the NSA production chain. NSA does allow analysts from other agencies to have access to raw intercepts on a case-by-case basis, typically at NSA and after the analysts have been trained in the minimization rules.

Analysts, for their part, maintain that there is intelligence information of potential significance embedded in the raw CIA and NSA data. Much of this, they believe, is filtered out during the CIA and NSA processes that determine what information analysts receive in disseminated form. The CIA has implicitly recognized this by integrating its counterterrorism analysts into CTC where they have full access to raw traffic, an access that most CIA analysts do not routinely enjoy.

[As an example, the Joint Inquiry found numerous operational cables relating to the meeting in Malaysia that was attended by al-Hazmi and al-Mihdhar in January 2000 containing information that could have enabled all-source analysts to assess that meeting more completely. DIA identified four specific leads its terrorism analysts could have pursued had this information been shared with it in early 2000, and three leads in the critical August 2001 timeframe that DIA believes would have allowed additional action to be taken concerning the arrest of Moussaoui and the watchlisting of Al-Mihdhar and al-Hazmi. However, DIA did not learn of this operational traffic until informed of it in the course of the Joint Inquiry in April 2002].

Intelligence analytical personnel told the Joint Inquiry that they are not seeking access to operational details or the identification of sources and methods. The DIA Director, for example, observed that he has tried to convince CTC that DIA does not want operational details, but only important intelligence buried in the operational traffic.

The inadequate quality of the Intelligence Community counterterrorism analysis impacted not only the Intelligence Community's strategy and operations, but also the

ability of the U.S. Government's policymakers to understand the threat and to make informed decisions. Several current and former U.S. government policymakers provided [page 72] testimony to this effect before these Committees. For example, Richard Clarke, the former National Coordinator for Security, Infrastructure and Counterterrorism at the National Security Council ("National Counterterrorism Coordinator") explained to the Joint Inquiry that:

> FBI did not provide analysis. FBI, as far as I could tell, didn't have an analytical shop. They never provided analysis to us, even when we asked for it, and I don't think that throughout that 10-year period we really had an analytical capability of what was going on in this country.

Richard Armitage, the Deputy Secretary of State complained that Intelligence Community analysis tends to provide policymakers with only one view, and that dissenting opinions are rarely expressed:

> I am the consumer. It's very rare that we get the one off voice or the dissident voice . . . . For a policy maker, the dissident voice is very helpful to either confirm what you think or really open up a new area, and this is not generally done. If I had to say the one biggest weakness in the analysis area, I would say that's it. Second, it's the way analysis in the Intelligence Community is generally put forth, and it's related, and that is consensus…I really would just enforce this observation about the need to get alternative views up, because almost everything that's important here is shrouded in ambiguity and uncertainty. There is a tendency to want to get things scrubbed out to get the differences eliminated.

Former National Security Advisor Sandy Berger implied in his testimony that the U.S. Government has often relied too heavily on analytic expertise within the U.S. Government, and that he believes that the best analytic expertise is often found elsewhere:

> I think we live in a world . . .in which expertise increasingly does not exist in the government. It's a very complicated world. And the five people who know Afghanistan the best or Sierra Leone the best are probably located either in academia, think tanks or in companies, not to devalue the people of the government. So we have to find a way in my judgment to integrate the expertise that exists on the outside with the information that exists on the inside.

A former DIA counterterrorism analyst told the Joint Inquiry hearing on October 8, 2002: [page 73]

> The single most important issue that will affect future performance is the experience level of the analyst. While this certainly applies to all intelligence analysts regardless of subject area, it is even more critical for those trying to prevent the next terrorist attack. In the case of an analyst responsible for tracking a Middle Eastern terrorist group, this person will need to have an expertise or at least a good working knowledge of terrorism itself, the group that they have for an account, regional and country issues present in the group's operating area, which can be quite extensive, and Islamic history, culture and the sects thereof. This . . . required level of expertise is rarely going to be found outside the Intelligence Community and is instead going to be recruited from academia and then developed in-house through training programs and mentors.

Former Chairman of the House Intelligence Committee Lee Hamilton noted in his testimony to the Joint Inquiry on October 3, 2002 that the Hart-Rudman Commission had concluded that the U.S. Government's personnel system has become a national security issue. As he stated:

> There is too much rigidity in the system. There is not enough allowance for incentive. And it is an exceedingly serious problem in our government. And it has national security consequences. We've got to work through this matter so that managers can manage more effectively. . . . . I would absolutely assure you . . . that you would not tolerate in your office the kind of management restrictions that operate today in the federal government. . . . Now I know the importance of this to employees, so it's a tough problem, but the only thing I want to say here, Senator, when you talk about personnel we are now approaching this national security review and we have to look at the civil service system and we have to find ways and means of getting more flexibility into it. If we don't, we're going to choke ourselves to death.

During the same hearing, former CIA Inspector General Frederick Hitz discussed a number of actions that might be taken to enhance the quality of the personnel employed by the Intelligence Community agencies. These included the idea of establishing an intelligence reserve corps that could be activated at a time of particular need, an intelligence reserve officer training corps, and more internships to introduce young people into the agencies. While he recognized that some of these ideas are not new, he did not believe they had been vigorously pursued.

In sum, prior to September 11, the Intelligence Community's analytic components failed to understand the collective significance of the information in their possession.

This failure is attributable not only to the factors discussed above, but also to a basic lack of creativity and imagination in evaluating the intelligence that was at hand. Ironically, the best example of the creative, imaginative and aggressive analysis of relevant [page 74] intelligence that this review has found was not a product of Intelligence Community analysts, but, instead, of an FBI field agent in Phoenix. The Phoenix agent, in reviewing his office's case files, went beyond the facts of those individual cases to focus on a larger, and far more serious, picture of the potential, long-term threat. By putting together various pieces of information, he became convinced that Usama Bin Ladin was sending individuals to aviation-related training in order to put al-Qa'ida in a position to target civil aviation. His July 2001 Electronic Communication to FBI Headquarters was a strategic analytic product that correctly identified at least one critical element that was to be used in the plot that unfolded on September 11, an element that apparently eluded far more seasoned analysts elsewhere in the Intelligence Community.

6. Finding: Prior to September 11, The Intelligence Community was not prepared to handle the challenge it faced in translating the volumes of foreign language counterterrorism intelligence it collected. Agencies within the Intelligence Community experienced backlogs in material awaiting translation, a shortage of language specialists and language-qualified field officers, and a readiness level of only 30% in the most critical terrorism-related languages.

Discussion: The language problem has been one of the Intelligence Community's perennial shortfalls. Prior to September 11, the shortage of language specialists who would be qualified to process large amounts of foreign language data in general, and Arabic in particular, was one of the most serious issues limiting the Intelligence Community's ability to analyze, discern, and report on terrorist activities in a timely fashion. According to a senior NSA official, [————————————————————————————]. These are promptly scanned for intelligence value, and only the most important – [————————] -- are then translated into English. Yet, prior to September 11, NSA had [———] personnel assigned to this task.

[Analyzing, processing, translating, and reporting al-Qa'ida-related [————————————] communications requires the highest levels of language and target knowledge expertise that exist at the National Security Agency. The large number of

communicants whose native origins cover all of the major Arabic dialects makes this [page 75] analysis linguistically and analytically difficult. The target lives in and understands life in a thoroughly Islamic milieu, a milieu that is often reflected in the target's communications].

Evaluating these communications requires considerable subject matter expertise in Islam in general and Islamic extremism in particular in order to ensure the best possible interpretations. Very few Arabic language analysts at NSA have done any graduate work in Islamic Studies and the vast majority of these linguists [——].

The NSA Senior Language Authority explained to the Joint Inquiry that the Language Readiness Index for NSA language personnel working in the counterterrorism "campaign languages" is currently around 30%. This Index is based on the percentage of the mission that is being performed by qualified language analysts. The current low level of the Index is due in part to the fact that NSA has moved roughly [——] language personnel since September 11 from areas in which they were performing quite well to counterterrorism, where they must gain experience and expertise before their performance can improve.

[According to the Chief of the FBI's Language Services Division, prior to September 11, the Bureau employed [———] Arabic speakers and was experiencing a translation backlog. As a result, 35% of Arabic language materials derived from Foreign Intelligence Surveillance Act (FISA) collection were not reviewed or translated. If the number of Arabic speakers were to remain at [—], the projected backlog would rise to 41% in 2003.]

The Director of the CIA Language School testified that, given the CIA's language requirements, the CIA Directorate of Operations is not fully prepared to fight a world-[page 76] wide war on terrorism and at the same time carry out its traditional agent recruitment and intelligence collection mission. She also added that there is no strategic

plan in place with regard to linguistic skills at the Agency. When asked about the language ability of CIA field officers, the Language School Director stated:

> [Traditionally we have had an adequate number of Arabic speakers to conduct their business in [————————————————]. Level of language required to use with a volunteer or for a thorough debriefing is very different than the level of language you need to socially chit-chat with somebody or to even recruit someone. And that is where the bar has been raised much higher, and that's why we must now have a cadre of language speakers, [————] who indeed can debrief and write up reports with these volunteers].

The Director of the CIA Language School explained that CIA should have a pool of interpreters to meet language support needs at home and abroad, but that this is not easy to achieve. She stated that: "With the progress of technology, we keep on getting more material – [————————————————]. These things need translation, we don't have that capability." In her view, CIA field officers are typically generalists, and this has been important to their career progression culture since the mid-1970s. Now, however, it is an absolute must that these officers possess expertise rather than mastery of "one little dab here and one little dab there." Her recommendation was that either a culture change within CIA is called for or that a cadre of specialists be developed and not penalized.

7. Finding: [Prior to September 11, the Intelligence Community's ability to produce significant and timely signals intelligence on counterterrorism was limited by NSA's failure to address modern communications technology aggressively, continuing conflict between Intelligence Community agencies, NSA's cautious approach to any collection of intelligence relating to activities in the United States, and insufficient collaboration between NSA and the FBI regarding the potential for terrorist attacks within the United States].

Discussion: While one of the Intelligence Community's greatest strengths is its ability to rely on its advanced technical collection capabilities, the Joint Inquiry confirmed that the Community did not, prior to September 11, fully exploit those [page 77] capabilities in the effort against Bin Ladin and al-Qa'ida. Pre-September 11, [————————————————————————————————]. Post-September 11, this increased to [————————].

It became very clear after September 11 [———————————————

perceived as targeting individuals in this country and because the intelligence produced about communicants in the United States is likely to be about their domestic activities.

[As a result, NSA regularly provided information about these targets to the FBI – both in its regular reporting and in response to specific requests from the FBI – [————————————————————] that NSA acquired in the course of its collection operations. The FBI used this information in its investigations and obtained FISA Court authorization for electronic surveillance [————————————————] when FBI officials determined that such surveillance was necessary to assist one of its intelligence or law enforcement investigations].

[One collection capability that was used by both NSA and FBI under approval of the FISA Court (the "FISA Court technique") had a [————] probability of collecting [————] communications between individuals in the United States and foreign countries. NSA did not use the FISA Court technique against [————————], however, precisely because of this [————————] probability].

As NSA Director Hayden has testified to the Joint Inquiry, NSA believed it was the FBI's responsibility to collect communications of individuals in the United States. General Hayden stated two reasons for this position. One is that, since the individual is in the United States, the information obtained is most likely to relate to domestic activity that is of primary interest to the FBI. The second reason is that NSA does not want to be viewed as targeting persons in the United States. Joint Inquiry interviews of a wide range of NSA personnel, from the Director down to analysts, revealed the consistent theme that NSA did not target individuals in the United States. This is so ingrained at NSA that one counterterrorism supervisor at NSA admitted that she had never even thought about using this technique against [————————].

[Page 79]

Despite the NSA view that this category of intelligence collection was the FBI's responsibility, NSA and the FBI did not develop any plan to ensure that the Bureau made an informed decision about whether to use the FISA Court technique to collect communications between the United States and foreign countries that NSA was not covering. Thus, a gap developed between the level of coverage of communications

between the United States and foreign countries that was technically and legally available to the Intelligence Community and the actual use of that surveillance capability].

[This gap was potentially very damaging in the case of Khalid al-Mihdhar during the period in early 2000 when he was in the United States. [———]. His presence in the United States was not determined by the Intelligence Community at the time. [———].

[NSA and CIA officers often worked closely together in [———] collection efforts against al-Qa'ida. The two agencies conducted [———————] operations, And these operations often met with some success. However, one type of these operations – [———] – caused much friction between NSA and CIA. This was especially true at the mid- and upper-management levels where struggles developed regarding which agency was in charge of developing and using such technology when human intelligence and signals intelligence targets overlapped. CIA perceived NSA as wanting to control technology deployment and development, while [page 80] NSA was concerned that CIA was conducting NSA-type operations. The NSA Chief of Data Acquisition noted to the Inquiry that this has been an issue during his entire tour of almost three years. These frictions persisted even after the September 11 attacks. In the first six months of 2002, for example, no less than seven executive-level memoranda (including one from the President) were issued in attempts to delineate CIA and NSA responsibilities and authorities in this collection area].

The Chief of NSA's Signals Intelligence Directorate acknowledged these frictions in a Joint Inquiry interview, but cited the executive memoranda as evidence that the situation is improving. NSA Director Hayden, told the Joint Inquiry that "the old divisions of labor are impractical; the new electronic universe requires more and more

cooperation. ” He also added that he “would not be surprised if someday the closeness of this relationship would require organizational changes.”

8. Finding: The continuing erosion of NSA’s program management expertise and experience has hindered its contribution to the fight against terrorism. NSA continues to have mixed results in providing timely technical solutions to modern intelligence collection, analysis, and information sharing problems.

Discussion: One of the side effects of NSA’s downsizing, outsourcing, and transformation has been the loss of critical program management expertise, systems engineering, and requirements definition skills. These skills were devalued by NSA during the 1990s when most technical development was done within the agency, and the impact of their loss was evident in NSA’s response to the Joint Inquiry’s attempts to gather information concerning NSA’s plans for developing solutions to its current technology gaps in areas of particular importance to counterterrorism. [———— ———————————————————————————— ———————————————————————————— ————————————]. NSA was able to provide little more than very high-level and general vision statements.

The impact of this lack of program management was evident during interviews with analysts who expressed frustration regarding their current working environment. [page 81] For example, they must now write three versions of reports in order to accommodate the demands of various customers and uses. The TRAILBLAZER program, which the NSA Director has described as NSA’s “effort to revolutionize how we produce SIGINT in a digital age,” is now not expected to produce such results until 2004 at the earliest and confusion still exists as to what those results will actually be. In the meantime, none of the analysts were aware of any near term efforts to alleviate their current system’s technical limitations.

NSA personnel also stated that NSA’s efforts to collect [———————— ————————————], reveals a critical deficiency in its capabilities. The solution to this deficiency is well understood and estimated to cost less than $1 million to implement. However, the project manager is still struggling for funds to pay for an upgrade that would not be completed until 2004.

The Joint Inquiry also found a high level of frustration among contractors who do business with the NSA. Common themes repeated to the Joint Inquiry concern the extremely poor quality of solicitation packages and acquisition expertise on the part of NSA employees and the inability of program managers to speak with consistency and authority on future contract opportunities. NSA also lacks a formal Contracting Officer Technical Representative certification program. This is of special concern as NSA continues to increase its reliance on contractors. In testimony to the Joint Inquiry in October 2002, the NSA Director stated that NSA "spent about a third of our SIGINT development money this year making things ourselves. Next year the number will be [dropping to] 17%."

The Chief of Staff for NSA's Signals Intelligence Directorate (SID) told the Joint Inquiry he fears that "SID has lost its business acumen…and [he] worries greatly about the lack of acquisition experience and program planning, especially in light of NSA's huge budget increase." He also told the Joint Inquiry that he has worked actively on this issue, especially in providing program management training to frontline workers.
[Page 82]

9. Finding: The U.S. Government does not presently bring together in one place all terrorism-related information from all sources. While CTC does manage overseas operations and has access to most Intelligence Community information, it does not collect terrorism-related information from all sources, domestic and foreign. Within the Intelligence Community, agencies did not adequately share relevant counterterrorism information, prior to September 11. This breakdown in communications was the result of a number of factors, including differences in the agencies' missions, legal authorities and cultures. Information was not sufficiently shared, not only between different Intelligence Community agencies, but also within individual agencies, and between the intelligence and the law enforcement agencies.

Discussion: Counterterrorism, like other transnational threats such as drug trafficking, requires close coordination and information sharing among and within the Intelligence Community agencies. Despite some improvement, significant problems remained in the sharing of information within the Intelligence Community, prior to September 11. As a result, the Community was unable to exploit the full range of capabilities and expertise in the counterterrorist effort.

Each of the principal collectors and analyzers of counterterrorism intelligence -- the FBI, CIA, NSA, and DIA -- has its own distinct missions, sets of legal authorities and restraints, and cultures. Unfortunately, these factors, while serving many other legitimate purposes, often hinder collaboration and willingness to share information. In his testimony, former Congressman and House Intelligence Committee Chairman Lee Hamilton described the problem:

> The very phrase "Intelligence Community" is intriguing. It demonstrates how decentralized and fragmented our intelligence capabilities are. . . . The Intelligence Community is a very loose confederation. There is a redundancy of effort, an imbalance between collection and analysis, and problems, as we have repeatedly heard in recent weeks, of coordination and sharing.

While DCI George Tenet and former FBI Director Louis Freeh testified that collaboration and information sharing in the Intelligence Community have markedly improved in recent years, this Inquiry found that the agencies still act too often and at too many levels as a loose collection of entities. The Joint Inquiry heard testimony that confirmed problems in sharing information between different Intelligence Community agencies, within individual Intelligence Community agencies, and between law [page 83] enforcement and intelligence agencies.

For example, the former FBI agent who had handled the San Diego informant testified about his personal experience with information sharing between the FBI and the CIA:

> Ms. Hill: You also [said] that, in your opinion, information sharing between the FBI and the CIA prior to 9/ll was almost nonexistent.
>
> Former FBI Agent: It was bad. Well, it's not nonexistent, but . . . if you have a case that has a common mission and everybody can benefit from it, you're going to get their assistance. But if you don't have that, asking them for something, it's very, very difficult.
> . . . .
> Former FBI Agent: If I had to rate it on a ten-point scale, I'd give them about a 2 or a 1.5 in terms of sharing information.
>
> Ms. Hill: Well, could you tell us what your experience was? Why do you say that?
>
> Former FBI Agent: [P]art of the problem here, I think, is being able to communicate with them. . . .

> Ms. Hill: By "them," you mean the CIA?
>
> Former FBI Agent: With the CIA. Everything's got to go through headquarters, usually.
>
> Ms. Hill: Through your headquarters, or through CIA?
>
> Former FBI Agent: Through [FBI] headquarters. Normally, . . . you have some information you want the Agency to check on. You end up writing it up, sending it back through electronic communication or teletype, . . . or memo. . . . And then the Bureau, FBI headquarters, runs it across the street to the Agency. And then, maybe six months, eight months, a year later, you might get some sort of response.

Even after the first World Trade Center attack in 1993, the Millennium plot, and attacks against U.S. embassies in East Africa in 1998 revealed that global Islamic extremists were capable of reaching into the United States, there was little sustained effort by the FBI, NSA, and CIA to work together to collect and share information about contacts between foreign persons in the United States and those abroad. For example, while a great amount of information that NSA collects is routinely transmitted electronically into CTC databases at CIA, this is not true of terrorist information collected domestically by the FBI.

The Acting Chief of the FBI's Radical Fundamentalist Unit, told the Joint Inquiry in an interview that, prior to September 11, the FBI would primarily think to provide the [Page 84] CIA with information obtained through FISA surveillance only when it was also being passed to a foreign government. The FBI did not share such information with CTC on a routine basis, partly due to the FBI's inadequate information technology, but also because they believed that sharing information with intelligence agencies raised legal concerns relating to the traditional separation between law enforcement and intelligence operations. As a consequence, gaps occurred in the collection and analysis of information about individuals and groups operating in the United States and abroad.

The FBI has traditionally viewed intelligence primarily as a tool for developing evidence to be used in FBI cases, rather than as the basis for valuable strategic analysis for the FBI or other intelligence agencies. As Director Mueller noted to the Joint Inquiry:

> . . . one of the things that we have to do, and I think is changing since September 11, is for agents who are very good in the criminal sphere to look at a piece of information and not run it through the sifting that you do to determine whether it would be admissible in court. In other words, is it hearsay? Well, I am going to thrust it aside. Do I have lack of foundation? Therefore, I am going to disregard that.

Prior to September 11, FBI personnel were not trained or equipped to share intelligence developed during FBI counterterrorism investigations with the Intelligence Community or even with other units within the FBI on a regular basis. For example, after receiving the Electronic Communication from the Phoenix field office in July 2001 indicating that al-Qa'ida might be sending operatives to the United States for flight training, a Headquarters Intelligence Operations Specialist (IOS) did not send it to the FBI's analytic unit or to the CIA. Instead, the IOS forwarded it to the FBI field office in Portland, Oregon, primarily because of possible connections to an individual case there.

The Joint Inquiry's review of a July 2002 CIA cable that it found within a local FBI field office's investigative files provides another example of information sharing problems within the FBI. A CIA officer assigned to a Joint Terrorism Task Force in California sent a cable to CIA Headquarters after analyzing information gleaned primarily from a review of the local FBI field office's investigative files. He also [Page 85] provided a copy to the local FBI agent who was responsible for those files. The cable sets forth the CIA officer's concerns regarding indications that persons associated with a foreign government may have provided financial support to some of the September 11 hijackers while they were living in the United States. Those indications, addressed in greater detail elsewhere in this report, obviously raise issues with serious national implications. Nevertheless, the FBI agent to whom he provided a copy viewed it only in relation to ongoing investigations and did not consider its possible value for other cases or the FBI's national counterterrorism strategy. Thus, the FBI agent placed the cable in only one case file and did not forward a copy to FBI Headquarters.

Similarly, the FBI typically used information obtained through the Foreign Intelligence Surveillance Act (FISA) only in connection with the cases in which it was

obtained and would not routinely disseminate it within the FBI or to other members of the Intelligence Community. FBI personnel advised the Joint Inquiry that FISA information was not included in the FBI's Automated Case System (ACS) because both criminal and intelligence agents had access to that system.

Culture and policy issues also limited the extent to which CIA shared counterterrorism information within the Intelligence Community. As noted earlier, a lack of focus on the domestic terrorist threat, which was viewed as an FBI, rather than CIA, mission, accounted for some information sharing problems. For example, the DCI acknowledged in his testimony that CIA was not sufficiently focused on advising the State Department to watchlist all terrorist operatives who might be traveling to the United States, even though this would provide valuable information to domestic agencies in targeting these persons at ports of entry. On at least three occasions between January 2000 and August 2001, there were opportunities to watchlist future hijackers Nawaf al-Hazmi and Khalid al-Mihdhar, but the CIA failed to do so. In his testimony on October 17, 2002, the DCI admitted this failure, attributing it to:

> . . .uneven practices, bad training and a lack of redundancy. The fact that [CTC personnel] were swamped does not mitigate the fact that we didn't overcome that [with] a separate unit or better training for those people.

[Page 86]

Aside from the formal watchlist procedure, the record strongly suggests that, despite numerous related contacts with the FBI during the period, no one at CIA advised the FBI about al-Mihdhar's U.S. visa and the fact that al-Hazmi had traveled to the United States. Ironically, this occurred despite the fact that both CIA and FBI personnel were at the time working in CTC where the information was received. The CIA employee who briefed FBI personnel about al-Mihdhar on January 6, 2000, but did not mention any information about al-Mihdhar's visa and potential travel to the United States, indicated in an e-mail to a colleague at CIA that same day: "In case FBI starts to complain later . . . below is exactly what I briefed them on." This CIA employee told the Joint Inquiry that he had, at the time, been assigned to work at the FBI Strategic Information Operations Center specifically to fix problems "in communicating between the CIA and the FBI." Obviously, such problems remained.

The Joint Inquiry also heard from many different agencies within the Intelligence Community, most notably the Defense Intelligence Agency (DIA), that the perception that collecting agencies have "ownership" of the intelligence they acquire impedes the free flow of information. In a Joint Inquiry interview, one DIA official complained that analysts were often denied access to critical intelligence held in other Intelligence Community agencies:

> We have to get raw data to the analysts. The analysts have been separated from source-generated data that is important. There is excessive, filtering, packaging and selective product reporting that is not helpful. Some problems are so important that the U.S. Government cannot afford any longer to filter.

In his testimony, the DCI confirmed that this filtering will continue when he noted that even all-source analysts within the new Department of Homeland Security will not have access to all raw intelligence on anything like a routine basis. This tendency to ownership, in its simplest form, means that the originating agency is free to edit and otherwise truncate the information it collects before it disseminates it to other agencies. On the other hand, analysts frequently argued that, in the world of counterterrorism, there is information in this filtered data that the collecting agency may not recognize as having significance in the aggregate to analysts elsewhere. In interviews, DIA officials [page 87] emphasized that they always received threat information from other Intelligence Community agencies, but did not always have access to the background information necessary to understand the nature of the threat reporting fully. A senior DIA analytical official testified that:

> Senior [Defense Department] officials received information that his analysts did not receive. However, to extract meaning from that data, to perform the true analytic function, we need to get that information into the hands and the brains of analysts who are paid to fill in the gaps of missing information to compensate for absent evidence and to turn information into knowledge. That's what we pay them to do. They don't have the information, they can't do that.

In a written statement to the Joint Inquiry, the new Director of the DIA noted: " In my opinion, one of the most prolonged and troubling trends in the Intelligence Community is the degree to which analysts – while being expected to incorporate the full

range of source information into their assessments – have been systematically separated from the raw material of their trade. "

Information sharing is also limited by the longstanding Intelligence Community practices of narrowly limiting disclosures of intelligence information outside normal channels in order to protect sources and methods. Disclosures to criminal investigators and prosecutors were intentionally limited to avoid having intelligence become entangled in criminal prosecutions. In deference to those kinds of restrictions, CIA did not provide the FBI New York field office criminal agents who were investigating the *USS Cole* bombing information regarding the al-Qa'ida meeting in Malaysia that was attended by hijackers-to-be al-Hazmi and al-Mihdhar.

A 1995 Department of Justice policy that established procedures -- often referred to as the "wall" -- governing FBI sharing of Foreign Intelligence Surveillance Act (FISA)-derived intelligence information with investigators handling parallel criminal investigations also prevented sharing of important intelligence. Under this policy, the FBI could share information from FISA surveillances with criminal investigators if the information was relevant to a crime under investigation and an attorney in an FBI field office or in the Office of Intelligence Policy and Review (OIPR) at the Department of [page 88] Justice authorized its release. In al-Qa'ida FISA cases, the FISA Court directed that the Court itself act as the "wall" and determine whether the information in question was relevant to a criminal investigation and, thus, could be shared.

Unfortunately, the Inquiry confirmed that the Intelligence Community agencies, perhaps overly "risk averse" in dealing with FISA-related matters, restricted the use of information far beyond what was required. The majority of FBI personnel interviewed in the course of the Inquiry incorrectly believed that the FBI could not share FISA-derived information with criminal investigators at all or that an impossibly high standard had to be met before the information could be shared. Most did not know that FISA-derived information could be shared with criminal investigators if it was simply relevant to the criminal investigation. Because of these misunderstandings, FBI intelligence investigators rarely sought approval to pass FISA-derived information to FBI criminal investigators.

Further, as a result of the FISA Court decision, NSA placed a caveat on all its [———] terrorism intelligence products requiring OIPR approval before information could be shared with criminal investigators. This stemmed from NSA's concern that it could not determine which of its intelligence reports were the result of information obtained through FBI-conducted FISA surveillances (and therefore subject to the "wall" requirements) and which were not. The effect of this NSA effort to comply with the FISA Court's decision was an unnecessary restriction on the sharing of NSA-acquired intelligence information with criminal investigators.

In August 2001, when the FBI was attempting to locate al-Hazmi and al-Mihdhar in the United States, an FBI Headquarters e-mail prohibited New York field office criminal agents from participating in the search because the information had originated in intelligence channels. However, because this information was not derived from a FISA surveillance, there was no reason it could not be shared with FBI criminal agents. Expressing his utter frustration with the system, a New York FBI agent responded by e-mail: [page 89]

> Whatever has happened to this - someday someone will die – and wall or not – the public will not understand why we were not more effective and throwing every resource we had at certain "problems." Let's hope the [FBI's] National Security Law Unit will stand behind their decisions then, especially since the biggest threat to us now, UBL, is getting the most "protection."

10. Finding: Serious problems in information sharing also persisted, prior to September 11, between the Intelligence Community and relevant non-Intelligence Community agencies. This included other federal agencies as well as state and local authorities. This lack of communication and collaboration deprived those other entities, as well as the Intelligence Community, of access to potentially valuable information in the "war" against Bin Ladin. The Inquiry's focus on the Intelligence Community limited the extent to which it explored these issues, and this is an area that should be reviewed further.

Discussion: This Inquiry confirmed that, prior to September 11, problems in information sharing reached beyond the boundaries of the Intelligence Community to encumber the flow of information to and from various other entities. At each level, communications with potentially valuable partners in the war against terrorism – other

federal agencies, state and local authorities -- were restricted. Witnesses testified that these restrictions on information flow occurred at great cost to the counterterrorism effort.

Officials in the Departments of Treasury, Transportation, and State told the Joint Inquiry that, although they receive threat information from the Intelligence Community, they do not always receive the information that adds context to the threat warnings. In many instances, officials told the Joint Inquiry, this lack of context prevents them from properly estimating the value of the threat information and taking preventive actions. The Joint Inquiry was also told that not all threat information in the possession of the Intelligence Community is shared with non-Intelligence Community entities that need it the most in order to counter the threats.

For example, DCI Tenet testified that: "The documents we've provided show some 12 reports spread over seven years which pertain to possible use of aircraft as terrorist weapons. We disseminated those reports to the appropriate agencies, such as the [page 90] FAA, the Department of Transportation and the FBI as they came in." Subsequently, the Transportation Security Intelligence Service (TSIS) -- which formerly was the Intelligence Office at FAA -- researched the 12 reports mentioned by DCI Tenet to determine what actions had been taken as a result. TSIS reported to the Joint Inquiry that it had no record of having received three of those reports, two others had been derived from State Department cables, and one report was not received at all by FAA until after September 11, 2001. A TSIS official also testified that, despite its clear relevance to civil aviation, the FAA was not provided a copy of the FBI's July 1, 2001 Phoenix communication until its existence was made known to officials there by the Joint Inquiry in early 2002.

In a similar vein, the FAA had certain intelligence information in its possession prior to September 11 regarding the terrorist who was apprehended on his way from Canada to the Los Angeles Airport at the time of the Millennium. It also had conducted a detailed analysis of the bomb materials that were seized with him, and connected them to the Bojinka Plot to blow up commercial airliners over the Pacific that had been discovered in the Philippines in 1995. In testimony to the Joint Inquiry, a TSIS official

indicated uncertainty regarding whether or not these findings had been formally communicated to the CIA.

The CIA and NSA had sufficient information available concerning future hijackers al-Mihdhar and al-Hazmi to connect them to Usama Bin Ladin, the East Africa embassy bombings, and the *USS Cole* attack by late 2000, and there were at least three different occasions when these individuals should have been placed on the State Department's TIPOFF watchlist and the INS and Customs watchlists. Nonetheless, this was not done, nor was the FBI notified of their potential presence in the United States until late August 2001.

The CIA also did not provide the Department of State with almost 1500 terrorism-related intelligence reports until shortly after September 11, 2001. These reports led to the addition of almost 60 names of terrorist suspects to the State watchlist. Also, due to a [page 91] lack of awareness of watchlisting policies and procedures among CIA personnel before September 11, this information was not provided to the watchlists at INS, and Customs. Intelligence officers at the Departments of Energy and Transportation also did not have access to FBI data, CIA reports, and names on the watchlists.

The FBI did not advise the Department of State's Diplomatic Security Service of the reasons for its inquiries regarding al-Mihdhar and al-Hazmi's visa information in August 2001 when it was engaged in efforts to find the two individuals in the United States. Neither was INS asked by the FBI to use means available to it, including a search of the Law Enforcement Support Center's database, to locate al-Mihdhar and al-Hazmi when the FBI was looking for them in the United States in August 2001. INS and FAA officials who testified at the Joint Inquiry's October 1, 2002 hearing asserted that their agencies might have been able to assist the FBI in locating the two if the FBI had told them of the purpose and importance of the search.

Officials from the Departments of Transportation, State, Energy, Defense, and Treasury stated to the Joint Inquiry that, unless information is shared by the Intelligence Community on a timely basis, they are unable to include dangerous individuals on various watchlists to either deny them entry into the United States or apprehend them in

the United States. The Transportation Security Administration Assistant Under Secretary of Intelligence testified that, had he received the July 2001 FBI Phoenix field office agent's Electronic Communication, for example, he would have "…started to ask a lot more probing questions of the FBI as to what this was all about…what connections these people may have had to flight schools, by going back to the Airmen Registry in Oklahoma City that is maintained by the FAA to try to identify additional people."

The INS also was not privy to the presence of two known terrorists inside the United States. The INS Deputy Executive Associate Commissioner testified to the Joint Inquiry hearing on October 1, 2002 that "there is a likelihood" that INS agents would have been able to stop al-Mihdhar and al-Hazmi in August 2001. The INS Law Enforcement Support Center (LESC) has been in operation for more than ten years. It is [page 92] capable of querying every INS database and is available on a 24 hour per day, seven-day per week basis. The LESC reportedly can provide information in about seven minutes on the legal status of individuals in the United States.

In their testimony before the Joint Inquiry hearing, state and local government witnesses were adamant about the necessity of the intelligence and law enforcement agencies sharing terrorist information with state and local authorities. Former Virginia Governor James Gilmore stated that, in his entire four-year term, he never received any intelligence or law enforcement information regarding terrorists. Governor Gilmore also testified that:

> . . . to the extent that there has been intelligence sharing, it has been ad hoc. It has been without a real systematic approach. And what would you expect. With the Intelligence Comnunity, it is not within the culture if not within the statute that you don't share information. If you do, you are even subject to criminal penalties not to mention the danger of sharing information and to the danger of people who provide it. And the capacities of the United States in order to gather it.

In addition, he explained that he was not even given a security clearance while he was Governor that would have allowed him to be briefed on possible terrorist plots.

The Police Commissioner of Baltimore stated at the same hearing that he does not receive intelligence information about suspected terrorists living in his jurisdiction even

though some may have been associated with the September 11 hijackers. He also cited the fact that there are 650,000 law enforcement officers nationwide and they should be viewed by the federal intelligence and law enforcement agencies as force-multipliers. However, this can only happen if information flows in both directions. The Police Commissioner also testified that, domestically, the local police force is the "biggest collector" of information, not the federal government. To illustrate his point that information must flow in both directions, he added, "we can tell when people move from one cave to another in Afghanistan, but we can't tell when they move from one row house to another in Baltimore."

By contrast, former FBI Director Louis Freeh testified that information sharing with federal, state and local authorities was a priority for the FBI. In his Joint Inquiry testimony on October 8, 2002, he said: [page 93]

> We doubled and tripled the number of Joint Terrorism Task Forces [JTTFs] around the United States so we could multiply our forces and coordinate intelligence and counterterrorism operations with the FBI's federal, state, and local law enforcement partners. Thirty-four of these JTTFs were in operation by 2001. . . . We were also tasked to set up the National Domestic Preparedness Office to counter terrorist threats and to enhance homeland security.

Mr. Freeh added that counterterrorism was such a high priority that the FBI instituted a national threat warning system in order to disseminate terrorism related information to state and local authorities around the country and organized national, regional and local practice exercises to help the country prepare for terrorist attacks.

Further, FBI Director Mueller explained in his October 17, 2002 testimony before the Joint Inquiry the changes that had been made in this regard by the FBI since September 11, and added that:

> As a result of these initiatives and despite some of the testimony that this [Inquiry] has heard, we have received numerous letters of support and gratitude from state and local officials and most particularly from the International Association of Chiefs of Police [IACP]. . . . Our agents must work closely with our local and state law enforcement partners. . . . I don't believe that [the testimony of the Baltimore Police Commissioner] is representative of the feeling in the field. Does his testimony surprise me? I would say probably not. But I will tell you every time that I have . . .

> .seen, either publicly or in testimony before this committee or another committee, that there is a police chief who is not getting what he or she wants, I have called, picked up the phone and called them to try to address those concerns.
> . . . .
> [A] letter from William Berger, the President of the IACP. . . . praises us for the changes we have made to address this particular problem. I will just read one paragraph:
>
> > It is my belief that the steps you have taken have been very responsive to these concerns and clearly demonstrate the FBI's commitment to enhancing its relationship with State and local law enforcement in improving our ability to combat not only terrorism, but all crime.
>
> I was at the IACP two weeks ago. I talked to the hierarchy, and I believe that they are supportive. There are isolated individuals throughout the United States who do not believe we are doing enough, and there are areas where we still have a ways to go, getting clearances for chiefs of police, exchange of information all the [page 94] way down and getting it back up. We have a number of [JTTFs] that are working exceptionally well around the country. I think if you went to 9 or 10, or 99 out of 100, or 55 out of 56 you will find that State and local police are very supportive of the relationship. There will always be one, there will always be two, and we try to address them as we come along.

Following the events of September 11, 2001, the IACP President did indeed write to FBI Director Mueller to express his appreciation for the steps the FBI has taken, including the creation of the State and Local Law Enforcement Advisory Panel and the Office of Law Enforcement Coordination. Subsequently, however, the IACP President was quoted on September 19, 2002 that:

> [Federal communications with state and local police] didn't work again…Most local police in New England were informed by the FBI office in that area…about an hour before the public, but police in other regions didn't know about the change until Attorney General John Ashcroft and Homeland Security Director Tom Ridge announced it at a press conference.

The Inquiry found that the FBI's establishment of JTTFs in many FBI field offices had begun to correct some information sharing problems by encouraging coordination between federal, state, and local agencies prior to September 11. These efforts did result in some successes. For example, in the Moussaoui investigation, the INS representative on the Minneapolis JTTF was able to use the INS database to

determine Moussaoui's immigration status quickly. The INS and FBI representatives then approached Moussaoui together and he was taken into INS custody at an INS facility and questioned by the FBI.

However, a variety of shortcomings in the JTTF program limited its effectiveness prior to September 11. First, not all of the FBI field office had JTTFs. Further, some of the JTTFs were hampered by a lack of analytic personnel, limited participation by local law enforcement organizations, incomplete access to information by some of the participants, and the absence of CIA detailees.

Prior to September 11, only 35 FBI field offices had JTTFs and only six JTTFs had CIA representatives. This might help explain why [page 95] the CIA did not receive a copy of the July 2001 Phoenix communication until well after September 11. The Gilmore Advisory Panel reported anecdotal evidence suggesting that the JTTF and other similar efforts, while well intentioned, continue to be confusing, duplicative, non-routine, and bifurcated in both structure and implementation.

11. Finding: Prior to September 11, 2001, the Intelligence Community did not effectively develop and use human sources to penetrate the al-Qa'ida inner circle. This lack of reliable and knowledgeable human sources significantly limited the Community's ability to acquire intelligence that could be acted upon before the September 11 attacks. In part, at least, the lack of unilateral (i.e., U.S. –recruited) counterterrorism sources was a product of an excessive reliance on foreign liaison services.

Discussion: The U.S. Intelligence Community was not able to penetrate al-Qa'ida's inner circle successfully before September 11, despite the fact that human penetration of that organization was considered a priority. Richard Clarke, the former National Counterterrorism Coordinator, described the problem as well as the impact that it had on policymakers:

> [It was not until 1999 that the Counterterrorism Center began to have some success in developing penetrations of al-Qa'ida. A new Director. . .took over the Counterterrorism Center and was instructed by George Tenet to get human penetrations of al-Qa'ida, and they did have some success in the succeeding years, although none of them very high level.

> . . . .
> . . . . [——] never had anyone in position to tell us what was going to happen in advance, or even where Bin Ladin was going to be in advance [——] we never knew where he was going to be in advance, And usually we were only informed about his – where he was after the fact. . . . And [————————————————] where they were able to tell us where they thought he was at the moment, [————————————————] the CIA itself recommended against action, because they said their sources were not very good, or not good enough to recommend military action].

[Page 96]

Former Director Louis Freeh emphasized the critical difference that human sources and adequate "infiltration" of terrorist organizations could have made in the context of the September 11 attacks:

> If one of those 19 hijackers had spoken – maybe they did, maybe we don't know about it yet – incautiously or imprudently to someone in some place where that information could have been captured, we could have had a day of terror prevented instead of September 11th. There's all kinds of possibilities there. So, infiltration. We need to have our agents sitting around wherever they were sitting around in Hamburg and the U.A.E. and other places, as well as in the caves over in Afghanistan so we can know what is going on.

[Lacking access to senior, high level al-Qa'ida leadership, the Community relied on secondhand, fragmented and often questionable human intelligence information, a great deal of which was obtained from volunteers or sources obtained through the efforts of foreign liaison].

[According to senior CTC officials, CIA had no penetrations of al-Qa'ida's leadership and never obtained intelligence that was sufficient for action against Usama Bin Ladin from anyone. A large number of current and former CTC officers indicated that CTC had numerous unilateral sources outside the leadership who were reporting on al-Qa'ida, and a larger number who were being developed for recruitment, prior to September 11. The best source was handled jointly by CIA and the FBI. In addition, CIA managed a network of [————————] in Afghanistan that often reported information regarding Bin Ladin issues and relations with the Taliban. They occasionally provided threat information as well, but had no access to al-Qa'ida's leadership].

[Especially after the East Africa U.S. embassy bombings in 1998, CIA also tried many avenues in an effort to obtain access to Bin Ladin and his inner circle. [————————————

The inability to develop reliable human sources effectively stemmed, in part, from the difficult nature of the target. Members of Usama Bin Ladin's inner circle have close bonds established by kinship, wartime experience, and long-term association. [Page 99] Information about major terrorist plots was not widely shared within al-Qa'ida, and many of Bin Ladin's closest associates lived in war-torn Afghanistan. The United States had no official presence in that country and did not formally recognize the Taliban regime, which viewed foreigners with suspicion. Pakistan is the principal access point to southern Afghanistan, where al-Qa'ida was particularly active, but U.S.-Pakistani relations were strained by Pakistani nuclear tests in 1998 and a military coup in 1999.

While attempts to penetrate al-Qa'ida cells outside Afghanistan may have presented fewer obstacles, other factors limited CIA efforts to do so. [———————————————

> . . . Many CIA managers at headquarters posited that the guidelines did not present a problem and that no extra labor [was] required on the part of field officers as a result of the guidelines. Many others, including CIA officers in the field who brought their concerns to the attention of HPSCI members and staff, had a different view . . . . Their concerns were not that waivers were denied, but that they were not career enhancing and that the process by which requests were brought forward was cumbersome and resulted in disincentive to work to recruit anyone who might have been involved in proscribed acts. . . .

Prior to September 11, the FBI also attempted, but with only limited success, to develop human sources regarding the activities of al-Qa'ida and other terrorist groups within the United States. Again, the difficult nature of the target, as well as FBI and Department of Justice policies and practices, may have hampered the FBI's coverage of the radical fundamentalist community in this country.

Recruiting sources in fundamentalist communities within the United States may have been more difficult than such recruitments abroad. The FBI advised the Joint Inquiry that, for example, only 21 FBI agents possess the Arabic language skills that would be expected to be important in pursuing such recruitments.

However, even those FBI agents who were skilled at developing such sources faced a number of difficulties that may have hampered the FBI's ability to gather intelligence on terrorist activities in the United States. According to several FBI agents, for example, FBI Headquarters and field managers were often unwilling to approve potentially controversial activity involving human sources who were in a position to provide counterterrorism intelligence. The 1996 Antiterrorism and Effective Death Penalty Act specifically outlawed providing material support to terrorism. If an FBI source was involved in illegal funding or in terrorist training, the agent responsible for the source had to obtain approval from FBI Headquarters and the Department of Justice to allow the source to engage in the illegal activity. According to FBI personnel, this was a difficult process that sometimes took as long as six months. Because terrorist sources frequently engaged in activity that violated the 1996 Act, the cumbersome approval process often discouraged aggressive recruitment of these sources in the field.
[page 100]

FBI agents also cited to the Joint Inquiry the requirement for prior DCI approval of FBI source travel abroad as a roadblock to sending sources overseas for operational purposes. Several FBI agents expressed the opinion to the Joint Inquiry that the CIA took advantage of this requirement to prevent FBI sources from operating overseas. Another FBI agent complained that FBI Headquarters management did not readily approve overseas travel for sources because of its belief that the FBI should focus on activity within the United States. When FBI management did approve overseas travel for assets, it often declined to allow the responsible agents to accompany the sources during such travel. These decisions, according to FBI agents in Joint Inquiry interviews, significantly diminished the quality of the operations

The FBI also apparently did not use those counterterrorism sources that had been identified in the most effective and coordinated manner. The FBI generally focused source reporting on cases and subjects within the jurisdiction of specific field offices and did not adequately use sources to support a national counterterrorism intelligence program. For example, the FBI received intelligence in 1999 that a terrorist organization was planning to send students to the United States for aviation training. While an operational unit at FBI Headquarters instructed twenty-four field offices to "task sources" for information, it appears that no FBI sources were in fact asked about the matter.

In addition, when the Phoenix FBI agent reported to FBI Headquarters in July 2001 his concern that Middle Eastern students were coming to the United States for civil aviation-related training, there was no effort by either FBI Headquarters or the field office that was advised of his concern by FBI Headquarters to task counterterrorism sources for any relevant information. Similarly, when Minneapolis FBI field office agents detained Zacarias Moussaoui in August 2001, they were concerned that he might be part of a larger conspiracy. Nonetheless, neither the Minneapolis field office nor FBI Headquarters asked any FBI sources whether they knew anything about Moussaoui or the existence of any larger plot.

[Page 101]

[Finally, in August 2001, the FBI learned from the CIA that terrorist suspects Nawaf al-Hazmi and Khalid al-Mihdhar were in the United States. Neither the FBI field offices that were involved in the search nor FBI Headquarters thought to ask FBI field

offices to ask their sources whether they were aware of the whereabouts of the two individuals, who later took part in the September 11 attacks. As one result, the San Diego counterterrorism informant who had numerous contacts with those two individuals during 2000 was never asked to help the FBI locate them in the last weeks before September 11].

12. Finding: During the summer of 2001, when the Intelligence Community was bracing for an imminent al-Qa'ida attack, difficulties with FBI applications for Foreign Intelligence Surveillance Act (FISA) surveillance and the FISA process led to a diminished level of coverage of suspected al-Qa'ida operatives in the United States. The effect of these difficulties was compounded by the perception that spread among FBI personnel at Headquarters and the field offices that the FISA process was lengthy and fraught with peril.

Discussion: In the summer of 2000, during preparation for the trial in New York of those involved in the bombing of the U.S. embassies in East Africa, prosecutors discovered factual errors in applications for FISA orders sanctioning electronic surveillance. The FISA Court found that these errors included an erroneous statement that a FISA target was not under criminal investigation, erroneous statements concerning overlapping intelligence and criminal investigations, and unauthorized sharing of FISA information with criminal investigators and prosecutors.

The FISA Court also determined that these errors called into question the certifications that had been made by senior officials that the FISA surveillances requested by the applications had as their purpose the gathering of foreign intelligence, rather than criminal-related information, as required by FISA. After being informed of additional errors in subsequent months, the FISA Court barred an FBI agent who had prepared one of the erroneous applications from appearing before the Court again.

The FBI and the Department of Justice's Office of Intelligence Policy and Review (OIPR) began a systematic review of the FISA application process in September 2000 to [page 102] ensure the accuracy of FISA Court filings. Some FISA surveillances targeting al-Qa'ida agents were allowed to expire while OIPR and the FBI investigated how the errors had occurred. These orders were not renewed until after the attack on *USS Cole* in October 2000. In April 2001, the Bureau promulgated procedures for the review of draft

FISA declarations and the submission of FISA applications to the Court. OIPR also revised the standard al-Qa'ida FISA application to reduce the amount of extraneous information that was required and that increased the likelihood of factual errors.

During this process, many FISA surveillances of suspected al-Qa'ida agents expired because the FBI and OIPR were not willing to apply for application renewals when they were not completely confident of their accuracy. Most of the FISA orders targeting al-Qa'ida that expired after March 2001 were not renewed before September 11. The Joint Inquiry received inconsistent figures regarding the specific number of FISA orders that were allowed to expire during the summer of 2001. One FBI manager stated that no FISA orders targeted against al-Qa'ida existed in 2001, others interviewed said there were up to [——] al-Qa'ida orders at that time, and an OIPR official explained that approximately two-thirds of the number of FISA orders targeted against al-Qa'ida had expired in 2001.

Several organizations played a role in the breakdown of the FISA process in the year before the September 11 attacks. According to FBI personnel, OIPR and the FISA Court erred by requiring much extraneous information in FISA applications, thus increasing the likelihood of mistakes. Bureau agents frequently could not or did not verify the accuracy of information in the FISA applications. The FISA Court's order prohibiting an FBI agent from appearing before the Court also apparently had a chilling effect on FBI agents, and they became increasingly unwilling to confirm the veracity of FISA applications.

13. Finding: [——————————————

Discussion: [During his tenure, President Clinton signed documents authorizing CIA covert action against Usama Bin Ladin and his principal lieutenants. [———————————————

> Senator Shelby: By "get him," that meant kill him if you had to, capture him or kill him?
>
> Mr. Berger: I don't know what I can say in this hearing, but capture and kill. . . . There was no question that the cruise missiles were not trying to capture him. They were not law enforcement techniques. . . ."]

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———————————————————————————————————————].” As former National Security Advisor Berger noted in his Joint Inquiry interview, “We do not have a rogue CIA.”

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In his June 11, 2002 briefing to the Joint Inquiry, Mr. Clarke reiterated this point when he said: [page 105]

> I think if you look at the 1980s and 1970s, the individuals who held the job of [DDO], one after another of them was either fired or indicted or

> condemned by a Senate committee. I think under those circumstances, if you become Director of Operations, you would want to be a little careful not to launch off on covert operations that will get you personally in trouble and will also hurt the institution. The history of covert operations in the 1950s and 1960s and 1970s was not a happy one, and I think that lesson got over-learned by people who at the time were probably in their twenties and thirties, but by the time they became in their fifties, and they were managers in the [Directorate of Operations], I think that they institutionalized a sense of covert action is risky and is likely to blow up in your face. And the wise guys at the White House who are pushing you to do covert action will be nowhere to be found when the Senate Select Committee on Intelligence calls you up to explain the mess that the covert action became.

Mr. Clarke went on to say: "I think it is changed because of 9/11. I think it is changed because George Tenet has been pushing them to change it."

In a July 26, 2002 Joint Inquiry interview, a former Chief of CTC made a similar point when he implicitly acknowledged that he pushed whenever possible for clarity in the covert action authorities [———————————————

———————————————

The CIA's actual efforts to carry out covert action against Bin Ladin in Afghanistan prior to September 11, 2001 were limited and do not appear to have significantly hindered al-Qa'ida's ability to operate. [————————————]:

- [————————————

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review of counterterrorism policy. [———————————————————————————————————].

[———————————————————————————————————

- In his June 11, 2002 remarks, former National Coordinator for Counterterrorism Richard Clarke said, "the overwhelming message to the White House from the uniformed military leadership was 'we don't want to do this,' [———————————————————————————————]. Later in that same briefing, he said: "The military repeatedly came back with recommendations that their capability not be utilized [———————————] in Afghanistan."

- In a written response to the Joint Inquiry, former National Security Advisor Sandy Berger said:

> President Clinton's top military advisers examined [military options]. They advised us that there would be a low probability of success for such operations in Afghanistan (before 9/11 when we did not have the cooperation of Pakistan and other bordering nations) in the absence of substantial lead-time actionable intelligence (i.e., specific advanced knowledge of where bin Ladin would be at a specific time and place). There were many obstacles to deploying ground troops into Afghanistan from staging areas at some distance, including a serious possibility of detection, difficulty of basing back-up forces nearby and logistical difficulties.

- Interviews of officials at the CTC and a review of CTC documents support the finding that the military did not seek an active role in offensive counterterrorism operations. For example, ———————————————————————————————]." In the CTC's view, although there was "lots of desire at the working level," there was "reluctance at the political level," and it was "unlikely that JSOC will ever deploy under current circumstances."

[Page 111]

- On September 12, 2002, a former Chief of CTC said: "You know, [the U.S. military] – they have their own views on their willingness to take casualties and take risky operations… For them to go, they are more exacting in their requirements, in terms of intelligence certainly, before they engage."

- Another former Chief of CTC testified:

> Actually it was discussed… turning the ball over to [the military], but having them do it themselves. They declined, as I recall, as best I recall, because they lacked the covert action authorities to work in that environment. Since there wasn't an official declaration of war, there wasn't fighting, they didn't think they had the authorities to go in and do it themselves. They were willing to help… but they couldn't put boots on the ground themselves.

- The former Chairman of the Joint Chiefs of Staff stated that the U.S. military primarily thought about the threat posed by Usama Bin Ladin's network in terms of protecting U.S. forces deployed overseas from terrorist attack. He also stated his belief that the CIA and FBI should have the lead roles in countering terrorism, and that military tools should be viewed as an extension and supplement to the leading roles played by the CIA and FBI. In discussing offensive counterterrorism operations in Afghanistan, the former Chairman cited the lack of actionable intelligence, noting "Look at the risk associated with swooping in." With regard to using U.S. military forces in clandestine operations, the former Chairman said: "you don't put U.S. armed forces in another country if the President doesn't declare war, unless you declare war on the Taliban." He said he never received a tasker to put boots on the ground to obtain actionable intelligence, noting "the military does what it is told to do."

- The Joint Chief of Staff's Director of Operations indicated that options developed by the military for the White House in 2000 were in part aimed at "educating" the National Security Advisor on the complexities of operations in Afghanistan involving "U.S. boots on the ground."
  [Page 112]

In Joint Inquiry interviews, senior and retired U.S. military officers cited the lack of precise, actionable intelligence as a primary obstacle to the military conducting its own operations against Bin Ladin. The former Chairman of the Joint Chiefs of Staff stated, for example: ". . . you can develop military operations until hell freezes over, but they are worthless without intelligence."

However, according to CIA officers in the CTC who testified before the Joint Inquiry on September 12, 2002, the U.S. military often levied so many requirements for highly detailed, actionable intelligence prior to conducting an operation – far beyond what the Intelligence Community was ever likely to obtain – that U.S. military units were effectively precluded from conducting operations against Bin Ladin's organization on the ground in Afghanistan or elsewhere prior to September 11. A former Chief of CTC's special Bin Ladin unit said:

> [the military's] requirements, before they operate, are absolutely impossible for us to collect in most instances. [———]. And the requirements they sent us included items like, which side of the door are the hinges on, do the windows open out or go up and down. And it is just not the kind of intelligence we can provide on anything resembling a regular basis.

The Department of Defense did ask the Defense HUMINT [Human Intelligence] Service to determine whether it could obtain information regarding Bin Ladin's whereabouts. However, the former Chairman of the Joint Chiefs of Staff indicated that the U.S. military did not undertake any independent efforts, utilizing U.S. military forces, to determine Bin Ladin's location.

Lower-level military officers appeared to be more enthusiastic than senior military officials about active military participation in counterterrorism efforts. Senior CIA officers, CIA documents, and at least one former special operations forces [page 113] commander indicated, in interviews and testimony, that military operators were both capable and interested in conducting a special operations mission against Bin Ladin in Afghanistan prior to September 11. A former JSOC commander told the Joint Inquiry that his units did have the ability to put small teams into Afghanistan. A CIA document commenting on the prospects of Joint Special Operations Command units participating in an operation to capture Bin Ladin said: "lots of desire at the [military] working level," but there was "reluctance at the political level."

Despite senior officers' reluctance to play a major role, military personnel and assets did contribute to several counterterrorism efforts in addition to force protection.

The Joint Inquiry has identified [————] major types of military participation in, or support for, operations to counter Usama Bin Ladin's terrorist network prior to September 11:

- On August 20, 1998, following the bombings of two U.S. embassies in East Africa, the U.S. military, acting on President Clinton's orders, launched cruise missiles at Usama Bin Ladin-related targets in Sudan and Afghanistan. One of the objectives of those strikes was to kill Usama Bin Ladin. As former National Security Advisor Sandy Berger testified: "we [were] trying to kill Bin Ladin, we dropped cruise missiles on him;"

- Between 1999 and 2001, the U.S. military positioned a number of Navy ships and submarines armed with cruise missiles in the North Arabian Sea to launch additional cruise missile strikes at Bin Ladin in the event the Intelligence Community was able to obtain precise information on his whereabouts in Afghanistan; and

- [In 2000 and 2001, the Joint Staff and U.S. Air Force provided technical assistance in the development of the Predator unmanned aerial vehicle as a [Page 114] second source of intelligence on Usama Bin Ladin's precise whereabouts in Afghanistan. Former National Security Advisor Sandy Berger told the Joint Inquiry that:

> The Clinton Administration was engaged in an active strategy against Bin Ladin and was continuously examining new initiatives for defeating Bin Ladin and al-Qa'ida, given what was known and the allies available at the time. For example, in 2000, we developed the Predator program, which was successfully tested in late 2000 and was available to be operationalized as a critical intelligence platform to confirm intelligence on his whereabouts when the weather cleared in the Spring of 2001].

In general, however, the CIA and U.S. military did not engage in joint operations, pool their assets, or develop joint plans against Usama Bin Ladin in Afghanistan prior to September 11, 2001 – despite interest in such joint operations at the CIA. Commenting on the idea of the CIA and U.S. military engaging in joint operations, a former Chief of CTC testified:

> I think it is absolutely great [idea]. This is something we have been advocating for a long time. If you want to go to war, you take the CIA, its clandestinity, its authorities, and you match it up with special operations forces of the U.S. military, you can really – you can really do some damage.… This is something that we have tried to advocate at the working level, and we haven't made much progress. But, if this is something that [the Congress] would like to look into, it would be great for the United States.

Similarly, a former Chief of CTC's special Bin Ladin unit said: "As someone who served [———] and worked with special forces, they want to work with us and we want to work with them. History was made between the CIA and special forces. We need to do that." However, the former Chairman of the Joint Chiefs of Staff told the Joint Inquiry that he did not believe in joint operations with the CIA. He said, "I want to make sure the military piece of the plan is under military control, and not predicated on the CIA's piece being successful."

15. Finding: The Intelligence Community depended heavily on foreign intelligence and law enforcement services for the collection of counterterrorism intelligence and the conduct of other counterterrorism activities. The results were mixed in terms of productive intelligence, reflecting vast differences in the ability and willingness of the various foreign services to target the Bin Ladin and al-Qa'ida network. Intelligence Community agencies sometimes failed to coordinate their relationships with foreign services adequately, either within the Intelligence Community or with broader U.S. Government liaison and foreign policy efforts. This reliance on foreign liaison services also resulted in a lack of focus on the development of unilateral human sources.

[Page 115]

Discussion: [In the mid-1990s, CIA counterterrorism officials decided that unilateral operations alone were of limited value in penetrating al-Qa'ida and that foreign liaison services could serve as a force multiplier. Foreign intelligence and security services often had excellent local knowledge and capabilities; [———————————————

———————————————————]. The FBI expanded its Legal Attache (Legat) program].

[Despite those efforts, many weaknesses in foreign liaison relationships were apparent before the September 11 attacks. These weaknesses limited the amount and quality of the counterterrorism intelligence received as a result of those relationships. For example, individuals in some liaison services organization are believed to have cooperated with terrorist groups].

[Regarding Saudi Arabia, former FBI Director Louis Freeh testified that, following the 1996 Khobar Towers bombing, the FBI "was able to forge an effective working relationship with the Saudi police and Interior Ministry." A considerable amount of personal effort by Director Freeh helped to secure what he described as "unprecedented and invaluable" assistance in the Khobar Towers bombing investigation from the Saudi Ambassador to the United States and the Saudi Interior Minister. By contrast, the Committees heard testimony from U.S. Government personnel that Saudi officials had been uncooperative and often did not act on information implicating Saudi nationals].

[Page 116]

[According to a U. S. Government official, it was clear from about 1996 that the Saudi Government would not cooperate with the United States on matters relating to Usama Bin Ladin. [———————————————————
———————————————————
———————————————————
———————————————————
———————————], reemphasized the lack of Saudi cooperation and stated that there was little prospect of future cooperation regarding Bin Ladin. [———————————————————] told the Joint Inquiry that he believed the U.S. Government's hope of eventually obtaining Saudi cooperation was unrealistic because Saudi assistance to the U.S. Government on this matter is contrary to Saudi national interests].

[A U. S. Government official testified to the Joint Inquiry on this issue [———————————————————] as follows:

> [———————————————

———————].

Several other Arab governments hesitated to share information gleaned from arrests of suspects in the *USS Cole* bombing and other attacks. Even several European governments were described to the Joint Inquiry as indifferent to the threat al-Qa'ida posed prior to September 11, while others faced legal restrictions that impeded their ability to share intelligence with the United States or to disrupt terrorist cells. Prior to September 11, for example, [———————], despite repeated requests from CIA, [Page 118] provided little helpful information [———————————]. A CIA representative described the situation in his testimony before the Joint Inquiry:

> We had passed [———————] a great number of leads about al-Qa'ida members. We passed [them] a great deal of leads on al-Qa'ida members, including some of the people you see in the press now, like [———————], and we had really given them a lot of names to track after September 11. The arrests they made [after September 11, 2001] showed that they had in fact been following them and monitoring them to some extent. But the CIA did not get information back [
>] on it to any measurable extent that would help us with our efforts.

[CIA's liaison partners vary in competence and commitment. [———————

———————]. However, the Agency still had to rely heavily on liaison partners in several countries in order to acquire counterterrorism intelligence for the conduct of other counterterrorism activities].

There were also missteps in the efforts of various Intelligence Community agencies to develop foreign liaison relationships. [———————————

———————]. However, significant problems arose because liaison on counterterrorism was not always well integrated into overall U.S. regional goals and

liaison relations. As a result, other issues, albeit important, sometimes diverted attention from counterterrorism.

The many channels for contact between U.S. and foreign intelligence services also led to a lack of coordination at times. Former National Security Advisor Sandy Berger noted that many U.S. agencies, ranging from the CIA and FBI to the Agriculture Department, develop liaison service relations and that, in some countries, there are now a dozen or more of these kinds of relationships. Often, U.S. ambassadors were not able to control these interactions, and, as a result, the U.S. Government did not always place [page 119] proper priorities on what it asked of foreign governments. In his testimony, Mr. Berger recommended giving "the DCI authority to coordinate all intelligence cooperation with other countries."

Finally, the capabilities of FBI Legats were not always incorporated within the overall intelligence relationship with a foreign country. Thus, other members of the U.S. Intelligence Community did not always utilize relationships developed by the Legats to their full advantage.

16. Finding: [The activities of the September 11 hijackers in the United States appear to have been financed, in large part, from monies sent to them from abroad and also brought in on their persons. Prior to September 11, there was no coordinated U.S. Government-wide strategy to track terrorist funding and close down their financial support networks. There was also a reluctance in some parts of the U.S. Government to track terrorist funding and close down their financial support networks. As a result, the U.S. Government was unable to disrupt financial support for Usama Bin Ladin's terrorist activities effectively].

Discussion: [Tracking terrorist funds can be an especially effective means of identifying terrorists and terrorist organizations, unraveling and disrupting terrorist plots, and targeting terrorist financial assets for sanctions, seizures, and account closures. As with organized criminal activity, financial support is critically important to terrorist networks like al-Qa'ida. Prior to September 11, 2001, however, no single U.S. Government agency was responsible for tracking terrorist funds, prioritizing and coordinating government-wide efforts, and seeking international collaboration in that effort. Some tracking of terrorist funds was undertaken before September 11. For the

most part, however, these efforts were unorganized and ad-hoc, and there was a reluctance to take actions such as seizures of assets and bank accounts and arrests of those involved in the funding. A U.S. Government official testified before the Joint Inquiry, for example, that this reluctance hindered counterterrorist efforts against Bin Ladin: "Treasury was concerned about any activity that could adversely affect the international financial system . . .]."

Treasury Department General Counsel David Aufhauser testified to the Joint inquiry on July 23, 2002 that, prior to September 11, the financial war on terrorism was "ad-hoc-ism", episodic, and informal without any orthodox mechanism for the exchange [page 120] of information or setting of priorities. He stated that, prior to September 11, the DCI never asked Treasury to perform an analysis of Bin Ladin, al-Qa'ida, or associated terrorist financing.

At the same hearing, the Chief of the FBI's Financial Review Group also testified to the lack of an overall financial strategy against terrorist funding. He stated that the FBI's financial investigations prior to September 11 were inconsistent, done on a case-by-case basis, and not supervised by a specialized unit at FBI Headquarters.

Given this lack of focus on terrorist financing, the Intelligence Community was unable, prior to September 11, to identify and attack the full range of Bin Ladin's financial support network. Former National Counterterrorism Coordinator Richard Clarke described for the Joint Inquiry his pre-September 11 frustration with the Intelligence Community's lack of focus in this regard:

> [———————————————

> stage an operation for a small amount of money. My view was that it may have been true that you could stage an operation for a small amount of money, but you couldn't run al-Qa'ida for a small amount of money. Al-Qa'ida was a vast worldwide organization that was creating terrorist groups in various countries that would not be called a-Qa'ida, but would be called names associated with that particular country. But they were creating terrorist groups, they were funding them from the start. They were taking preexisting terrorist groups and buying their allegiance and buying them additional capability. It seemed to me it must have cost a great deal of money to be al-Qa'ida, but I was never able to get the Intelligence Community to tell me within any range of magnitude how much money the annual operating budget of al-Qa'ida may have been.

[Page 121]

Prior to September 11, there was also some reluctance to use available financial databases to track suspected terrorists. The Chief of the FBI's Financial Review Group – which had been only a section in the FBI's White Collar Crime Unit before September 11 -- and the Director of the Treasury Department's Financial Crimes Enforcement Network (FinCEN) both testified before the Joint Inquiry that, prior to September 11, they had capabilities to develop leads on terrorist suspects and link them to other terrorists and to terrorist funding sources. They both agreed that they would have been able to locate Nawaf al-Hazmi and Khalid al-Mihdhar in the United States in August 2001, if asked, through credit card and bank information. The use of these capabilities in the first weeks after September 11 enabled the FBI, with assistance from the Secret Service, to connect almost all of the 19 hijackers to each other very quickly by linking bank accounts, credit cards, debit cards, address checks, and telephones. Despite the existence of those capabilities, the FBI did not seek their assistance in the search for al-Hazmi and al-Mihdhar in late August 2001.

FinCEN was involved in tracking terrorist funds prior to September 11 and experienced some success. FinCEN began doing linkage analysis of terrorist financing in October 1999 and first identified a specific account with a direct link to al-Qa'ida in February 2001. It has the advantage of being able to work with both law enforcement and intelligence information, and to combine that information with Bank Secrecy Act and commercial data to assist the Treasury Department's Office of Foreign Assets Control (OFAC) and others in the seizure, blocking, and freezing of terrorist assets. FinCEN's capabilities have been made available to federal, state, and local law enforcement agencies for lead purposes since before September 11.

The FBI did some tracking of terrorist funds prior to September 11, but this was mostly done on an episodic basis, primarily directed at money laundering activity, in the context of field office investigations with no national or international coordination, and with very limited cooperation with the Treasury Department. The Joint Inquiry was informed that the FBI's newly-formed Financial Review Group is developing what did not exist pre-September 11, a national strategy for a coordinated U.S. Government-wide [page 122] effort to track terrorist funds, mine financial data from a common database, investigate, disrupt, arrest, and prosecute.

International cooperation in tracking terrorist funds was also not easy to achieve prior to September 11. For example, the Director of OFAC at the Treasury Department testified that he made two trips to Saudi Arabia, Bahrain, the United Arab Emirates, and Kuwait in 1999 and 2000 to request their cooperation in tracking and restricting Bin Ladin and al-Qa'ida funds, but only achieved limited results. Pre-September 11, OFAC did take some actions, such as trade sanctions and an asset freeze against the Taliban for harboring Bin Ladin, that achieved a modicum of success.

On September 24, 2001, President Bush gave a new priority to the tracking of terrorist funds when he stated: "We will direct every resource at our command to win the war against terrorists, every means of diplomacy, every tool of intelligence, every instrument of law enforcement, *every financial influence. We will starve the terrorists of funding*." (Emphasis added.) The President made this statement four days after signing an executive order to block the funds of terrorists and their associates. Substantial actions have been taken by the U.S. Government in this area since September 11, including blocking terrorist-related assets; seizing assets and smuggled bulk cash; arresting terrorist financiers and indicting them; and, shutting down front companies, charities, banks, and hawala conglomerates that served as financial support networks for al-Qa'ida and Bin Ladin.

New authorities that have been granted since September 11 have also been instrumental in making these seizure and arrest actions successful. For example, OFAC at Treasury requested and received in the October 2001 USA PATRIOT Act explicit

authorities to block assets while an investigation is in progress and to use classified information as evidence in order to place additional names on the list for freezing and blocking assets. The challenge facing the Intelligence Community is to maintain, expand and adapt the use of these capabilities to combat future terrorist threats effectively. Despite improvements since September 11, former National Counterterrorism [page 123] Coordinator Richard Clarke told the Joint Inquiry that, as of June 2002, there were still many unanswered questions about Bin Ladin's finances:

> We asked [CIA] in particular [————————————], because initially – because he was said to be a financier. They were unable to do that, [————————————————————————————————————].CIA was [————————————] unable to tell us what it cost to be Bin Ladin, what it cost to be al-Qa'ida, how much was their annual operating budget within some parameters, where did the money come from, where did it stay when it wasn't being used, how it was transmitted. They were unable to find answers to those questions.

Part of the challenge for the Intelligence Community, and particularly the FBI, is the difference between terrorist financing and other forms of organized criminal money laundering. Strategies and tactics that were effective in countering money laundering must be reexamined in order to assure their effectiveness in regard to terrorist financing. The Treasury Department's General Counsel was in England at a money laundering conference on September 11, 2001 and explained to the Joint Inquiry how his perception of the problem shifted as he watched the two World Trade Center towers disintegrate:

> It was as if we had been looking at the world through the wrong end of a telescope. . . . Money had been spirited around the globe by means and measures and in denominations that mocked all of our detection. . . . The most serious threat to our well being was now clean money intended to kill, not dirty money seeking to be rinsed in a place of hiding.

D. RELATED FINDINGS

During the course of this Joint Inquiry, testimony and information were received that pertained to several issues involving broader, policy questions that reach beyond the boundaries of the Intelligence Community. In the three areas described below, the Inquiry finds that policy issues were relevant to our examination of the events of September 11. [Page 124]

17. Finding: Despite intelligence reporting from 1998 through the summer of 2001 indicating that Usama Bin Ladin's terrorist network intended to strike inside the United States, the United States Government did not undertake a comprehensive effort to implement defensive measures in the United States.

Discussion: As noted earlier, the Joint Inquiry has established that the Intelligence Community acquired and disseminated from 1998 through the summer of 2001 intelligence reports indicating in broad terms that Usama Bin Ladin's network intended to carry out terrorist attacks inside the United States. This information encompassed, for example, indications of plots for attacks within the United States that would include:

- attacks on civil aviation;
- assassinations of U.S. public officials;
- use of high explosives;
- attacks on Washington, D.C., New York City, and cities on the West Coast;
- crashing aircraft into buildings as weapons; and
- using weapons of mass destruction.

The intelligence that was acquired and shared by the Intelligence Community was not specific as to time and place, but should have been sufficient to prompt action to insure a heightened sense of alert and implementation of additional defensive measures. Such actions could have included: strengthened civil aviation security measures; increased attention to watchlisting suspected terrorists so as to keep them out of the United States; greater collaboration with state and local law enforcement authorities concerning the scope and nature of the potential threat; a sustained national effort to inform and alert the American public to the growing danger; and improved capabilities to deal with the consequences of attacks involving mass destruction and casualties. The U.S. Government did take some steps in regard to detecting and preventing the use of weapons of mass destruction, but did not pursue a broad program of additional domestic defensive measures or public awareness.

[Page 125]

Both the DCI and the FBI Director discussed the important role that defensive measures could have played. According to the DCI's 's testimony, looking back at the September 11 attacks:

> . . . since now we understand and possibly have understood the basis of the history of specific reporting with regard to specific targets, and the context was we raced from threat period to threat period, from target to target, and once we resolved them we never thought about the fact that the security that was protecting, whether it's a plane or an infrastructure or a bridge, is poor to begin and somebody will come back to the same target that they've planned against. Unless they see a security profile and a deterrent posture that's different, there's nothing to stop them from doing that, because essentially we all believed that it would never happen here. That's the point.
>
> . . . .
>
> . . . I posit a theory that we were so busy overseas in terms of what we were doing at the time that, you know, they were looking here the whole time and steadily planning in terms of what they were doing. So they were operating on two fronts.

FBI Director Mueller added:

> I think you can look at what happened September 11 and I think both of us would say there are things we did right and things we missed and did wrong. But you look at it from the perspective of could we have prevented these individuals, identified these individuals and prevented them from undertaking this multi-plane undertaking, and I guess I would say I think it's speculation, but in looking at each of the areas that we could have done better, I'm not certain you get to the point where we stop these individuals.
>
> On the other hand, looking at the concept of hijacking planes and taking them over, as a country one could look back and say with reports of hijackings over a period of time, perhaps we as a country should have looked at changing the way we protect our planes, which means doing what we are doing now in terms of hardening the cockpit, understanding that the threat of a hijacking is not for a person to hijack a plane and get it to the ground, utilizing the passengers as hostages, but the concept of using a plane as a weapon. Had we, as a country, reached the position where the attacks were such and the possibilities such that we would change what we did in our airline industry to harden cockpits and train pilots to resist being taken over, that's another avenue that I think might have made a difference. But that's speculation.

18. Finding: Between 1996 and September 2001, the counterterrorism strategy adopted by the U. S. Government did not succeed in eliminating Afghanistan as a sanctuary and training ground for Usama Bin Ladin's terrorist network. A range of instruments was used to counter al-Qa'ida, with law enforcement often emerging [pge 126] **as a leading tool because other means were deemed not to be feasible or failed to produce results. Although numerous successful prosecutions were generated, law enforcement efforts were not adequate by themselves to target or eliminate Bin Ladin's sanctuary. While the United States persisted in observing the rule of law and accepted norms of international behavior, Bin Ladin and al-Qa'ida recognized no rules and thrived in the safehaven provided by Afghanistan.**

Discussion: Between 1996 and September 2001, the United States worked with dozens of cooperating foreign governments to disrupt al-Qa'ida activities, arrest and interrogate operatives, and otherwise prevent terrorist attacks. Throughout that period of time, however, Afghanistan was largely a terrorist "safe haven." In its Afghan sanctuary, al-Qa'ida built a network for planning attacks, training and vetting recruits, indoctrinating potential radicals, and creating a terrorist army with little interference from the United States.

Some CIA analysts and operators have told the Joint Inquiry that they recognized as early as 1997 or 1998 that, as long as the Taliban continued to grant Bin Ladin's terrorist organization sanctuary in Afghanistan, it would continue to train a large cadre of Islamic extremists and generate numerous terrorist operations. In 1999, senior officials at the CIA and the State Department began to focus on the Taliban as an integral part of the terrorist problem. In 1999 and 2000, the State Department worked with the United Nations Security Council to obtain resolutions rebuking the Taliban for harboring Bin Ladin and allowing terrorist training. The Defense Department began to focus on this issue in late 2000, after the *USS Cole* bombing. A State Department demarche to Taliban representatives in Pakistan, on June 26, 2001, specifically noted the threats to Americans emanating from Afghanistan and stated that the United States would hold the Taliban regime directly responsible for any actions taken by terrorists harbored by the Taliban.

Former National Security Advisor Berger noted in a statement to the Joint Inquiry that "In fact, there was a concerted military, economic, and diplomatic pressure on the Afghanistan and the Taliban…." Mr. Berger also explained that Saudi Arabia and

Pakistan were pressed to cut support for the Taliban and that covert and military measures were taken to disrupt al-Qa'ida activities in Afghanistan. Unfortunately, the [page 127] Joint Inquiry found that none of these actions were effective in hindering terrorist training or al-Qa'ida's ability to operate from Afghanistan.

[Despite the Intelligence Community's growing recognition that Afghanistan was churning out thousands of radicals, the U.S. government did not integrate all the instruments of national power and policy – diplomatic, intelligence, economic, and military – to address this problem. [———]. Prior to September 11, military force was used only in the August 20, 1998 cruise missile strikes on targets in Afghanistan and the Sudan. Former National Security Advisor Sandy Berger testified to the Joint Inquiry that massive military strikes on Afghanistan would have had little public or Congressional support before September 11, 2001. Moreover, as Mr. Berger noted to the Joint Inquiry, a lack of intelligence on which to base action hindered efforts to use military force in Afghanistan].

Permitting the sanctuary in Afghanistan to exist for as long as it did allowed Bin Ladin's key operatives to meet, plan operations, train recruits, identify particularly capable recruits or those with specialized skills, and ensure that al-Qa'ida's masterminds remained beyond the reach of international justice. In his testimony before the Joint Committee on October 17, 2002, the DCI responded to a question about what he would do differently prior to September 11, 2001, saying:

> [H]indsight is perfect, we should have taken down that sanctuary a lot sooner. The circumstances at the time may have not warranted, the regional situation may have been different, and after [September] 11 all I can tell you is we let a sanctuary fester, we let him build capability. And there may have been lots of good reasons why in hindsight it couldn't have been done earlier or sooner. I am not challenging it, because hindsight is always perfect, but we let him operate with impunity for a long time without putting the full force and muscle of the United States against it.

As an adjunct to covert and military efforts to eliminate Bin Ladin's sanctuary in Afghanistan, the United States Government relied heavily on law enforcement to counter

[page 128] terrorism. The origins of this emphasis on prosecutions can be traced back to the 1980s, when Congress and President Reagan gave the FBI an important role in countering international terrorism, including events overseas. More recently, the successful prosecutions of individuals involved in the 1993 World Trade Center bombing, the plot to attack New York City landmarks, and the 1998 bombings of two U.S. Embassies in East Africa added to the emphasis on law enforcement as a counterterrorism measure.

Senior Department of Justice officials, including former U.S. Attorney for the Southern District of New York Mary Jo White, who prosecuted many of the most important cases against al-Qa'ida, point out that they saw their efforts as an adjunct to other means of fighting terrorism. Prosecutions do have several advantages in the fight against terrorism. As Ms. White noted to the Joint Inquiry, prosecutions take terrorists off the street. She acknowledged that this does not shut down an entire group, but some bombs do not go off as a result of the arrests. In addition, critical intelligence often comes from the investigative process, as individual terrorists confess or reveal associates through their personal effects and communications. Former FBI Director Louis Freeh pointed out to the Joint Inquiry, "you can't divorce arrest from prevention." Ms. White also contends that the prosecutions may deter some, though admittedly not all, individuals from using violence. Finally, the threat of a jail sentence often induces terrorists to cooperate with investigators and provide information.

Heavy reliance on law enforcement had limits, however. As Paul Pillar, National Intelligence Officer for the Near East and Asia, explained to the Joint Inquiry, it is easier to arrest underlings than masterminds. Those who organize and plan attacks, particularly the ultimate decision makers who authorize them, are often thousands of miles away when an attack is carried out. In addition, the deterrent effect of imprisonment is often minimal, particularly for highly motivated terrorists such as those in al-Qa'ida.

Moreover, law enforcement is time-consuming. The CIA and the FBI expended considerable resources supporting investigations in Africa and in Yemen regarding the Embassies and *USS Cole* attacks, a drain on scarce manpower and resources that could

[page 129] have been used to gather information and disrupt future attacks. Further, there were no established mechanisms for law enforcement officials to share foreign intelligence developed in these investigations with the Intelligence Community, and they did not always recognize it, prior to September 11. Finally, law enforcement standards of evidence are high, and meeting these standards often requires unattainable intelligence or the compromise of sensitive intelligence sources or methods.

At times, law enforcement and intelligence have competing interests. The former head of the FBI's International Terrorism Division noted to the Joint Inquiry that Attorney General Janet Reno leaned toward closing down Foreign Intelligence Surveillance Act-based collection activities if they seemed to hinder criminal cases. Ms. White, however, said that the need for intelligence was balanced with the effort to arrest and prosecute terrorists.

The reliance on law enforcement when individuals can operate from a hostile country such as the Taliban's Afghanistan appears particularly ineffective, as the masterminds are often beyond the reach of justice. One FBI agent, in a Joint inquiry interview, scorned the idea of using the Bureau to take the lead in countering al-Qa'ida. He noted that the FBI can only arrest and support prosecution and cannot shut down training camps in hostile countries. He added that, "[it] is like telling the FBI after Pearl Harbor, 'go to Tokyo and arrest the Emperor.'" In his opinion, a military solution was necessary because, "[t]he Southern District [of New York] doesn't have any cruise missiles." As the DCI testified to the Joint Inquiry on June 19, 2002:

> The fact that you went into the sanctuary and took it down is the single most important thing that occurred [after September 11], because they no longer operated with impunity in terms of their training and financing and all the things they were doing. And that opportunistically has changed the game. So the policy question I would answer first is, the longer you wait when you see this kind of thing, the longer you wait to intervene, the longer you wait to allow evidence to manifest behavior, I guarantee you will be surprised and hurt.

19. Finding: Prior to September 11, the Intelligence Community and the U.S. Government labored to prevent attacks by Usama Bin Ladin and his terrorist

[page 130] **network against the United States, but largely without the benefit of an alert, mobilized and committed American public. Despite intelligence information on the immediacy of the threat level in the spring and summer of 2001, the assumption prevailed in the U.S. Government that attacks of the magnitude of September 11 could not happen here. As a result, there was insufficient effort to alert the American public to the reality and gravity of the threat.**

Discussion: The record of this Joint Inquiry indicates that, prior to September 11, 2001, the U.S. Intelligence Community was involved in fighting a "war" against Bin Ladin largely without the benefit of what some would call its most potent weapon in that effort: an alert and committed American public. Senior levels of the Intelligence Community, as well as senior U.S. Government policymakers, were aware of the danger posed by Bin Ladin. Information that was shared with senior U.S. Government officials, but was not made available to the American public because of its national security classification, was explicit about the gravity and immediacy of the threat posed by Bin Ladin. For example:

- In December 1998, as noted earlier, the DCI wrote: "We must now enter a new phase in our effort against Bin Ladin…We are at war…I want no resources or people spared in this effort, either inside CIA or the [Intelligence] Community."

- A classified document signed by the President in December 1998 read in part: "The Intelligence Community has strong indications that Bin Ladin intends to conduct or sponsor attacks inside the United States"; and

- A classified document signed by the President in July 1999 characterized a February 1998 statement by Bin Ladin statement as a "de facto declaration of war" on the United States.

In addition, numerous classified intelligence reports were produced and disseminated by the Intelligence Community prior to September 11, based upon information obtained from a variety of sources, about possible terrorist attacks being planned by Usama Bin Ladin's terrorist network. Some of this information was summarized and released, in declassified form, in the Joint Inquiry's September 18, 2002 hearing, including: [page 131]

- In June 1998, the Intelligence Community obtained information from several sources that Usama Bin Ladin was considering attacks in the United States, including against Washington, D. C. and New York;

- In August 1998, the Intelligence Community obtained information that a group of unidentified Arabs planned to crash an explosive-laden plane from a foreign country into the World Trade Center;

- In September 1998, the Intelligence Community obtained information that Usama Bin Ladin's next operation could possibly involve flying an aircraft loaded with explosives into a U.S. airport;

- In October 1998, the Intelligence Community obtained information that al-Qa'ida was trying to establish an operative cell within the United States, and that there might be an effort underway to recruit U.S. citizen- Islamists and U.S.-based expatriates from the Middle East and North Africa;

- In September 1999, the Intelligence Community obtained information that Usama Bin Ladin and others were planning a terrorist act in the United States, possibly against specific landmarks in California and New York City; and

- In late 1999, the Intelligence Community obtained information regarding the Bin Ladin network's possible plans to attack targets in Washington, D. C. and New York City during the New Year's Millennium celebrations.

There is little indication of any sustained and successful national effort to mobilize public awareness about the gravity and immediacy of the threat prior to September 11, however. Specifically citing speeches by President Clinton at the United Nations in 1995 and at George Washington University in1996 regarding the fight against terrorism, former national Security Advisor Sandy Berger told the Inquiry that the President: "continuously attempted to raise public awareness of the terrorist threat, as a central challenge to our country and our future, [and] including in every State of the Union address for eight years."

Clearly, there were Presidential remarks regarding terrorism in the years before September 11, 2001, including references to the threat that Bin Ladin's network posed to the interests of the United States. There were also periodic statements and references to [page 132] the threat from terrorism and Bin Ladin in Congressional testimony and elsewhere by both the DCI and the FBI Director.

In an interview, Richard Clarke, the former National Counterterrorism Coordinator under President Clinton, pointed to background briefings to the press by his office immediately after the Millennium crisis in January-February 2000 and the

Administration's cooperation with the *New York Times* in December 2000 and with CBS's *60 Minutes* on stories about terrorism as efforts to inform the American people of the growing terrorist threat.

These efforts were, however, largely sporadic and, given the classified nature of intelligence, limited in terms of the specifics that could be shared with the public about the immediacy and gravity of the threat. They were not sufficient to mobilize and sustain heightened public awareness about the danger of a domestic attack.

By comparison to what has occurred since September 11, the American public was not focused on and was not on heightened alert regarding Bin Ladin, his *fatwa* against the United States, and the immediate likelihood of a terrorist attack on American soil. In the aftermath of September 11, two incidents illustrate the difference that an alerted American public can, and does, make:

- On September 11, 2001, passengers aboard Flight 93, aware that two aircraft had been flown into the World Trade Center towers in New York City, attempted to retake control of their hijacked aircraft and, it is widely believed, saved further loss of life and destruction; and

- On December 22, 2001, an alert flight attendant on board an American Airlines flight from Paris to Miami noticed passenger Richard Reid attempting to light a fuse in his shoe. Reid was subsequently subdued by a number of passengers and has pleaded guilty to charges of attempting to blow up the aircraft.

[Page 133]

Kristen Breitweiser, speaking on behalf of the families of the victims of the September 11 attacks, reminded the Joint Inquiry of the importance of an alert and involved American public in the war against terrorism. In her testimony, she emphasized the potential importance of information that was not shared with the public before September 11, 2001:

> One thing remains clear from history. Our intelligence agencies were acutely aware of an impending domestic risk posed by Al Qaeda. A

question that remains unclear is how many lives could have been saved had this information been made more public.

. . . .

How many victims may have taken notice of these Middle Eastern men while they were boarding their plane? Could these men have been stopped? Going further, how many vigilant employees would have chosen to immediately flee Tower 2 after they witnessed the blazing inferno in Tower 1, if only they had known that an Al Qaeda terrorist attack was imminent?

Could the devastation of September 11 been diminished in any degree had the government's information been made public in the summer of 2001?

20. Finding: Located in Part Four Entitled "Finding, Discussion and Narrative Regarding Certain Sensitive National Security Matters."

ERRATA
Notice: In Lieu of a star print, errata are printed to indicate corrections to the original report.

S. REPT. NO. 107- 351 107TH CONGRESS, 2D SESSION H. REPT. NO. 107-792

JOINT INQUIRY INTO INTELLIGENCE COMMUNITY ACTIVITIES BEFORE AND AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

REPORT

OF THE

U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE

AND

U.S. HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

TOGETHER WITH ADDITIONAL VIEWS

DECEMBER 2002

INTRODUCTION

This is an errata print, which is necessary because the report (H.Rept. No. 107-792 and S. Rept. No. 107-351) inadvertently failed to include these recommendations. To correct this error, these recommendations should be included following: III. Findings and Conclusions.

RECOMMENDATIONS

December 10, 2002

Since the National Security Act's establishment of the Director of Central Intelligence and the Central Intelligence Agency in 1947, numerous independent commissions,[1] experts, and legislative initiatives have examined the growth and performance of the U.S. Intelligence Community. While those efforts generated numerous proposals for reform over the years, some of the most significant proposals have not been implemented, particularly in the areas of organization and structure. These Committees believe that the cataclysmic events of September 11, 2001 provide a unique and compelling mandate for strong leadership and constructive change throughout the Intelligence Community. With that in mind, and based on the work of this Joint Inquiry, the Committees recommend the following:

1. Congress should amend the National Security Act of 1947 to create and sufficiently staff a statutory Director of National Intelligence[2] who shall be the President's principal advisor on intelligence and shall have the full range of management, budgetary and personnel responsibilities needed to make the entire U.S. Intelligence Community operate as a coherent whole. These responsibilities should include:

   - establishment and enforcement of consistent priorities for the collection, analysis, and dissemination of intelligence throughout the Intelligence Community;

   - setting of policy and the ability to move personnel between elements of the Intelligence Community;

   - review, approval, modification, and primary management and oversight of the execution of Intelligence Community budgets;

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[1] List of previous commissions that addressed intelligence organizational issues, 1990-present (Appendix A).

[2] All references to the Director of National Intelligence in other recommendations assume recommendation #1 is adopted. In the event there is no Director of National Intelligence created, the Director of Central Intelligence should be substituted for the Director of National Intelligence.

- review, approval, modification, and primary management and oversight of the execution of Intelligence Community personnel and resource allocations;

- review, approval, modification, and primary management and oversight of the execution of Intelligence Community research and development efforts;

- review, approval, and coordination of relationships between the Intelligence Community agencies and foreign intelligence and law enforcement services; and

- exercise of statutory authority to insure that Intelligence Community agencies and components fully comply with Community-wide policy, management, spending, and administrative guidance and priorities.

The Director of National Intelligence should be a Cabinet level position, appointed by the President and subject to Senate confirmation. Congress and the President should also work to insure that the Director of National Intelligence effectively exercises these authorities.

To insure focused and consistent Intelligence Community leadership, Congress should require that no person may simultaneously serve as both the Director of National Intelligence and the Director of the Central Intelligence Agency, or as the director of any other specific intelligence agency.

2. Current efforts by the National Security Council to examine and revamp existing intelligence priorities should be expedited, given the immediate need for clear guidance in intelligence and counterterrorism efforts. The President should take action to ensure that clear, consistent, and current priorities are established and enforced throughout the Intelligence Community. Once established, these priorities should be reviewed and updated on at least an annual basis to ensure that the allocation of Intelligence Community resources reflects and effectively addresses the continually evolving threat

environment. Finally, the establishment of Intelligence Community priorities, and the justification for such priorities, should be reported to both the House and Senate Intelligence Committees on an annual basis.

3. The National Security Council, in conjunction with the Director of National Intelligence, and in consultation with the Secretary of the Department of Homeland Security, the Secretary of State and Secretary of Defense, should prepare, for the President's approval, a U.S. government-wide strategy for combating terrorism, both at home and abroad, including the growing terrorism threat posed by the proliferation of weapons of mass destruction and associated technologies. This strategy should identify and fully engage those foreign policy, economic, military, intelligence, and law enforcement elements that are critical to a comprehensive blueprint for success in the war against terrorism.

   As part of that effort, the Director of National Intelligence shall develop the Intelligence Community component of the strategy, identifying specific programs and budgets and including plans to address the threats posed by Usama Bin Ladin and al Qa'ida, Hezbollah, Hamas, and other significant terrorist groups. Consistent with applicable law, the strategy should effectively employ and integrate all capabilities available to the Intelligence Community against those threats and should encompass specific efforts to:

   - develop human sources to penetrate terrorist organizations and networks both overseas and within the United States;

   - fully utilize existing and future technologies to better exploit terrorist communications; to improve and expand the use of data mining and other cutting edge analytical tools; and to develop a multi-level security capability to facilitate the timely and complete sharing of relevant intelligence information both within the Intelligence Community and with other appropriate federal, state, and local authorities;

- enhance the depth and quality of domestic intelligence collection and analysis by, for example, modernizing current intelligence reporting formats through the use of existing information technology to emphasize the existence and the significance of links between new and previously acquired information;

- maximize the effective use of covert action in counterterrorist efforts;

- develop programs to deal with financial support for international terrorism; and

- facilitate the ability of CIA paramilitary units and military special operations forces to conduct joint operations against terrorist targets.

4. The position of National Intelligence Officer for Terrorism should be created on the National Intelligence Council and a highly qualified individual appointed to prepare intelligence estimates on terrorism for the use of Congress and policymakers in the Executive Branch and to assist the Intelligence Community in developing a program for strategic analysis and assessments.

5. Congress and the Administration should ensure the full development within the Department of Homeland Security of an effective all-source terrorism information fusion center that will dramatically improve the focus and quality of counterterrorism analysis and facilitate the timely dissemination of relevant intelligence information, both within and beyond the boundaries of the Intelligence Community. Congress and the Administration should ensure that this fusion center has all the authority and the resources needed to:

    - have full and timely access to all counterterrorism-related intelligence information, including "raw" supporting data as needed;

- have the ability to participate fully in the existing requirements process for tasking the Intelligence Community to gather information on foreign individuals, entities and threats;

- integrate such information in order to identify and assess the nature and scope of terrorist threats to the United States in light of actual and potential vulnerabilities;

- implement and fully utilize data mining and other advanced analytical tools, consistent with applicable law;

- retain a permanent staff of experienced and highly skilled analysts, supplemented on a regular basis by personnel on "joint tours" from the various Intelligence Community agencies;

- institute a reporting mechanism that enables analysts at all the intelligence and law enforcement agencies to post lead information for use by analysts at other agencies without waiting for dissemination of a formal report;

- maintain excellence and creativity in staff analytic skills through regular use of analysis and language training programs; and

- establish and sustain effective channels for the exchange of counterterrorism-related information with federal agencies outside the Intelligence Community as well as with state and local authorities.

6. Given the FBI's history of repeated shortcomings within its current responsibility for domestic intelligence, and in the face of grave and immediate threats to our homeland, the FBI should strengthen and improve its domestic capability as fully and expeditiously as possible by immediately instituting measures to:

- strengthen counterterrorism as a national FBI program by clearly designating national counterterrorism priorities and enforcing field office adherence to those priorities;

- establish and sustain independent career tracks within the FBI that recognize and provide incentives for demonstrated skills and performance of counterterrorism agents and analysts;

- significantly improve strategic analytical capabilities by assuring the qualification, training, and independence of analysts, coupled with sufficient access to necessary information and resources;

- establish a strong reports officer cadre at FBI Headquarters and field offices to facilitate timely dissemination of intelligence from agents to analysts within the FBI and other agencies within the Intelligence Community;

- implement training for agents in the effective use of analysts and analysis in their work;

- expand and sustain the recruitment of agents and analysts with the linguistic skills needed in counterterrorism efforts;

- increase substantially efforts to penetrate terrorist organizations operating in the United States through all available means of collection;

- improve the national security law training of FBI personnel;

- implement mechanisms to maximize the exchange of counterterrorism- related information between the FBI and other federal, state and local agencies; and

- finally solve the FBI's persistent and incapacitating information technology problems.

7. Congress and the Administration should carefully consider how best to structure and manage U.S. domestic intelligence responsibilities. Congress should review the scope of domestic intelligence authorities to determine their adequacy in pursuing counterterrorism at home and ensuring the protection of privacy and other rights guaranteed under the Constitution. This review should include, for example, such questions as whether the range of persons subject to searches and surveillances authorized under the Foreign Intelligence Surveillance Act (FISA) should be expanded.

   Based on their oversight responsibilities, the Intelligence and Judiciary Committees of the Congress, as appropriate, should consider promptly, in consultation with the Administration, whether the FBI should continue to perform the domestic intelligence functions of the United States Government or whether legislation is necessary to remedy this problem, including the possibility of creating a new agency to perform those functions.

   Congress should require that the new Director of National Intelligence, the Attorney General, and the Secretary of the Department of Homeland Security report to the President and the Congress on a date certain concerning:

   - the FBI's progress since September 11, 2001 in implementing the reforms required to conduct an effective domestic intelligence program, including the measures recommended above;

   - the experience of other democratic nations in organizing the conduct of domestic intelligence;

- the specific manner in which a new domestic intelligence service could be established in the United States, recognizing the need to enhance national security while fully protecting civil liberties; and

- their recommendations on how to best fulfill the nation's need for an effective domestic intelligence capability, including necessary legislation.

8. The Attorney General and the Director of the FBI should take action necessary to ensure that:

   - the Office of Intelligence Policy and Review and other Department of Justice components provide in-depth training to the FBI and other members of the Intelligence Community regarding the use of the Foreign Intelligence Surveillance Act (FISA) to address terrorist threats to the United States;

   - the FBI disseminates results of searches and surveillances authorized under FISA to appropriate personnel within the FBI and the Intelligence Community on a timely basis so they may be used for analysis and operations that address terrorist threats to the United States; and

   - the FBI develops and implements a plan to use authorities provided by FISA to assess the threat of international terrorist groups within the United States fully, including the extent to which such groups are funded or otherwise supported by foreign governments.

9. The House and Senate Intelligence and Judiciary Committees should continue to examine the Foreign Intelligence Surveillance Act and its implementation thoroughly, particularly with respect to changes made as a result of the USA PATRIOT Act and the subsequent decision of the United States Foreign Intelligence Court of Review, to determine whether its provisions adequately address present and emerging terrorist threats to the United

States. Legislation should be proposed by those Committees to remedy any deficiencies identified as a result of that review.

10. The Director of the National Security Agency should present to the Director of National Intelligence and the Secretary of Defense by June 30, 2003, and report to the House and Senate Intelligence Committees, a detailed plan that:

    - describes solutions for the technological challenges for signals intelligence;

    - requires a review, on a quarterly basis, of the goals, products to be delivered, funding levels and schedules for every technology development program;

    - ensures strict accounting for program expenditures;

    - within their jurisdiction as established by current law, makes NSA a full collaborating partner with the Central Intelligence Agency and the Federal Bureau of Investigation in the war on terrorism, including fully integrating the collection and analytic capabilities of NSA, CIA, and the FBI; and

    - makes recommendations for legislation needed to facilitate these goals.

    In evaluating the plan, the Committees should also consider issues pertaining to whether civilians should be appointed to the position of Director of the National Security Agency and whether the term of service for the position should be longer than it has been in the recent past.

11. Recognizing that the Intelligence Community's employees remain its greatest resource, the Director of National Intelligence should require that measures be implemented to greatly enhance the recruitment and development of a workforce with the intelligence skills and expertise needed for success in counterterrorist efforts, including:

- the agencies of the Intelligence Community should act promptly to expand and improve counterterrorism training programs within the Community, insuring coverage of such critical areas as information sharing among law enforcement and intelligence personnel; language capabilities; the use of the Foreign Intelligence Surveillance Act; and watchlisting;

- the Intelligence Community should build on the provisions of the Intelligence Authorization Act for Fiscal Year 2003 regarding the development of language capabilities, including the Act's requirement for a report on the feasibility of establishing a Civilian Linguist Reserve Corps, and implement expeditiously measures to identify and recruit linguists outside the Community whose abilities are relevant to the needs of counterterrorism;

- the existing Intelligence Community Reserve Corps should be expanded to ensure the use of relevant personnel and expertise from outside the Community as special needs arise;

- Congress should consider enacting legislation, modeled on the Goldwater-Nichols Act of 1986, to instill the concept of "jointness" throughout the Intelligence Community. By emphasizing such things as joint education, a joint career specialty, increased authority for regional commanders, and joint exercises, that Act greatly enhanced the joint warfighting capabilities of the individual military services. Legislation to instill similar concepts throughout the Intelligence Community could help improve management of Community resources and priorities and insure a far more effective "team" effort by all the intelligence agencies. The Director of National Intelligence should require more extensive use of "joint tours" for intelligence and appropriate law enforcement personnel to broaden their experience and help bridge existing organizational and cultural divides through service in other agencies. These joint tours should include not only service at Intelligence Community agencies, but also service in those

agencies that are users or consumers of intelligence products. Serious incentives for joint service should be established throughout the Intelligence Community and personnel should be rewarded for joint service with career advancement credit at individual agencies. The Director of National Intelligence should also require Intelligence Community agencies to participate in joint exercises;

- Congress should expand and improve existing educational grant programs focused on intelligence-related fields, similar to military scholarship programs and others that provide financial assistance in return for a commitment to serve in the Intelligence Community; and

- the Intelligence Community should enhance recruitment of a more ethnically and culturally diverse workforce and devise a strategy to capitalize upon the unique cultural and linguistic capabilities of first-generation Americans, a strategy designed to utilize their skills to the greatest practical effect while recognizing the potential counterintelligence challenges such hiring decisions might pose.

12. Steps should be taken to increase and ensure the greatest return on this nation's substantial investment in intelligence, including:

- the President should submit budget recommendations, and Congress should enact budget authority, for sustained, long-term investment in counterterrorism capabilities that avoid dependence on repeated stop-gap supplemental appropriations;

- in making such budget recommendations, the President should provide for the consideration of a separate classified Intelligence Community budget;

- long-term counterterrorism investment should be accompanied by sufficient flexibility, subject to congressional oversight, to enable the Intelligence Community to rapidly respond to altered or unanticipated needs;

- the Director of National Intelligence should insure that Intelligence Community budgeting practices and procedures are revised to better identify the levels and nature of counterterrorism funding within the Community;

- counterterrorism funding should be allocated in accordance with the program requirements of the national counterterrorism strategy; and

- due consideration should be given to directing an outside agency or entity to conduct a thorough and rigorous cost-benefit analysis of the resources spent on intelligence.

13. The State Department, in consultation with the Department of Justice, should review and report to the President and the Congress by June 30, 2003 on the extent to which revisions in bilateral and multilateral agreements, including extradition and mutual assistance treaties, would strengthen U.S. counterterrorism efforts. The review should address the degree to which current categories of extraditable offenses should be expanded to cover offenses, such as visa and immigration fraud, which may be particularly useful against terrorists and those who support them.

14. Recognizing the importance of intelligence in this nation's struggle against terrorism, Congress should maintain vigorous, informed, and constructive oversight of the Intelligence Community. To best achieve that goal, the National Commission on Terrorist Attacks Upon the United States should study and make recommendations concerning how Congress may improve its oversight of the Intelligence Community, including consideration of such areas as:

- changes in the budgetary process;

- changes in the rules regarding membership on the oversight committees;

- whether oversight responsibility should be vested in a joint House-Senate Committee or, as currently exists, in separate Committees in each house;

– the extent to which classification decisions impair congressional oversight; and

-- how Congressional oversight can best contribute to the continuing need of the Intelligence Community to evolve and adapt to changes in the subject matter of intelligence and the needs of policy makers.

15. The President should review and consider amendments to the Executive Orders, policies and procedures that govern the national security classification of intelligence information, in an effort to expand access to relevant information for federal agencies outside the Intelligence Community, for state and local authorities, which are critical to the fight against terrorism, and for the American public. In addition, the President and the heads of federal agencies should ensure that the policies and procedures to protect against the unauthorized disclosure of classified intelligence information are well understood, fully implemented and vigorously enforced.

Congress should also review the statutes, policies and procedures that govern the national security classification of intelligence information and its protection from unauthorized disclosure. Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information. The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, should review and report to the House and Senate Intelligence Committees on

proposals for a new and more realistic approach to the processes and structures that have governed the designation of sensitive and classified information. The report should include proposals to protect against the use of the classification process as a shield to protect agency self-interest.

16. Assured standards of accountability are critical to developing the personal responsibility, urgency, and diligence which our counterterrorism responsibility requires. Given the absence of any substantial efforts within the Intelligence Community to impose accountability in relation to the events of September 11, 2001, the Director of Central Intelligence and the heads of Intelligence Community agencies should require that measures designed to ensure accountability are implemented throughout the Community. To underscore the need for accountability:

- The Director of Central Intelligence should report to the House and Senate Intelligence Committees no later than June 30, 2003 as to the steps taken to implement a system of accountability throughout the Intelligence Community, to include processes for identifying poor performance and affixing responsibility for it, and for recognizing and rewarding excellence in performance;

- as part of the confirmation process for Intelligence Community officials, Congress should require from those officials an affirmative commitment to the implementation and use of strong accountability mechanisms throughout the Intelligence Community; and

- the Inspectors General at the Central Intelligence Agency, the Department of Defense, the Department of Justice, and the Department of State should review the factual findings and the record of this Inquiry and conduct investigations and reviews as necessary to determine whether and to what extent personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regard to the identification, prevention, or disruption of terrorist attacks,

including the events of September 11, 2001. These reviews should also address those individuals who performed in a stellar or exceptional manner, and the degree to which the quality of their performance was rewarded or otherwise impacted their careers. Based on those investigations and reviews, agency heads should take appropriate disciplinary and other action and the President and the House and Senate Intelligence Committees should be advised of such action.

17. The Administration should review and report to the House and Senate Intelligence Committees by June 30, 2003 regarding what progress has been made in reducing the inappropriate and obsolete barriers among intelligence and law enforcement agencies engaged in counterterrorism, what remains to be done to reduce those barriers, and what legislative actions may be advisable in that regard. In particular, this report should address what steps are being taken to insure that perceptions within the Intelligence Community about the scope and limits of current law and policy with respect to restrictions on collection and information sharing are, in fact, accurate and well-founded.

18. Congress and the Administration should ensure the full development of a national watchlist center that will be responsible for coordinating and integrating all terrorist-related watchlist systems; promoting awareness and use of the center by all relevant government agencies and elements of the private sector; and ensuring a consistent and comprehensive flow of terrorist names into the center from all relevant points of collection.

19. The Intelligence Community, and particularly the FBI and the CIA, should aggressively address the possibility that foreign governments are providing support to or are involved in terrorist activity targeting the United States and U.S. interests. State-sponsored terrorism substantially increases the likelihood of successful and

more lethal attacks within the United States. This issue must be addressed from a national standpoint and should not be limited in focus by the geographical and factual boundaries of individual cases. The FBI and CIA should aggressively and thoroughly pursue related matters developed through this Joint Inquiry that have been referred to them for further investigation by these Committees.

The Intelligence Community should fully inform the House and Senate Intelligence Committees of significant developments in these efforts, through regular reports and additional communications as necessary, and the Committees should, in turn, exercise vigorous and continuing oversight of the Community's work in this critically important area.

PART TWO – NARRATIVE – THE ATTACKS OF SEPTEMBER 11, 2001

I. The Plot Unfolds for the Attacks of September 11, 2001

The Joint Inquiry received testimony from the Director of Central Intelligence and the Directors of the Federal Bureau of Investigation and the National Security Agency, and also examined the records of these agencies, to determine what the Intelligence Community knows now about the September 11 attacks. FBI Director Mueller described efforts by the U.S. intelligence and law enforcement communities "to find out everything we could about the hijackers and how they succeeded."

A. The al-Qa'ida Roots of the September 11 Attacks

Usama Bin Ladin came to the FBI's attention after the first attack on the World Trade Center in February 1993. While the FBI has not linked that attack directly to Bin Ladin, the investigation developed information that Muslim men, including participants in the attack, had been recruited at the al-Kifah refugee office in Brooklyn, New York and sent to training camps in Afghanistan – first to fight the Soviet army and later to engage in a *jihad* against the United States. In 1993, the FBI also learned of a plot to blow up bridges, tunnels, and landmarks in New York. That investigation led to the conviction of Omar Abdul al-Rahman, the "Blind Sheikh," for soliciting others to commit all of those acts of terrorism in 1993. Bin Ladin's *fatwas* and press statements later called for avenging the Blind Sheikh's imprisonment.

The FBI has identified at least two Bin Ladin connections in Ramzi Yousef's 1995 conspiracy, centered in the Philippines, to blow up twelve U.S. airplanes flying East Asian routes to the United States. Mohamed Jamal Khalifah, the alleged financier of the plot, is Bin Ladin's brother-in-law. Ramzi Yousef was arrested at a Bin Ladin guesthouse in Pakistan to which Yousef had fled after the plot had been uncovered. Yousef was a principal in the first World Trade Center attacks, for which he was tried and convicted upon being returned to the United States. [Page 135]

George Tenet, the Director of Central Intelligence (DCI), testified that "a common thread runs between the first attack on the World Trade Center in February 1993 and the 11 September attacks." The thread is Khalid Shaykh Muhammad, also known as Mukhtar or "the Brain." According to the DCI, Muhammad, "a high-ranking al-Qa'ida member," was "the mastermind or one of the key planners of the 11 September operation." The DCI noted that Mukhtar is Ramzi Yousef's uncle, and, after the World Trade Center attack, Muhammad joined Yousef in the 1995 airplane plot, for which Muhammad has been indicted by a federal grand jury.

In August 1996, Bin Ladin issued the first *fatwa* declaring *jihad* against the United States. A second *fatwa* in February 1998 proclaimed: "to kill the Americans and their allies – civilian and military is an individual duty for every Muslim who can do it in any country in which it is possible to do it." Bin Ladin repeated these threats in a May 1998 press interview. The bombings of the U.S. embassies in Kenya and Tanzania followed in August.

In June 1998, the Department of Justice obtained a sealed indictment in the Southern District of New York against Bin Ladin as the sole named defendant in a "conspiracy to attack defense utilities of the United States." Among other overt acts, the indictment charged that in October 1993 "members of al-Qa'ida participated with Somali tribesmen in an attack on United States military personnel serving in Somalia [which] killed a total of 18 United States soldiers and wounded 73 others." The indictment was unsealed after the East African embassy bombings and was followed by a series of superseding indictments that charged Bin Ladin and others with a conspiracy to "murder United States nationals anywhere in the world, including in the United States."

The U.S. Government produced proof in the embassy bombing trials of Bin Ladin's direct connections to the attacks. Mohamed al-Owhali, who was to have been a suicide passenger in the Kenya bombing, ran from the bomb truck moments before it exploded. After his arrest in Kenya, al-Owhali confessed and admitted that he had been given a telephone number in Sana'a, Yemen, which he called before and after the bombing. Telephone records for calls to that number led to the bomb factory for the Nairobi attack in a house occupied by a ranking al-Qa'ida [page 136] member and training camp veteran. Calls from Bin Ladin's satellite phone to the Yemen number were made the day of the attack and the day after when al-Owhali called that number for help. Al-Owhali also confessed that he had asked Bin Ladin for a

mission, a request that led to his being in the bomb truck. According to al-Owhali, the suicide driver had been present with him at Bin Ladin's May 1998 press conference.

U.S. investigators have also described Bin Ladin's connection to the October 2000 attack on the United States Navy's ship, *USS Cole*. The [————————————], which figured in the East Africa embassy bombings, was also used in planning the attack on *USS Cole*. In addition, Tawfiq bin Attash, known as Khallad, who had been a trainer at an al-Qa'ida camp in Afghanistan, prepared an introduction in the summer of 1999 for Abdel Rahim al-Nashiri addressed to Jamal al-Badawi, who had trained under Khallad. Al-Nashiri is believed to be a long-time Bin Ladin operative and a first cousin of the suicide driver who attacked the U.S. Embassy in Kenya. Khallad appears to have directed the *Cole* operation from Afghanistan or Pakistan, while al-Nashiri was its local manager.

Investigators believe that Khallad's letter set in motion plans to attack another U.S. Navy ship. Following al-Nashiri's introduction, Badawi obtained the boat that would be used in the failed attack on *USS The Sullivans* in January 2000. The same boat was used later that year in the attack against *USS Cole*.

[In testimony to the Joint Inquiry, the DCI explained that, after September 11, 2001, CIA learned [————] that "in 1996, Bin Ladin's second-in-command, Muhammad Atif, drew up a study on the feasibility of hijacking U.S. planes and destroying them in flight." Khalid Shaykh Muhammad proposed to Bin Ladin that the World Trade Center "be targeted by small aircraft packed with explosives." Bin Ladin reportedly suggested using even larger planes].

According to the DCI, Muhammad Atif "chose the hijackers from young Arab men who had no previous terrorist activities." After Bin Ladin had approved the selection, Khalid Shaykh [page 137] Muhammad "trained them and instructed them on acquiring pilot training" and "supervised the 'final touches' of the 11 September operation."

B. The Springboards for the Attack - Germany and Malaysia

In addition to Afghani-based al-Qa'ida roots of the September 11 attacks, the FBI reports that "[t]he operational planning for the September 11th attacks took place in overseas locations, most notably Germany, Malaysia and the United Arab Emirates."

Malaysia

Two principal hijackers in the September 11 attacks, Khalid al-Mihdhar and Nawaf al-Hazmi, entered the United States on a flight from Bangkok on January 15, 2000, a week after leaving a meeting in Kuala Lumpur, Malaysia. Three other principals, Mohammed Atta, Marwan al-Shehhi, and Ziad Jarrah, entered the United States in May and June 2000 from or through Europe. Atta, al-Shehhi, and Jarrah had lived in Hamburg, Germany where they associated with each other in various ways. A sixth principal, Hani Hanjour, had been in the United States off and on since October 1991.

In June 18 testimony at a Joint Inquiry hearing, the DCI described al-Hazmi and al-Mihdhar as "al-Qa'ida veterans." They had been involved with al-Qa'ida for six years before September 11, 2001, "having trained and fought under al-Qa'ida auspices in three different countries."

Al-Hazmi first traveled to Afghanistan in 1993 as a teenager and came into contact with a key al-Qa'ida facilitator in Saudi Arabia in 1994. In 1995, al-Hazmi and al-Mihdhar traveled to Bosnia to fight with other Muslims against the Serbs. Al-Hazmi probably came into contact with al-Qa'ida leader Abu Zubaydah when Zubaydah visited Saudi Arabia in 1996 to convince young Saudis to attend al-Qa'ida camps in Afghanistan. Sometime before 1998, al-Hazmi returned to Afghanistan and swore loyalty to Bin Ladin. He fought against the Northern Alliance, possibly with his brother Salem, another of the hijackers, and returned to Saudi Arabia in early 1999, [page 138] where, [————————————], he disclosed information about the East Africa embassy bombings.

Al-Mihdhar's first trip to the Afghanistan training camps was in early 1996. [————

———————————]. In 1998, al-Mihdhar traveled to Afghanistan and swore allegiance to Bin Ladin.

In April 1999, Nawaf al-Hazmi, Salem al-Hazmi, and Khalid al-Mihdhar obtained visas through the U.S. Consulate in Jeddah, Saudi Arabia. Al-Mihdhar and Nawaf al-Hazmi then traveled to Afghanistan and "participated in special training," which, according to the DCI, may have been "facilitated by Khallad" (Tawfiq bin Attash who also directed the *USS Cole* operation). A *USS Cole* suicide bomber also participated in that training.

From Yemen, al-Mihdhar traveled to Kuala Lumpur, arriving on January 5, 2000. There he met al-Hazmi, who had traveled to Malaysia from Pakistan. In Malaysia, the two met Khallad at a condominium owned by Yazid Sufaat, who later signed letters of introduction on behalf of Zacarias Moussaoui that were found in Moussaoui's possessions after the September 11 attacks. Malaysian police arrested Sufaat in December 2001 after they developed information that he had procured four tons of bomb material, ammonium nitrate, for an Indonesian *jihad* cell.

Germany

In testimony before the Joint Inquiry, DCI Tenet described the significant characteristics that were shared by Muhammad Atta, Marwan al-Shehhi, and Ziad Jarrah – the September 11 hijackers who most likely piloted the airplanes that the groups they were part of commandeered. The three were intelligent, spoke English and were proficient in several other languages, and were familiar with Western society. They were also educated in technical subjects and had [page 139] mastered skills necessary to pilot planes. Of particular note, the three were part of a group of young Muslim men in Hamburg, Germany, who came from different countries and backgrounds, but attended the same mosques, shared acquaintances, and were drawn together by Islamist views and disenchantment with the West.

Atta was born in Egypt in 1968. He graduated from Cairo University with a degree in Architectural Engineering in 1990 and began attending the Technical University in Hamburg in 1992. Between 1996 and 1998, Atta traveled in the Middle East and then returned to Germany.

Al-Shehhi was born in the United Arab Emirates in 1978. A sergeant in the UAE Army, he was sent to Germany for technical studies in 1996. In 1997 and 1998, he studied English at the University at Bonn and electrical engineering at the Technical University in Hamburg.

Jarrah was born in Lebanon in 1975. He attended the Fachhochschule, a technical University in Hamburg from 1996 to 2000, studying aircraft construction and maintenance.

While in Germany, Atta, al-Shehhi, and Jarrah, according to FBI documents, Akept company with a loosely organized group of associates comprised of roommates, co-workers and mosque colleagues.@ Three associates, Ramzi Bin al-Shibh, Said Bahaji, and Zakariya Essabar, became subjects of post-September 11 German arrest warrants for alleged membership in a terrorist organization and for murder and aircraft piracy. A fourth, Mounir el Motassadeq, is on trial in Hamburg on those charges.*

Bin al-Shibh, who was born in Yemen in 1972 and entered Germany in 1995, is described as a Asupporting conspirator" in the Moussaoui indictment. In August 2000, Jarrah attempted to enroll Bin al-Shibh in the Florida Flight Training Center, where Jarrah was taking lessons. On August 15, Bin al-Shibh sent a $2200 wire transfer to the school for tuition, and in July and September, he transferred funds to al-Shehhi in Florida. Between May and October 2000, Bin al-Shibh unsuccessfully attempted four times -- three in Germany and once in Yemen [page 140] - to obtain a visa to travel to the United States. Between December 2 and 9, 2000, Bin al-Shibh was in London. Moussaoui flew from London to Pakistan on December 9.

FBI Director Mueller testified that Bin al-Shibh was a "significant money person." The Moussaoui indictment charges that Bin al-Shibh received $15,000 in wire transfers from the UAE on or about July 30 and 31, 2001 and that he wired $14,000 to Moussaoui in Oklahoma on or about August 1 and 3 from train stations in Dusseldorf and Hamburg.

[DCI Tenet testified that, after September 11, 2001, CIA received reports identifying Bin al-Shibh "as an important al-Qa'ida operative." The agency suspects that, "unlike the three

* Motassadeq was convicted in Germany on February 19, 2003 of being a member of a terrorist organization and accessory to over 3,000 murders in New York and Washington.

Hamburg pilots, he may have been associated with al-Qa'ida even before moving to Germany in 1995." Bin al-Shibh flew to Spain in early September 2001. He disappeared until an interview with al-Jazeera was aired in September 2002, and he was captured in Pakistan on September 11, 2002. Bin al-Shibh is now being held [————————————] at an undisclosed location].

Atta lived at Marienstrasse 54 in Hamburg with Bin al-Shibh, Essabar, and Bahaji. Director Tenet testified that, after Bin al-Shibh failed to obtain a U.S. visa, "another cell member," Essabar, "tried [on two occasions in December 2000] and failed to obtain a visa in January 2001" to travel to Florida while Atta and al-Shehhi were there. Uncorroborated sources report that Essabar was in Afghanistan in late September 2001. Bahaji left Germany on September 3, 2001 for Pakistan. Uncorroborated sources also placed him in Afghanistan in late September 2001.

DCI Tenet testified that Muhammad Heydar Zammar was an acquaintance of members of Atta's circle in Hamburg, where Zammar lived. Zammar, a German citizen born in Syria in 1961, was described by DCI Tenet as "a known al-Qa'ida associate," active in Islamic extremist circles since the 1980s, who trained and fought in Afghanistan in 1991 and in Bosnia in 1995 and returned to Afghanistan a number of times between 1995 and 2000.

It has been reported that U.S. and German officials believe that Zammar is a pivotal figure in understanding the genesis of the September 11 attacks. DCI Tenet told the Joint [page 141] Inquiry that Zammar "was taken into custody by the Moroccans [————————]" when he traveled to Morocco to divorce his wife and that he was "moved from Morocco into Syrian custody, where he has remained." It has also been reported that Zammar has provided details about the September 11 attacks to U.S. investigators. According to the DCI, Zammar has said that he met Atta, al-Shehhi, and Jarrah in the late 1990s in Hamburg's al-Qods mosque and he "persuaded them to travel to Afghanistan to join the jihad."

DCI Tenet testified that Atta may have traveled to Afghanistan for the first time in early 1998. In June 1998, he applied for a new passport in Egypt, although his old one had not expired. This suggested, according to the DCI, "that he might have been trying to hide evidence of his travel to Afghanistan." On November 29, 1999, Atta flew from Hamburg to Istanbul and then to Karachi. He left Pakistan to return to Hamburg on February 25, 2000.

In the fall of 1999, al-Shehhi stayed at Bin Ladin's Qandahar guesthouse while awaiting transportation to Pakistan for medical treatment. He returned to Germany in January 2000. According to FBI information, Atta and al-Shehhi "were both present at Bin Ladin facilities in Kandahar in December 1999." The DCI noted that "Jarrah's travel at this time mirrored Atta's," as Jarrah flew from Hamburg to Karachi on November 25, 1999 and stayed in Pakistan for two months.

There are indications that Bin al-Shibh was in Afghanistan in 1998 and had been seen at the Khalden Camp or guesthouse in late 1998. The Moussaoui indictment alleges that Moussaoui had been present at the Khalden Camp in or about April 1998.

C. The Principals Arrive in the United States – January 2000 through April 2001

On January 15, 2000, one week after leaving Malaysia, Khalid al-Mihdhar and Nawaf al-Hazmi flew to Los Angeles from Bangkok and settled in the San Diego area. In April 2000, al-Hazmi took an introductory flying lesson at the National Air College in San Diego. A week [page 142] later, al-Hazmi received a $5000 wire transfer through a third party sent from the United Arab Emirates. In May, al-Mihdhar and al-Hazmi took flight training in San Diego, and in June, al-Mihdhar left the U.S. on a Lufthansa flight from Los Angeles to Frankfurt, connecting to Oman. Al-Mihdhar did not return to the United States until thirteen months later in July 2001.

Al-Hazmi remained in the United States, staying in the San Diego area until December 2000 when he moved to Arizona with Hani Hanjour who had just returned to the United States. The DCI testified that Hanjour went to Afghanistan for six weeks in 1989 when he was 17 to participate in a *jihad*. He first entered the United States in October 1991 from Saudi Arabia to attend an English language program at the University of Arizona in Tucson. When he left the U.S. in early 1992 for Saudi Arabia, he was a "different person," according to a brother who spoke to the media. According to the DCI, Hanjour then "wore a full beard, cut his past social ties, and spent most of his time reading books on religion and airplanes." Hanjour returned to the United States in April 1996. After residing in Florida for a month, he moved to Oakland, California, where he took an English language course. In the summer, he began flight training, and in September, he moved to Arizona where he took flight lessons for a month in Scottsdale.

Hanjour left the U.S. for Saudi Arabia in November 1996, returning to the United States in November 1997.

Hanjour left the United States again in April 1999, after receiving an FAA commercial pilot certificate. In September, after an initial denial, he obtained a student visa in Jeddah and returned to the United States. Then in November 2000, having stayed in Florida for a month, he met al-Hazmi in California and traveled with him to Arizona in early December. On December 12, he took up residence in Mesa, Arizona with al-Hazmi and resumed aviation training. He took Boeing groundwork and simulator training in February and March 2001, when he and al-Hazmi left Arizona for northern Virginia.

Atta returned to Germany from Afghanistan through Pakistan in February 2000. On March 1, he sent the first of a series of e-mails to pilot training schools in Lakeland, Florida and Norman, Oklahoma. Claiming that his passport had been lost, Atta obtained a new Egyptian passport in Hamburg in May 2000 and a visa for travel to the United States. He crossed over to the Czech Republic by bus [page 143] and flew to Newark in June 2000. Al-Shehhi had arrived several days earlier on a flight from the United Arab Emirates through Brussels to Newark. He obtained a new passport, apparently in Pakistan before leaving for Germany at the beginning of January 2000. Later that month, he obtained a ten-year multiple entry visa at the U.S. consulate in Dubai. Atta and al-Shehhi stayed in the New York area, renting apartments together until the beginning of July when they flew to Oklahoma City for a short visit to the Airman Flight School in Norman. They proceeded to Florida, opened a joint account at Sun Trust Bank (depositing $7000), and began training at Huffman Aviation in Venice.

In the meantime, Jarrah arrived in the U.S. on June 27 at Atlanta, Georgia. Earlier in the year, he reported losing his Lebanese passport, and in May he obtained a five-year B1/B2 multiple entry visa. On arriving in the United States, Jarrah proceeded to Venice, Florida, where he began training at the Florida Flight Training Center.

In Fall 2000, Atta and al-Shehhi obtained instrument certifications and commercial pilot licenses while at Huffman Aviation. They also spent a brief period at Jones Aviation in Sarasota, Florida. From December 29 through 31, Atta and al-Shehhi received Boeing flight simulator training at Sim Center and Pan Am International in Opalocka, Florida. The FBI reports that that

both men "requested training on >executing turns and approaches" but not other training normally associated with the course.@ In the meantime, Jarrah continued flight training until December 2000 where he had begun it, the Florida Flight Training Center. In mid-December and in early January 2001, he took Boeing flight simulator lessons at the Aeroservice Aviation Center in Virginia Gardens, Florida.

In December 2000, al-Shehhi flew to Hamburg and then on to the United Arab Emirates, returning for the December flight simulator training with Atta. On January 4, 2001, Atta flew from Tampa through Miami to Madrid, returning to Miami on January 10. The DCI testified that the purpose of Atta's trip to Spain "may have been to meet with another al-Qa'ida operative to pass along an update on the pilots' training progress and receive information on the supporting hijackers who would begin arriving in the U.S. in the spring." DCI Tenet testified that "Atta may also have traveled outside of the U.S. in early April 2001 to meet an Iraqi intelligence officer, although we are still working to [page 144] corroborate this." Atta may have traveled under an unknown alias: the CIA has been unable to establish that he left the United States or entered Europe in April under his true name or any known alias.

On April 18, al-Shehhi, who traveled outside the United States three times, flew to Egypt by way of Amsterdam and returned to Miami from Egypt through Amsterdam on May 2. In Egypt, al-Shehhi visited Atta's father and returned to the U.S. with Atta's international driver's license. Apart from that, the DCI testified, "nothing else is known of al-Shehhi's activities while traveling outside the U.S." Jarrah traveled even more frequently, taking at least five trips outside the United States to visit his family in Lebanon, and to visit his girl friend in Germany.

After al-Shehhi returned from Morocco in January 2001, he and Atta moved to Georgia for flight training. In February, they traveled to Virginia Beach, Virginia, where they opened a mailbox account. A crop duster pilot in Belle Glade, Florida identified Atta as inquiring about the purchase and operation of crop dusters while Atta was living in the Atlanta area.

D. The Supporting Hijackers Arrive – April to June 2001

The thirteen remaining hijackers, the "muscle," whose role was to overcome pilots and control passengers, began arriving in the United States in April 2001. Except for one threesome, they arrived in pairs, the last in June. Twelve of the thirteen were from Saudi Arabia, and one was from the United Arab Emirates. Salem al-Hazmi, Nawaf's brother, obtained his visa as early as April 1999; seven obtained visas from September to November 2000; three, as late as June 2001. As FBI Director Mueller noted, these hijackers arrived in the United States "within a fairly short window," each transiting through the United Arab Emirates.

Many in the group knew each other. There were two pairs of brothers, the al-Hazmis and al-Shehris, in addition to networks of friends. Many came from southwest Saudi Arabia, and they represented a range of socioeconomic levels. A few had higher education. Others had little education. Some had struggled with depression or alcohol abuse. Some, according to DCI Tenet, "never exhibited much religious fervor, before apparent exposure to extremist ideas – through family members, friends, [page 145] or clerics – led to an abrupt radicalization and separation from their families;" some spoke of "their desire to participate in *jihad* conflicts such as the war in Chechnya, and some appear to have used this as a cover for traveling to Afghanistan." The DCI also testified that "[a]s part of their commitment to militant Islam, these young Saudis traveled to Afghanistan to train in the camps of their exiled countryman Usama Bin Ladin." Most supporting hijackers went to Afghanistan for the first time in 1999 or 2000. Notwithstanding the experience in Afghanistan, the CIA does not believe that the supporting hijackers became involved in the plot until late 2000. Their early travel may have "added these young men to the ranks of operatives that al-Qa'ida could call upon to carry out future missions," but DCI Tenet said he does not believe that al-Qa'ida leadership wanted the supporting hijackers to know about the plot any sooner than necessary: "they probably were told little more than that they were headed for a suicide mission inside the United States."

Al-Mihdhar, who left the United States a year before, obtained a visa in Jeddah in June 2001, using a new Saudi passport. According to DCI Tenet, he "spent the past year traveling between Yemen and Afghanistan, with occasional trips to Saudi Arabia." Al-Mihdhar traveled to New York in July 2001 from Saudi Arabia, six days after the last of the supporting hijackers had flown to the United States. FBI Director Mueller testified that "al-Mihdhar's role in the September 11 plot between June 2000 and July 2001 – before his re-entry into the United States – may well have been that of the coordinator and organizer of the movements of the non-pilot

hijackers. This is supported by his apparent lengthy stay in Saudi Arabia and his arriving back in the United States only after the arrival of all the hijackers."

E. Final Organization of the Attacks

Beginning in May 2001, each of the four pilot hijackers flew across the United States. FBI Director Mueller described these trips: "With their training complete, it appears that the pilots began conducting possible surveillance flights as passengers aboard cross-country flights transiting between the Northeast United States and California." On May 24, al-Shehhi flew from New York to San Francisco on a Boeing 767 (seated in first class), leaving immediately on a Boeing 757 (seated in first class) to Las Vegas. On May 27, al-Shehhi left Las Vegas to San Francisco, continuing to New York on a Boeing 767 (seated in first class). On June 7, Jarrah flew from Baltimore via Los Angeles to Las [page 146] Vegas, returning to Baltimore on June 10. On June 28, Atta flew from Boston to San Francisco, continuing to Las Vegas, departing there on July 1 through Denver to Boston. On August 13, Atta flew a second time across country from Washington to Las Vegas on a Boeing 757 (seated in first class), returning on August 14 to Ft. Lauderdale. On August 13, Hanjour and al-Hazmi (seated in first class) flew from Dulles to Las Vegas via Los Angeles. They left Las Vegas on August 14 on a flight to Minneapolis (close to Eagan, Minnesots, where Moussaoui had started flight lessons the day before), connecting an hour and a half later to a flight to Baltimore.

Director Mueller noted the Las Vegas layovers:

> Each of the return flights for these hijackers had layovers in Las Vegas. To date, the purpose of these one-to-two day layovers is not known. However, with respect to travel to Las Vegas, we know that at least one hijacker on each of the four hijacked airplanes traveled to Las Vegas, Nevada sometime between May and August of 2001. This travel consisted of an initial transcontinental trip from an east-coast city to a west-coast city, and a connection in that west-coast city to a Las Vegas-bound flight.

Atta flew to Zurich from Miami in July 2001, continuing on to Madrid. He checked out of a Madrid hotel on July 9 and rented a car that he returned on July 19, after having driven 1,908 kilometers. For the days immediately following July 9, Atta's whereabouts are unknown until he checked into a hotel in Tarragona on Spain's east coast on July 16. On July 9, Bin al-Shibh flew from Hamburg to Tarragona, where he checked out of a hotel on July 10. His

whereabouts from July 10 to 16 are unaccounted for, "roughly the same period during which Atta's movements are unknown," suggesting, according to DCI Tenet, that "the two engaged in clandestine meetings on the progress of the plot." Atta returned to the United States on July 19, arriving in Atlanta. Jarrah traveled to Germany from Newark on July 25, returning on August 5, a trip that may have permitted further contact with Bin al-Shibh. Director Mueller also testified that "[d]uring the summer of 2001, some of the hijackers, specifically Mohamed Atta and Nawaf al-Hazmi appear to have met face-to-face on a monthly basis to discuss the status of the operation, and ultimately the final preparation for the attack." In an interview with al-Jazeera shortly before his capture, Bin al-Shibh described al-Hazmi as Atta's "right hand."
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As the supporting hijackers arrived, they divided between Florida and New York before moving to three staging areas. The two who arrived in Virginia and the two who arrived in New York joined Nawaf al-Hazmi and Hanjour in Paterson, New Jersey. The four who arrived in Orlando and the five who arrived in Miami joined Atta, al-Shehhi, and Jarrah in the Fort Lauderdale, Florida area.

The nineteen hijackers began to book September 11 flights on August 26. Al-Mihdhar and Majed Moqed, hijackers on the Pentagon flight, were unable to buy tickets on August 24 because their address could not be verified. They finally purchased them with cash on September 5 at the American Airlines counter in the Baltimore/Washington International Airport. The hijackers in the Fort Lauderdale area also booked flights to locations in the Boston, Newark, New Jersey, and Washington, D.C. areas where the teams for each September 11 flight assembled.

F. Financing of the Attacks

The FBI estimates that the September 11 attacks cost $175,000 to $250,000. According to Director Mueller and Bureau documents, "the funding mechanism behind the conspiracy appears to center around Marwan al-Shehhi and individuals providing financial support primarily" through the "banking and wire service infrastructure" of the United Arab Emirates.

In Hamburg, al-Shehhi received substantial transfers from the UAE by wire from Mohamed Yousef Mohamed Alqusaidi, whom the FBI believes to be al-Shehhi's brother. In July 1999, al-Shehhi opened a checking account in the UAE and soon after granted a power of

attorney over the account to Alqusaidi. From July 1999 to November 2000, about $100,000 moved through the account. While they were in Germany, al-Shehhi transferred funds to Atta.

In July 2000, al-Shehhi and Atta opened a joint account at Suntrust Bank in Venice, Florida, which received, according to the FBI, Awhat appears to be the primary funding for the conspiracy,@ four transfers from the UAE totaling approximately $110,000 from Ali Abdul Aziz Ali using a variety of aliases. In June 2000, al-Shehhi also received $5,000 by Western Union wire from Isam Mansour. In [page 148] April, Ali wired $5,000 to al-Hazmi in San Diego. Several hijackers, including Hanjour and al-Mihdhar, supplemented their financing with credit cards drawn on Saudi and UAE banks.

Transfers to Bin al-Shibh on July 30 and 31, 2001, which preceded his transfers to Moussaoui, were from Hashem Abdulraham, whom FBI Director Mueller identified as Khalid Sheikh Mohammed, "the Brain."

There was also an important flow of money back to the UAE immediately before September 11. FBI documents state that funds "were returned to the source because the hijackers would not have wanted to die as thieves, therefore they returned the money that was provided to them.@ Three hijackers, including Atta and al-Shehhi, sent funds to Mustafa Ahmed Alhawsawi in the UAE. Al-Hazmi sent an Express Mail package to a UAE post office box rented in Alhawsawi's name that contained al-Mihdhar's debit card for an account in which $10,000 remained. Alhawsawi also had power of attorney over accounts of several hijackers in the UAE.

G. Execution of the Attacks

At approximately 7:59 a.m., on September 11, American Airlines Flight 11, bound for Los Angeles, was cleared for takeoff from Logan International Airport in Boston. On board were 81 passengers and 11 crew members. Two hijackers were in the first two seats in First Class, from which the cockpit doors were easily accessible. According to Director Mueller, the hijackers "apparently using commonly available box cutters" seized the aircraft and diverted its

course at about 8:13 a.m. At 8:45 a.m. Flight 11 crashed into the World Trade Center's North Tower, which collapsed at 10:25 a.m.

Atta is believed to have been the pilot because he was the only Flight 11 hijacker known to have had flight training. He spent the night before the attacks in Portland, Maine, flying to Boston on the morning of September 11. Atta's luggage did not make the connection to Flight 11. The FBI Director testified that a search "revealed a three page letter handwritten in Arabic which, upon translation, was found to contain instructions on how to prepare for a mission applicable, but not specific, to the September 11 operation."

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At approximately 7:58 a.m., United Airlines Flight 175, also bound for Los Angeles, left Logan with 65 passengers and crew members. At 9:05 a.m., Flight 175 crashed into the World Trade Center's South Tower, which collapsed at 9:55 a.m. Marwan al-Shehhi is believed to have been the pilot.

As of December 2002, the Office of the Chief Medical Examiner of the City of New York reported that 2792 persons are reported as missing as a result of the attacks on the World Trade Center, including persons on the ground and passengers and crew of the two planes. Of this number, 2743 death certificates have been issued. The Chief Medical Examiner has periodically revised the death toll based on continuing forensic and other determinations.

At approximately, 8:20 a.m., American Airlines Flight 77 left Dulles International Airport for Los Angeles with 58 passengers and six crew members. The last routine radio contact with the plane was at 8:50 a.m. A few minutes later the plane made an unauthorized turn. At 9:39 a.m., Flight 77 crashed into the Pentagon's southwest side. In addition to the passengers and crew, 125 military and civilian Pentagon employees died. The pilot is believed to have been Hani Hanjour. A copy of the letter in Atta's luggage was found in a car registered to al-Hazmi that had been parked at Dulles.

At approximately 8:42 a.m., United Airlines Flight 93 left Newark International Airport for San Francisco with 37 passengers and seven crew members. Ziad Jarrah was the only one of four hijackers aboard known to have a pilot's license; therefore, he is believed to have been the

pilot. At approximately 10:03 a.m., Flight 93 crashed into the ground at Stoney Creek Township in southwestern Pennsylvania.

Telephone calls from passengers and crew to family and friends described attempts by passengers and crew to retake the plane prior to the crash. One call described three hijackers wearing bandanas and armed with knives, with one hijacker claiming to have a bomb strapped to his waist. Two hijackers entered the cockpit and closed the door behind them. The passengers were herded to the back of the plane. The captain and co-pilot were seen lying on the floor of the First Class section, possibly [page 150] dead. At the words, "Let's roll," passengers rushed forward. As described by the FBI Director, the cockpit tape-recorder indicates that a hijacker, minutes before Flight 93 hit the ground, "advised Jarrah to crash the plane and end the passengers attempt to retake the airplane."

A copy of the letter found in Atta's baggage and al-Hazmi's car was also found at the Flight 93 crash site. The FBI notes that some of the Arabic on the cockpit tape, "such as supplications to Allah, conforms to the suicide preparation instructions" in that letter.

In the UAE, Alhawsawi, the plot financier, consolidated in his bank account funds the hijackers had returned, to which he added funds he withdrew from one of their accounts just hours before the September 11 attacks. He then flew to Karachi, Pakistan. His whereabouts are unknown.

II. Pentagon Flight Hijackers Khalid al-Mihdhar, Nawaf al-Hazmi, and Salem al-Hazmi

A. The Malaysia Meeting and Identification of Khalid al-Mihdhar and Salem and Nawaf al-Hazmi – Watchlist Opportunity Lost

[In late 1999, the Intelligence Community launched a worldwide effort to disrupt terrorist operations that were planned to occur during the Millennium celebrations. A CIA officer told the Joint Inquiry that, as the Intelligence Community reviewed information from the 1998 East Africa embassy bombings, "a kind of tuning fork . . . buzzed when two individuals reportedly planning a trip to Kuala Lumpur were linked indirectly to what appeared to be a support element . . . involved with the Africa bombers." One traveler, Khalid al-Mihdhar, started his journey to Malaysia from the Middle East, where, according to Joint Inquiry testimony from DCI Tenet, he

had been at a "suspected al-Qa'ida logistics facility." The other, Nawaf al-Hazmi, began his trip to Malaysia from Pakistan. Initially, only the travelers' first names were known. From the outset, information circulated throughout the Intelligence Community that identified them as "terrorist operatives." For example, a CIA cable stated, "Nawaf's travel may be in support of a terrorist mission]."

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The intelligence preceding the Malaysian meeting also showed that a person whose first name was Salem would attend. An intelligence analyst observed at the time that "Salem may be Nawaf's younger brother," and that observation was reported to other Intelligence Community agencies.

The Kuala Lumpur meeting took place between January 5 and 8, 2000. There has been no intelligence about what was discussed at the meeting, but, according to DCI Tenet, surveillance [————————————————] that began with al-Mihdhar's arrival on January 5 "indicated that the behavior of the individuals was consistent with clandestine activity."

It was later determined that Khallad bin-Atash, a leading operative in Bin Ladin's network, also attended the meeting. According to DCI Tenet, Khallad was "the most important figure at the Kuala Lumpur meeting" and he would later become "a key planner in the October 2000 *USS Cole* bombing."

The principal location of the meeting was a condominium owned by Yazid Sufaat, who DCI Tenet identified to the Joint Inquiry as "a Malaysian chemist . . . directed by a terrorist leader to make his apartment available." Later in 2000, Sufaat signed letters of introduction for Zacarias Moussaoui as a representative of his company, letters Moussaoui took with him to the United States.

DCI Tenet testified that, "[i]n early January 2000, we managed to obtain a photocopy of al-Mihdhar's passport as he traveled to Kuala Lumpur." This gave the CIA al-Mihdhar's full name, his passport number, and birth information. It also showed that al-Mihdhar held a U.S. visa, issued in Jeddah, Saudi Arabia in April 1999, that would not expire until April 2000. These

facts were verified at the U.S. consulate in Jeddah before the meeting started. The DCI told the Joint Inquiry:

> We had at that point the level of detail needed to watchlist [al-Mihdhar] – that is, to nominate him to State Department for refusal of entry into the US or to deny him another visa. Our officers remained focused on the surveillance operation and did not do so.

Surveillance photographs of the meeting were taken by the [————————————] and transmitted to CIA Headquarters. When the meeting ended, al-Mihdhar, al-Hazmi, and Khallad (under a different name) flew to Thailand seated side by side.

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Soon after the travelers left Malaysia on January 8, the CIA received evidence that Nawaf's last name might be al-Hazmi when it learned that someone with that last name had been seated next to al-Mihdhar on the flight from Malaysia. That information could have led to Nawaf al-Hazmi's watchlisting.

Unknown to the CIA, since early 1999 the National Security Agency had information associating al-Hazmi by his full name with the Bin Ladin network, information it did not disseminate. NSA Director Hayden, told the Joint Inquiry:

> We did not disseminate information we received in early 1999 that was unexceptional in its content except that it associated the name of Nawaf al-Hazmi with al-Qa'ida. . . . At the time of the meeting in Kuala Lumpur, we had the al-Hazmi brothers, Nawaf and Salem, as well as Khalid al-Mihdhar, in our sights. We knew of their association with al-Qa'ida, and we shared this information with the Community. I've looked at this closely. If we had handled all of the above perfectly, the only new fact that we could have contributed at the time of Kuala Lumpur was that Nawaf's surname (and perhaps that of Salem, who appeared to be Nawaf's brother) was al-Hazmi.

Although NSA did not disseminate this information to the Intelligence Community before September 11, it was available in NSA databases. However, no one at CIA or elsewhere asked NSA before September 11 to review its database for information about Nawaf al-Hazmi.

Knowledge of Nawaf's last name also pointed to his brother Salem's last name, which meant that the Intelligence Community had in its grasp the full names of three of the future hijackers. In addition, the State Department had in the records of its Jeddah consulate the fact

that Nawaf and Salem al-Hazmi had obtained U.S. visas in April 1999, several days before al-Mihdhar obtained his U.S. visa at that consulate.

Thus, at the time of the Malaysia meeting, the CIA had passport information regarding al-Mihdhar, including his U.S. visa. A CIA officer, who was working as a CTC Supervisor, testified before the Joint Inquiry that a CTC cable in early 2000 noted that al-Mihdhar's passport information had been "passed to the FBI," but the CIA was unable to "confirm either passage or receipt of the [page 153] information" and, thus, could not identify "the exact details . . . that were passed." The Joint Inquiry found no record of the visa information at FBI Headquarters.

While the Malaysia meeting was in progress, a CIA employee sent an e-mail to a CIA colleague describing "exactly" the briefings he had given two FBI agents on al-Mihdhar's activities. The CIA employee had been assigned to the FBI's Strategic Information Operations Center to deal with problems "in communicating between the CIA and the FBI." The e-mail did not mention that al-Mihdhar held a U.S. visa, but did report that the CIA employee told the second FBI agent the following:

> This continues to be an [intelligence] operation. Thus far, a lot of suspicious activity has been observed but nothing that would indicate evidence of an impending attack or criminal enterprise. Told [the first FBI agent] that as soon as something concrete is developed leading us to the criminal arena or to known FBI cases, we will immediately bring FBI into the loop. Like [the first FBI agent] yesterday, [the second FBI agent] stated that this was a fine approach and thanked me for keeping him in the loop.

An e-mail from the second FBI agent to FBI Headquarters discussed the conversation with the CIA employee. This e-mail also did not mention al-Mihdhar's visa information. None of the participants in these communications now recalls discussing the visa information.

B. Khalid al-Mihdhar and Nawaf al-Hazmi Travel to the United States – Watchlist Opportunity Lost

[For six weeks, CIA sought to locate al-Mihdhar in Thailand. It was unsuccessful, however, because, according to a CIA officer's testimony, "[w]hen they arrived [in Thailand] we were unable to mobilize what we needed to mobilize." Nonetheless, in February 2000, CIA rejected a request from foreign authorities to become involved because CIA was in the middle of an investigation "to determine what the subject is up to]."

[In early March 2000, CIA Headquarters, including CTC and its Bin Ladin unit, received a cable from a CIA station in [—] noting that Nawaf al-Hazmi had traveled to Los Angeles on January 15, 2000. The cable was marked "Action Required: None, FYI [For Your Information]." The following day, another station, which had been copied on the cable by the originating station, cabled [page 154] CTC's Bin Ladin unit that it had read the cable "with interest," particularly "the information that a member of this group traveled to the U.S. following his visit to Kuala Lumpur." No action resulted at CIA].*

Once again, the CIA did not add Nawaf al-Hazmi's name to the State Department's watchlist for denying admission to the United States. It also did not notify the FBI that a "terrorist operative," as al-Hazmi was described in January, had entered the United States. The CIA did not consider the possibility that al-Mihdhar and al-Hazmi, who had flown together to Thailand, continued on together to the United States. In fact, al-Mihdhar had flown with al-Hazmi to the United States on January 15, 2000.

The CIA Headquarters employee who had direct responsibility for tracking the movement of the attendees at the Malaysia meeting does not recall either the March 5 or March 6, 2000 messages concerning al-Hazmi's travel to the United States. The CTC Supervisor, referred to earlier, testified before the Joint Inquiry:

> It's very difficult to understand what happened with [the March 5] cable when it came in. I don't know exactly why it was missed. It would appear that it was missed.

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* This occurred even though CTC had republished guidance reminding personnel of the importance of watchlisting in December 1999. (see Appendix, "CTC Watchlisting Guidance – December 1999").

DCI Tenet also testified about this omission: "Our receipt of the information in March should have triggered the thought to watchlist al-Hazmi, but no CTC officer recalls even having seen the cable on his travel to LA when it arrived." In fact, the DCI explained: "[n]obody read that cable in the March time frame." Summing up these early watchlisting failures, the DCI told the Joint Inquiry:

> During the intense operations to thwart the Millennium and Ramadan threats, the watchlist task in the case of these two al-Qa'ida operatives slipped through. The error exposed a weakness in our internal training and an inconsistent understanding of watchlist thresholds.

C. Khalid al-Mihdhar Leaves the U.S. and Nawaf al-Hazmi Applies for a Visa Extension

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By February 2000, al-Mihdhar and al-Hazmi had settled in San Diego, California where they used their true names on a rental agreement. They did the same in obtaining California driver's licenses.

[In May 2000, they took flight lessons in San Diego. While in San Diego, the two had numerous contacts with a long-time FBI counterterrorism informant].

On June 10, al-Mihdhar flew from Los Angeles to Frankfurt, and then on to Oman. Al-Hazmi remained in the United States. On July 12, two days before the expiration of the six-month visa he had been granted on arriving in January, al-Hazmi applied to the INS for an extension, using the address of the San Diego apartment he had shared with al-Mihdhar.

The INS does not have a record of any additional extension request by al-Hazmi, who remained in the United States illegally after his extension expired in January 2001. In December 2000, al-Hazmi moved to Mesa, Arizona, with Hani Hanjour, another hijacker.

D. The Attack on *USS Cole* and the Identification Of Khallad – Watchlist Opportunity Lost

On October 12, 2000, two Al Qa'ida terrorists attacked *USS Cole* as the destroyer refueled in Yemen. In investigating the attack, the FBI developed information that Khallad bin

Attash had been a principal planner of the bombing and that two other participants in the *Cole* conspiracy had delivered money to Khallad in Malaysia at the time of the Malaysia meeting. The FBI shared this information with the CIA, whose analysts decided to conduct a review of what was known about the meeting.

In January 2001, CIA concluded, based on statements by a joint CIA/FBI human source, that Khallad appeared in one of the surveillance photos taken during the Malaysia meeting. The CIA recognized that Khallad's presence at the meeting was significant because it meant that the other attendees, including al-Mihdhar and al-Hazmi, had been in direct contact with the key planner of the *Cole* attack for Bin Ladin's network. DCI Tenet described the import of this development to the Joint Inquiry: [page 156]

> The Malaysian meeting took on greater significance in December 2000 when the investigation of the October 2000 USS Cole bombing linked some of Khalid al-Mihdhar's Malaysia connections with Cole bombing suspects. We further confirmed the suspected link between al-Mihdhar and al-Hazmi and a person thought to be one of the chief planners of the Cole attack, via a joint FBI-CIA [human] asset. This was the first time that CIA could definitively place al-Hazmi and al-Mihdhar with a known al-Qa'ida operative.

Although al-Mihdhar and al-Hazmi had now been "definitively" placed "with a known al-Qai'ida operative," the CIA once again did not act to add them to the State Department's watchlist. In January 2001, Khalid al-Mihdhar was abroad, his visa had expired, and he would have to clear a watchlist check before obtaining a new visa to re-enter the United States.

The DCI testified that the information about Khallad resulted from a "joint case" the FBI and the CIA were conducting. The CTC Chief at the time also testified that the CIA ran "a joint operation with the FBI to determine if a Cole suspect was in a Kuala Lumpur surveillance photo":

> Both agencies wanted to find out who killed our sailors. Both agencies were working to bring those terrorists to justice. We were in the business of providing information to the FBI, not withholding it.

The day after the photo identification by the joint CIA/FBI human source in January 2001, the asset's identification of Khallad in the photo was reported to CIA Headquarters. However, the Joint Inquiry found no information showing that the FBI representative on the scene, who also worked with that source, was told about the identification or that the information

was provided to FBI Headquarters. To the contrary, contemporary documents over the next month strongly suggest that the FBI did not know of this development. It was not until August 30, 2001, that CIA Headquarters transmitted to the FBI a memorandum stating, "We wish to advise you that, during a previously scheduled meeting with our joint source," Khallad was identified in a surveillance photo.

E. The June 11, 2001 FBI/CIA Meeting and Khalid al-Mihdhar's Return to the United States

[Page 157]

On May 15, 2001, the CTC Supervisor, who had just been detailed to the FBI, sent a request to CIA Headquarters for the surveillance photographs of the Malaysian meeting. In a May 18 e-mail to a CIA analyst, the CIA officer described the basis for his interest:

> . . . the reason (aside from trying to find a photo of the second *Cole* bomber) I'm interested is because Khalid Mihdar's two companions also were couriers of a sort, who traveled between [the Far East] and Los Angeles at the same time (hazmi and salah).

"Salah" was the name under which Khallad traveled during the Malaysian meeting. Thus, information about al-Hazmi's travel to the United States began to attract attention at CIA at least as early as May 18, 2001.

Toward the end of May 2001, a CIA analyst contacted an Intelligence Operations Specialist (IOS) at FBI Headquarters about the surveillance photographs. The CIA wanted the FBI to review the photographs to determine whether a person in the custody of [———] officials in connection with the FBI's *Cole* investigation, who had carried money to Southeast Asia for Khallad in January 2000, could be identified. When interviewed, the FBI IOS explained to the Joint Inquiry that the CIA had told her that the photographs had been taken during the Malaysia meeting, but had said nothing about al-Mihdhar's potential travel to the United States. The CIA also did not tell the FBI IOS that the photographs were of a meeting Khallad had attended.

[On June 11, 2001, the CIA analyst and FBI IOS traveled to New York to meet with FBI criminal case agents handling the *Cole* investigation. The New York agents were shown, but not given copies of [———] of the [———] surveillance photographs taken in Malaysia and were asked if they could identify anyone in them. A New York FBI agent testified to the Joint Inquiry that the agents pressed for information about the photographs and asked: "Why were you

looking at this guy? You couldn't have been following everybody around the Millennium. What was the reason behind this?" Nonetheless, the agent said, "at the end of the day we knew the name Khalid al-Mihdhar but nothing else." The agent testified that he was told that "the information could not be passed" at that time, but might be "in the days and weeks to come." However, no additional information was transmitted for use in a criminal case until after September 11].

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In addition to not being told why al-Mihdhar was being surveilled, the New York agents were not told about his U.S. visa, Nawaf al-Hazmi's travel to the United States, the January 2001 photo identification of Khallad, or the fact that the analyst had come upon material in a CIA database that led him to conclude that "Al-Hazmi was an experienced [Mujahadeen]." The FBI IOS had none of that information, but the CIA analyst who attended the New York meeting acknowledged to the Joint Inquiry that he had seen all of it. In fact, he had received an e-mail just three weeks earlier that referred to al-Hazmi's travel to the United States. That information, he related in a Joint Inquiry interview, "did not mean anything to him," since he was interested in terrorist connections to Yemen. The CIA analyst explained to the Joint Inquiry that the information was operational in nature and he would not disclose it outside CIA unless he had prior authority to do so.

Summing up the New York meeting and all that preceded it, the same CTC Supervisor on detail to the FBI, who did not attend the meeting but knew of it testified:

> [E]very place that something could have gone wrong in this over a year and a half, it went wrong. All the processes that had been put in place, all the safeguards, everything else, they failed at every possible opportunity. Nothing went right.

On June 13, 2001, al-Mihdhar obtained a new U.S. visa in Jeddah, using a different passport than the one he had used to enter the United States in January 2000. On his visa application, he checked "no" in response to the question whether he had ever been in the United States. On July 4, al-Mihdhar re-entered the United States.

F. The Watchlisting of Khalid al-Mihdhar and Nawaf al-Hazmi

In early July 2001, the same CTC Supervisor located in a CIA database the cable for which he had been searching that contained information the CIA had acquired in January 2001 about Khallad's attending the Malaysia meeting. He told the Joint Inquiry that Khallad's presence at the meeting deeply troubled him and he immediately sent an e-mail from FBI Headquarters to CTC stating, "[Khallad] is a major league killer, who orchestrated the *Cole* attack and possibly the Africa bombings."

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A review was launched at CIA of all cables regarding the Malaysia meeting. The task fell largely to an FBI analyst assigned to CTC. On August 21, 2001, the analyst put together two key pieces of information: the intelligence the CIA received in January 2000 that al-Mihdhar had a multiple entry visa to the United States, and the information it received in March 2000 that al-Hazmi had traveled to the United States. Working with an INS representative assigned to CTC, the analyst learned that al-Mihdhar had entered the United States on January 15, 2000, had departed on June 10, and had re-entered the United States on July 4, 2001. Suspicions were further aroused by the fact that al-Mihdhar and al-Hazmi had arrived in Los Angeles in January 2000, when Ahmed Ressam would have been in Los Angeles to conduct terrorist operations at Los Angeles Airport, but for his apprehension at the U.S./Canada border in December 1999.

On August 23, 2001, the CIA sent a cable to the State Department, INS, Customs, and FBI requesting that "Bin Ladin-related individuals," al-Mihdhar, al-Hazmi, Khallad, and one other person at the Malaysia meeting, be watchlisted immediately and denied entry into the United States "due to their confirmed links to Egyptian Islamic Jihad operatives and suspicious activities while traveling in East Asia." Although the CIA believed that al-Mihdhar was already in the United States, placing him on the watchlist would enable authorities to detain him if he attempted to leave. The CIA cable stated that al-Hazmi had arrived in Los Angeles on January 15, 2000 on the same flight as al-Mihdhar and that there was no record of al-Hazmi's departure. On August 24, the State Department watchlisted al-Mihdhar, al-Hazmi, and the others listed in the CIA cable. On August 27, it revoked the visa that al-Mihdhar had obtained in June.

G. The Search for Khalid al-Mihdhar

FBI Headquarters promptly sent to the FBI New York field office a draft communication recommending the opening of "an intelligence investigation to determine if al-Mihdhar is still in

the United States." It stated that al-Mihdhar's "confirmed association" with various elements of Bin Ladin's terrorist network, including potential association with two individuals involved in the attack on *USS Cole*, "make him a risk to the national security of the United States." The goal of the intelligence [page 160] investigation was to "locate al-Mihdhar and determine his contacts and reasons for being in the United States."

That communication precipitated a debate between FBI Headquarters and New York field office personnel as to whether to open an intelligence or criminal investigation on al-Mihdhar. A New York FBI agent tried to convince Headquarters to open a criminal investigation, given the importance of the search and the limited resources available in intelligence investigations, but Headquarters declined to do so. An e-mail exchange between Headquarters and the New York agent described the debate:

- From FBI Headquarters:

> "If al-Midhar is located, the interview must be conducted by an intel [intelligence] agent. A criminal agent CAN NOT be present at the interview. This case, in its entirety, is based on intel. If at such time as information is developed indicating the existence of a substantial federal crime, that information will be passed over the wall according to the proper procedures and turned over for follow-up criminal investigation. (Emphasis in original.)

- From the New York agent:

> Whatever has happened to this - someday someone will die – and wall or not – the public will not understand why we were not more effective and throwing every resource we had at certain 'problems.' Let's hope the [FBI's] National Security Law Unit (NSLU) will stand behind their decisions [about the "wall"] then, especially since the biggest threat to us now, UBL, is getting the most 'protection.'"

The agent was told in response: "we (at Headquarters) are all frustrated with this issue," but "[t]hese are the rules. NSLU does not make them up."

The former head of the FBI's International Terrorism Operations Section explained to the Joint Inquiry why the search for al-Mihdhar was conducted as an intelligence, rather than a criminal matter: "Although we certainly suspect, and rightfully so, that they were probably

engaged in . . . criminal acts, the information brought to us came essentially in total in the intelligence channel, so an intelligence investigation was opened."

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The FBI contacted the Bureau of Diplomatic Security at the State Department on August 27, 2001 to obtain al-Mihdhar and al-Hazmi's visa information. This was provided to the FBI on August 29 and revealed that, on entering the United States in July 2001, al-Mihdhar claimed that he would be staying at a Marriott hotel in New York City. An FBI agent determined on September 5 that al-Mihdhar had not registered at a New York Marriott. The agent checked computerized national and New York criminal and motor vehicle indices on al-Mihdhar and al-Hazmi, but those checks were negative. On September 11, the agent sent an electronic communication to the FBI's Los Angeles Field Office, asking it to look for al-Mihdhar and to check airline records.

H. The Case Against Bin Ladin

In the days following the September 11 attacks, the FBI received additional photographs from the surveillance of the Malaysia meeting. One of these, the FBI quickly learned, was a photograph of Khallad. The Bureau also learned that the January 2001 photo identification of Khallad by the joint FBI/CIA asset had been mistaken. The person thought to be Khallad was actually Nawaf al-Hazmi. The conclusion that Khallad had attended the Malaysian meeting was nonetheless correct.

Later in September, the FBI prepared an analysis of Bin Ladin's responsibility for the September 11 attacks to help the State Department develop a "White Paper" that could be shared with foreign governments:

> Even at this early stage of the investigation, the FBI has developed compelling evidence [the analysis concluded] which points to Bin Ladin and al-Qa'ida as the perpetrators of this attack. By way of illustration, at least two of the hijackers met with a known senior al-Qa'ida terrorist, the same al-Qa'ida terrorist which reliable information demonstrates orchestrated the attack on *USS Cole* and who was involved in the planning of the East Africa Embassy Bombings.

The two hijackers were al-Mihdhar and al-Hazmi. The senior al-Qa'ida terrorist was Khallad. The place they met was Malaysia. The facts linking al-Mihdhar and al-Hazmi to Khallad and therefore to [page 162] Bin Ladin became the crux of the case the State Department made to

governments around the world that Bin Ladin should be held accountable for the September 11 attacks.

III. NSA Communications Intercepts Related to Khalid al-Mihdhar, Nawaf and Salem al-Hazmi

[In the fall of 1998, NSA began to focus its analysis on a suspected terrorist facility in the Middle East. That facility had been associated with al-Qa'ida activities against U.S. interests. [———————————————

———————————]. At about the same time, the name Khallad came to the attention of NSA for the first time].

[NSA analyzed communications associated with a suspected terrorist facility in the Middle East from later in the summer of 1999. These communications also involved the names of Khaled and others. None of this information was disseminated because the subject matter did not meet NSA reporting thresholds].

[In late 1999, NSA analyzed communications associated with a suspected terrorist facility in the Middle East involving Nawaf al-Hazmi, Khaled, and, for the first time, Salem. It was thought at the time that Salem might be al-Hazmi's younger brother, and this was later confirmed].

[In early [————————] 2000, NSA analyzed what appeared to be related communications concerning a Khaled [———]. NSA reported this information in early January to CIA, FBI, and other counterterrorism customers].

[After this NSA report [———], CIA submitted a formal request to NSA in early 2000 for approval to share information in the report with [————————] foreign intelligence liaison services, along with the fact that Khaled may have been connected to a suspected terrorist facility in the Middle East that had previously been linked to al-Qa'ida's activities against U.S. interests. CIA wanted to cite these connections to enlist liaison assistance [———————————————————————————————]. NSA allowed the information to be released].

[Page 164]

[On January 10, the Counterterrorist Center (CTC) at CIA gave NSA information regarding the [————————————————] Kuala Lumpur meeting, including information about al-Mihdhar [————————————]; the name of the person who assisted him in Kuala Lumpur; the fact that al-Mihdhar's primary purpose in coming to Malaysia appeared to have been to meet with others [————————————]; and other information

[———————————————].

On January 13, NSA received CIA operational reporting from CTC. [———].

[In mid-January 2000, NSA queried its databases for information concerning Khaled [———]. These queries remained active until May 2000, but did not uncover any information].

[In early 2000, NSA analyzed communications involving Khaled and a suspected terrorist facility in the Middle East linked to al-Qa'ida activities directed against U.S. interests. The FBI determined, based on toll records it obtained after September 11, that Khaled had been in the United States at the time. [———]. Some of these communications met NSA reporting thresholds and were reported to FBI, CIA, and other customers, but some did not. [———].

[NSA analyzed additional communications in the summer of 2000 that were associated with a suspected terrorist facility in the Middle East, Salem and Khaled. [———]. NSA did not believe this provided any new information, and there was no dissemination].

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IV. [Nawaf al-Hazmi and Khalid al-Mihdhar Had Numerous Contacts with an FBI Informant]

[Two September 11 hijackers, Khalid al-Mihdhar and Nawaf al-Hazmi, lived in San Diego, California, beginning in February 2000. Al Mihdhar left San Diego in June 2000, while al-Hazmi remained until December 2000, when he moved to Arizona. During the time they were in San Diego, these two hijackers had numerous contacts with a long-time FBI counterterrorism informant. A third hijacker, Hani Hanjour, may have had more limited contact with this individual in December 2000].

CIA and FBI Headquarters had information tying al-Mihdhar and al-Hazmi to al-Qa'ida as early as January 2000 and later received information that they were in the United States. The San Diego FBI field office received none of this information before September 11. As a result, the informant was not asked to collect information about the hijackers.

[An FBI written response to the Joint Inquiry acknowledges questions about the informant's credibility, but the Administration and the FBI have objected to the Joint Inquiry's request to interview the informant and have refused to serve a Committee subpoena and notice of deposition on the informant. As suggested by the FBI, the Joint Inquiry submitted written interrogatories for response by the informant. Through an attorney, the informant declined to respond and indicated that, if subpoenaed, the informant would require a grant of immunity prior to testifying. Thus, this section has been prepared without access to the informant and in reliance on FBI documents, interviews of FBI personnel, and FBI representations about the informant].

A. Background

[In the aftermath of the September 11 attacks, the San Diego FBI field office determined that a long-time FBI counterterrorism informant had numerous contacts with Nawaf al-Hazmi and Khalid al-Mihdhar].

[Page 166]

[———————————————

[———————————————

[———————————————

- [———].

- [———].

[Four of the persons had been the subject of FBI investigations; three of them had been under active FBI investigation during the time that the future hijackers were in San Diego. The FBI opened counterterrorism investigations on other individuals on the list after September 11].

[The informant's handling agent described his relationship with the informant in a Joint Inquiry hearing:

> At some points, I would speak to the informant several times a day for hours at a times, while there were also periods that I did not speak with the informant for several months. Our discussions were not only about substantive matters of interest to the FBI, but also about personal matters such as the informant's health, family, and general well being…[D]uring…a debriefing in the summer of 2000 the informant told me that the informant met two individuals the informant described as] good Muslim Saudi youths who were legally in the [page 169]United States to visit and attend school. According to the informant, they were religious and not involved in criminal or political activities…At some later point, but before September 11, the informant told me their names were Nawaf and Khalid. The informant did not tell me their last names prior to September 11, 2001].

[According to the handling agent, the informant did not mention that al-Hazmi was pursuing flight training until after September 11. The handling agent told the Joint Inquiry that he did not consider the informant's information about these individuals unusual:

> [———].

[The FBI handling agent said he "did not document the information provided by the informant on these two persons in FBI files before September 11". This was because the

informant "provided this information during a discussion of personal matters and not because the informant believed it had any investigative significance:"

> As required by the Attorney General Guidelines, I only recorded information about persons with some nexus to international terrorism, foreign counterintelligence or criminal activity. I was unaware prior to September 11 of 2001 that these persons had any such ties].

[The handling agent said in Joint Inquiry interviews that none of the information provided by the informant about the hijackers before September 11 raised concerns. The fact that the two individuals were Saudi was not a concern before September 11 because Saudi Arabia was considered an ally. The FBI confirmed this in its written response].

[The agent noted that [———]. He also explained that, if the informant had told him about [page 170] contacts between the two and persons under investigation or if he had received derogatory information about them from Headquarters, he could have taken some action. However, the informant did not tell the FBI about al-Hazmi's and al-Mihdhar's contacts with persons under investigation until after September 11. In addition, the FBI's San Diego field office did not learn until after September 11 that the CIA had information that al-Hazmi and al-Mihdhar were affiliated with al-Qa'ida and had been linked to persons connected to the *Cole* bombing].

[FBI interviews of the informant after September 11 confirm the FBI handling agent's account and add some context. [———

———

———

———]. The informant confirmed that the two individuals were only mentioned in passing during a conversation with the handling agent. The informant recalls identifying the two only by their first names because the informant did not consider them suspicious. The informant told the FBI that other details were not provided prior to September 11 because the informant did not consider the information important or significant].

C. Questions about the Informant's Credibility

[When the San Diego office realized that the informant had numerous contacts with the two hijackers, FBI personnel became suspicious that the informant may have been involved in the plot. San Diego personnel interviewed by the Joint Inquiry, including senior managers and case agents, now believe that the informant was an unwitting observer with no role in the attacks because:

- The informant made no effort to hide the hijackers or their identities from the FBI handling agent.

- [———].

[Page 171]

- The informant has cooperated fully since September 11, agreeing to FBI interviews and to being polygraphed by the FBI. Although the informant's responses during the polygraph examination to very specific questions about the informant's advance knowledge of the September 11 plot were judged to be "inconclusive," the FBI asserts this type of result is not unusual for such individuals in such circumstances.

- The informant provided the FBI with extensive details after September 11 on the informant's contacts with the hijackers and their associates in the San Diego area].

[In a written response to a Joint Inquiry staff statement, the FBI provided additional reasons for concluding that the informant was not a conspirator. [———

———————————————————].

[The FBI handling agent attributed inconsistencies in the informant's reporting to the informant's personality.

[———]

Despite these characteristics, the FBI handling agent testified that the informant was "very credible, highly reliable, very, very credible, very useful." In the FBI handling agent's opinion, the informant was "duped" by the hijackers and was not suspicious of them at all].

[The FBI's written response notes that the informant did not report on the hijackers' association with others the informant knew were of interest to the FBI because the associations known to [page 172] the informant appeared innocuous. For example, al-Hazmi and al-Mihdhar associated with a local imam ostensibly because the "two hijackers attended religious services at the mosque where the imam preached." In addition, the informant "has advised that…neither al-Hazmi nor al-Mihdhar conducted themselves in a manner which [the informant] subjectively viewed as suspicious nor has FBI investigation to date developed any evidence that [the informant's] lack of suspicion was not objectively reasonable]."

[———

———].

[Based on Joint Inquiry interviews of San Diego FBI personnel involved with the informant before September 11 or in assessing the informant's credibility after the attacks and reviews of thousands of Bureau documents, several unresolved questions about the informant's credibility remain. Although the informant did not recognize hijacker Hani Hanjour in photographs shown to the informant by the FBI after September 11, there are indications that Hanjour was in the San Diego area with al-Hazmi in December 2000 and probably met the informant:

- [———————————————

———————————————

In its written response, the FBI acknowledges "unexplained inconsistencies" in the informant's reporting which continue to warrant ongoing FBI investigation].

[The CIA was aware in January 2000 that al-Mihdhar had a U.S. visa and in March 2000 that al-Hazmi had traveled to California. The FBI handling agent testified that, if he had access to the CIA intelligence concerning al-Mihdhar and al-Hazmi when they were in San Diego]:

> It would have made a huge difference. We would have immediately opened [———] investigations. We had the predicate for a [——] investigation if we had that information.… [page 175] We would immediately go out and canvas the sources and try to find out where these people were. If we locate them, which we probably would have since they were very close – they were nearby – we would have initiated investigations immediately….We would have done everything. We would have used all available investigative techniques. [We] would have given them the full court press. We would…have done everything – physical surveillance, technical surveillance and other assets.

[FBI Headquarters became aware in late August 2001 that al-Hazmi and al-Mihdhar were in the United States. The San Diego field office did not receive this information until after September 11. The FBI handling agent stated that he believes that San Diego could have located the two hijackers, and he was critical of Headquarters' failure to share information]:

> We'd have immediately gone out to various assets who already work in the streets for us. We'd basically run the names by them and find out – we'd locate them…I'm sure. I'm sure we could have located them and we could have done it within a few days.

[The San Diego office was also generally unaware of the al-Qa'ida threat. As the FBI handling agent testified]:

> We knew [al-Qa'ida] was an important person or organization. But we didn't have any presence. We didn't have any cases and we didn't have any source information that indicated that these guys were here in San Diego at that time.

[The FBI handling agent said that he did not discuss Bin Ladin or al-Qa'ida with the informant before September 11 because that was:

> . . . not an issue in terms of my assignments. [———————————————————————————————].

[In a written response, the FBI took issue with the contention that the FBI was not treating al-Qa'ida as a serious threat in San Diego, citing an internal document dated March 15, 1999 which identified:

> [Usama Bin Ladin as the number one priority of the U.S. Intelligence [page 176] Community. [———].

The Assistant Special Agent in Charge in San Diego told the Joint Inquiry that, upon assuming his duties in June 2000, he met with the counterterrorism squad to review this communication and emphasize the stated priorities].

The FBI response also noted that "there was no known al-Qaeda presence in San Diego before 9/11/2001." However, the record confirms that future hijackers al-Mihdhar, al Hazmi, and perhaps Hanjour, were in the San Diego area and unknown to the FBI during the time they were there.

V. Associates of the September 11, 2001 Terrorists in the United States

In June 2002 testimony before the Joint Inquiry, DCI Tenet and FBI Director Mueller asserted, in explaining how the September 11 hijackers had avoided the notice of the Intelligence Community, that the conspirators intentionally avoided actions or associations that would have attracted law enforcement attention during their time in the United States. The DCI said:

> Once in the U.S., the hijackers were careful, with the exception of minor traffic violations, to avoid drawing law enforcement attention and even general notice that might identify them as extremists. They dressed in Western clothes, most shaved their beards before entering the U.S., and they largely avoided mosques.

FBI Director Mueller appeared to concur:

> While here, the hijackers effectively operated without suspicion, triggering nothing that would have alerted law enforcement and doing nothing that exposed them to domestic coverage. As far as we know, they contacted no known terrorist sympathizers in the United States.

The former Assistant Director for the FBI's Counterterrorism Division also emphasized this point in his testimony: [page 177]

> [T]here were no contacts with anybody we were looking at inside the United States . . . quite honestly, with zero contact in the United States of any of our known people with the 19 persons coming here that we had no information about, intelligence-wise, before, through no one's fault, that's how they did it.

However, the Joint Inquiry review of documents and interviews of FBI personnel indicate that the six hijackers who served as the leaders and facilitators of the September 11 attacks were not isolated in the United States, but instead maintained a number of contacts in the United States before September 11. Although the extent to which the persons with whom they were in contact in the United States were aware of the September 11 plot is unknown, it is clear that those persons provided some of the hijackers with substantial assistance while they prepared for the attacks. These contacts in the United States helped hijackers find housing, open bank accounts, obtain drivers licenses, locate flight schools, and facilitate transactions.

The record of the Joint Inquiry demonstrates that some persons known to the FBI through prior or then-current FBI counterterrorism inquiries and investigations may have had contact with the hijackers, for example;

- [Nawaf al-Hazmi and Khalid al-Mihdhar had numerous contacts with a long-term FBI counterterrorism informant while they were living in San Diego, California. There are several indications that hijacker Hani Hanjour may have had more limited contact with this individual in December 2000].

- Before September 11, hijackers al-Mihdhar, Nawaf al-Hazmi, Hanjour, Muhammed Atta, Marwan al-Shehhi, and possibly others had contact with people who had come to the FBI's attention during counterterrorism or counterintelligence inquiries or investigations. In all, some of the hijackers were in various degrees of contact with at least fourteen such persons; four of whom were the focus of active FBI investigations, while the hijackers were in the United States.

- Before September 11, al-Mihdhar, al-Hazmi, Hanjour, Atta, al-Shehhi, and possibly other hijackers attended at least seven mosques in California, Florida, Virginia, Arizona, and [page 178] Maryland, some of which were also attended by persons of interest to the FBI.

The fact that so many persons known to the FBI may have been in contact with the hijackers raises questions as to how much the FBI knew about the activities of Islamic extremist groups in the United States before September 11 and whether the FBI was well-positioned to thwart the attack. Moreover, the extent to which the hijackers interacted with and relied on other persons in the United States is vitally important in understanding the *modus operandi* of the hijackers and al-Qa'ida and in preventing future attacks.

At a Joint Inquiry hearing in October 2002, FBI Director Mueller commented on his earlier testimony about the hijackers' conduct in the United States:

> [When] I say that the hijackers did "nothing that exposed them to domestic coverage" . . . [and when I say that] the hijackers "contacted no known terrorist sympathizers in the United States," [I] meant in the context of the hijackers not contacting — before 9/11 — terrorist sympathizers on whom we had technical or other form of coverage. The point being that had they done so, we might have been able to identify them as a result of that coverage. When making that statement, I did not have in mind what may have been known to the Bureau about persons such as al-Bayoumi [a Saudi living in California, who may have assisted hijackers, al-Hazmi and al-Midhar]. I can see, however, how the statement could be subject to an alternate interpretation that even as of June 18 we had uncovered no persons who had had contact with the hijackers and were "terrorist sympathizers." I can assure the Committee that I had no intent to mislead.

In a written response to the Joint Inquiry, the FBI explained that, "while [the hijackers] lived their day-to-day lives in an open manner, [they] pursued their inimical objectives in a cloistered, secretive and highly covert manner that kept them on the periphery of the FBI's counterterrorism coverage." The FBI acknowledged that:

> . . . the hijackers 'may have had contact' with subjects of prior or current [counterterrorism] investigations in San Diego. Such contact occurred principally through the hijackers' attendance of religious services at various mosques in San Diego, some frequented by subjects of FBI [counterterrorism] investigations.

[Page 179] However, the FBI argued that there is "a significant difference between 'having contact' and 'making contact'" and contends that "[t]he record does not suggest that the hijackers unilaterally or affirmatively sought out or initiated contact with the 14 persons named."

Nonetheless, at least one FBI document prepared shortly after the September 11 attacks concluded that the hijackers, rather than operating in isolation, were assisted by "a web of

contacts " in the United States. In an undated draft analysis based on information available as of November 2001, the FBI's Investigative Services Division concluded:

> Initial reporting from observers cast the hijackers as loners who stayed aloof from those around them. While these characterizations remain an accurate appraisal of the hijackers' general orientations toward most persons they came into contact with in the United States, more intensive scrutiny reveals that the hijackers – in particular, the six leaders/facilitators – were involved with a much greater number of associates than was originally suspected. In addition to frequent and sustained interaction between and among the hijackers of the various flights before September 11, the group maintained a web of contacts both in the United States and abroad. These associates, ranging in degrees of closeness, include friends and associates from universities and flight schools, former roommates, people they knew through mosques and religious activities, and employment contacts. Other contacts provided legal, logistical, or financial assistance, facilitated U.S. entry and flight school enrollment, or were known from UBL-related activities or training.

A. U.S. Intelligence Community Knowledge of Support Networks prior to September 11

The Intelligence Community had information before September 11 suggesting the existence of a radical Islamic network in the United States that could support al-Qa'ida and other terrorist operatives. The FBI had focused sources and investigative work to some degree on radical Islamic extremists within the United States before September 11. However, according to former National Security Advisor Sandy Berger, the Bureau believed that "al-Qa'ida had limited capacity to operate in the United States and [that] any presence here was under [FBI] surveillance."

An August 2001 Senior Executive Intelligence Brief, provided to senior U.S. Government officials at the time, noted that al-Qa'ida members, including some U.S. citizens, resided in or traveled [page 180] to the United States for years and apparently maintained a support structure here. According to CIA documents, [————————] in June 2001 [——] al-Qa'ida operative Khalid Shaikh Mohammed was recruiting persons to travel to the United States and engage in planning terrorist-related activity here. [————————], these persons would be "expected to establish contact with colleagues already living there." In short, before September 11, the Intelligence Community recognized that a radical Islamic network that could provide support to al-Qa'ida operatives probably existed in the United States.

The FBI Phoenix field office agent who wrote the "Phoenix communication" testified that he believed this type of support network existed in Arizona before September 11:

> I cannot sit here and testify today that [Wadi] al-Haj established a network there. However, looking at things historically in Arizona we have seen persons go to school at the University of Arizona in Tucson who subsequently went on to become rather important figures in the al-Qa'ida organization . . . prior to al-Qa'ida even coming into existence these people were living and going to school in Arizona. As al-Qa'ida formed and took off and became operational, we've seen these people travel back into the State of Arizona. We've seen Usama bin Ladin send people to Tucson to purchase an airplane for him [and] it's my opinion that's not a coincidence. These people don't continue to come back to Arizona because they like the sunshine or they like the state. I believe that something was established there and I think it's been there for a long time. We're working very hard to try to identify that structure. So I cannot say with a degree of certainty that one is in place there. But . . . that's my investigative theory. . . .

B. Persons Known to the FBI with whom September 11 Hijackers may have Associated in the United States

The Joint Inquiry identified a number of individuals known to the FBI through prior or then-current inquiries or investigations who had some degree of contact with some of the hijackers and are described below.

a. Omar al-Bayoumi

[Page 181]

On January 15, 2000, following an important meeting of al-Qa'ida operatives in Malaysia, hijackers al-Hazmi and al-Midhar arrived in Los Angeles, where they remained for approximately two-and-a-half weeks. At one point, they met Omar al-Bayoumi. A person the FBI interviewed after September 11 says that he was with al-Bayoumi when the latter met al-Hazmi and al-Mihdhar. This person says that al-Bayoumi invited him to travel to Los Angeles, explaining that he had business at the Saudi Consulate. When they arrived at the consulate, al-Bayoumi met with someone behind closed doors. Al-Bayoumi and the person with whom he had traveled to Los Angeles went to a restaurant, where they met al-Hazmi and al-Mihdhar. Al-Bayoumi struck up a conversation with al-Hazmi and al-Mihdhar after he heard them speaking Arabic, and he invited them to move to San Diego. Al-Bayoumi returned to San Diego after leaving the restaurant, and al-Hazmi and al-Mihdhar arrived in San Diego shortly thereafter.

According to several FBI agents, the meeting at the restaurant may not have been accidental. In fact, the FBI's written response to the Joint Inquiry refers to the restaurant encounter as a "somewhat suspicious meeting with the hijackers." According to another person the FBI interviewed after September 11, al-Bayoumi said before his trip that he was going to Los Angeles to pick up visitors.

When al-Hazmi and al-Mihdhar moved to San Diego, al-Bayoumi gave them considerable assistance. They stayed at al-Bayoumi's apartment for several days, until he was able to find them an apartment. Al-Bayoumi co-signed their lease and paid their first month's rent and security deposit. The FBI noted in a written response to the Joint Inquiry that "financial records indicate a cash deposit of the same amount as the cashier's check into al-Bayoumi's bank account on the same day, which suggests that the hijackers reimbursed him." However, another FBI document appears to reach a different conclusion: "a review of Khalid al-Mihdhar and Nawaf al-Hazmi's bank records indicate [*sic*] there is no bank documentation that supports the reimbursement of [the rent money], or any monies to Omar al-Bayoumi from al-Hazmi or al-Midhar."

After the hijackers moved into their own apartment, al-Bayoumi organized and hosted a party to welcome them to the San Diego community. He also tasked [————————],* another member of the Islamic Center of San Diego, to help them become acclimated to the United States. [————], whose [page 182] brother is the subject of an [————————] counterterrorism investigation, served as their translator, answered their questions about obtaining driver's licenses, and called a flight school in Florida for them.

[Since September 11, the FBI has learned that al-Bayoumi has connections to terrorist elements. He has been tied to an imam abroad who has connections to al-Qa'ida. Further, the FBI's Executive Assistant Director for Counterterrorism and Counterintelligence described in testimony before the Joint Inquiry FBI contacts "with the [————————————] government about collection on a person named [————————], who has ties to al-Qa'ida, who has ties to al-

* The identities of several individuals whose activities are discussed in this report have been deleted by the Joint Inquiry. While the FBI has provided the Joint Inquiry with these names and those names are contained in the classified version of this Final Report, the Joint Inquiry has decided to delete them from this unclassified version due to the as yet unresolved nature of much of the information regarding their activities.

Bayoumi." According to FBI documents, [————————] was also in the Phoenix and San Diego areas in 2000 and 2001].

[An FBI report after a search of Bayoumi's residence asserted that an "exhaustive translation of his documents made it clear that . . . he is providing guidance to young Muslims and some of his writings can be interpreted as jihadist." According to an individual interviewed by the FBI, al-Bayoumi's salary from his employer, the Saudi Civil Aviation authority, was approved by Hamid al-Rashid. Hamid is the father of Saud al-Rashid, whose photo was found in a raid of an al-Qa'ida safehouse in Karachi and who has admitted to being in Afghanistan between May 2000 and May 2001. The FBI noted, however, that there is no direct evidence that the money al-Rashid authorized for al-Bayoumi was used for terrorist purposes].

[In September 1998, the FBI opened a counterterrorism inquiry on al-Bayoumi based on a report [————————————————————————————————————].

[During the counterterrorism inquiry, the FBI discovered that al-Bayoumi had been in contact with several persons who were under FBI investigation [——].

[Page 183]

Despite the fact that he was a student, al-Bayoumi had access to seemingly unlimited funding from Saudi Arabia. For example, an FBI source identified al-Bayoumi as the person who delivered $400,000 from Saudi Arabia for the Kurdish mosque in San Diego. One of the FBI's best sources in San Diego informed the FBI that he thought that al-Bayoumi must be an intelligence officer for Saudi Arabia or another foreign power.

[The Bureau closed its inquiry on al-Bayoumi in July 1999 for reasons that remain unclear. The responsible FBI agent said that she closed the inquiry because the original complaint [————————————] turned out to be false and she had developed no other information of such significance as to justify continuing the investigation. [——

[redacted]]:

[[redacted]].

b. Osama Bassnan

[Page 184]

[Although the FBI has not developed definitive evidence that Osama Bassnan, another Saudi national living in San Diego, had ties to al-Hazmi and al-Mihdhar, the following information obtained by the Joint Inquiry suggests such a connection:

- Bassnan was a close associate of al-Bayoumi, [[redacted]]. Bassnan also had close ties to a number of other persons connected to the hijackers, including [[redacted]].

- [[redacted]].

- Bassnan lived in the apartment complex in San Diego across the street from al-Hazmi and al-Mihdhar.

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[Page 185]

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[The FBI did not investigate Bassnan before September 11, but had been made aware of him on several occasions. In May 1992, the State Department provided the FBI with a box of documents recovered from an abandoned car. The documents were in Arabic, and one, a newsletter to supporters of the Eritrean Islamic Jihad (EIJ) Movement, provided updates on the EIJ's council and was marked "confidential." The box contained letters addressed to Bassnan that discussed plans to import used cars to the United States. The FBI opened a counterterrorism inquiry on the EIJ, but, having failed to develop information that would predicate further investigation, closed the investigation in December 1992. In 1993, the FBI received reports that

Bassnan had hosted a party for the "Blind Sheikh" in Washington, D.C. in 1992. However, the FBI did not open an investigation].

The Intelligence Community had information connecting Bin Ladin to the EIJ as of 1996. [———————————————————————]. In addition, FBI documents note that a high-level member of the EIJ was on Bin Ladin's Shura Council. A May 2000 FBI document indicates that FBI Headquarters personnel were not handling EIJ matters due to resource constraints.

After September 11, the FBI developed information clearly indicating that Bassnan is an extremist and a Bin Ladin supporter. [———————————————————————
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———[page 186] ———————————————————————
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In early December 2002, the FBI orally advised the Joint Inquiry that it would be amending its written response to reflect the comments [———————————————————————
———————]. According to the FBI, the amended response will note that there is some evidence that Bassnan had contact with the hijackers, but the FBI does not believe this evidence to be credible and has not been able to corroborate this reporting through subsequent investigation.

c. [Imam]*

[After the September 11 attacks, the FBI developed information that al-Hazmi and al-Mihdhar were closely affiliated with an Imam in San Diego who reportedly served as their spiritual advisor during their time in San Diego. [———————————————

[In early 2000, the imam was visited by a subject of a Los Angeles investigation closely associated with Blind Sheikh al-Rahman. [————————————

strain to travel to Los Angeles. The business manager informed the agent that he had lived in San Diego for two and a half years and did not want to give his home address. The business manager said that he worked at the local business. The agent concluded that the business manager did not pose a threat to national security, and the investigation was closed in December 2000].

e. [Business Owner]

[The business owner, a Palestinian by birth and a U.S. citizen, owns a number of businesses in the San Diego area, including the business where al-Hazmi worked for several weeks. A number of the hijackers' associates, including [————] and [————], also worked at this business. FBI records show that both al-Mihdhar and al-Hazmi spent time socializing at the business].

[Page 189]

[Before September 11, the business owner was in contact with an individual who told the FBI after September 11 that he was al-Hazmi's best friend and that the individual had contact with an FBI informant who also had contacts with the hijackers. The FBI also learned that the business owner had been associating with other persons with possible ties to the hijackers, including Osama Bassnan, and it received reports that the business owner cheered upon learning of the September 11 attacks].

[The FBI conducted several investigations of the business owner prior to September 11. The first was opened in August 1991 upon receipt of reports from the San Diego Police Department that, during a traffic stop, he had stated that the United States needed another Pan Am 103 attack and that he could be the one to carry it out. The business owner also said that all Americans should be killed for what they did to Iraqis].

[During the investigation, the FBI developed information that the business owner was associated with members of the Palestinian Front for the Liberation of Palestine (PFLP), a known terrorist organization, in San Diego and Chicago. In 1994, San Diego police also received an anonymous call stating that the business owner was a PFLP member. The FBI received information in 1994 that he had threatened to kill a former Israeli intelligence officer

who resided in San Diego. The business owner informed the Israeli that he was a member of the Palestine Liberation Organization and that the orders to kill him had come from the PLO].

[The FBI closed its investigation of the business owner, but reopened it in 1997 when it received information tying him to a possible terrorist plot based in North Carolina. In February 2001, a stockbroker called the FBI to say that the business owner had closed his account, explaining that he was sending the money to freedom fighters in Afghanistan. During its post-September 11 investigation, the FBI discovered that the business owner was associating with Osama Bassnan and [————————], two other possible hijacker associates in San Diego].

[Page 190]

f. [An Individual]

[According to information obtained by the FBI after September 11, hijacker Marwan al-Shehhi was in contact with an individual (referred to as "the first individual" below) on the East Coast. [————————————

sciences. [———————————————

[Some evidence links Hanjour and the individual in the summer of 2001. The FBI has located records from a Phoenix flight school showing that one day in June Hanjour and several other persons signed up to use a Cessna simulator. The next day, two persons who signed up with Hanjour the previous day came to the facility with the individual. An employee of the flight school told the FBI that he recalls a fourth person had been with Hanjour the day before. Another employee placed Hanjour and this person together during that time frame, although she was not completely confident in her identification].

[The FBI attempted to investigate the individual in May 2001, but decided not to open a formal investigation after determining that the individual was out of the country. Because the FBI did not place the individual's name on a watchlist, it was unaware that the individual returned to the United States soon after and may have associated with Hanjour and several other Islamic extremists. In a Joint Inquiry hearing, a Phoenix [page 192] FBI agent conceded that the individual might have returned to the United States to screen pilots for the September 11 attacks].

VI. Germany – Investigation of the Hamburg Cell

According to the FBI, "much of what took place on September 11, 2001 originated during the mid-1990s when [presumed hijacker pilots] Mohammed Atta, Marwan al-Shehhi, and Ziad Jarrah moved to Germany, eventually settling in Hamburg, and began to associate with Islamic extremists."

An FBI agent asserted in a Joint Inquiry interview that the three future hijackers were not radicals when they came to Germany, but became so during their time there. While in Hamburg, Atta, al-Shehhi, and Jarrah attended the al Quds mosque where they met a group of radical Islamists, including Mohammed Haydar Zammar, Mamoun Darkazanli, Zakariya Essabar, Ramzi Bin al-Shibh, Said Bahaji, and Munir Mottasadeq. The hijackers prayed, worked, lived, socialized, and attended university classes with this group, which has become known as the "Hamburg Cell."

Zammar and Darkazanli were known to U.S. [————————————] before September 11. Zammar was born in Syria in 1961, moved to Germany, and obtained German citizenship. According to an FBI summary of its September 11 investigation, Zammar is believed to have recruited Atta, al-Shehhi, and Jarrah into al-Qa'ida and encouraged their participation in the September 11 attacks.

Darkazanli is a Syrian national, born in 1958. He entered Germany in 1983 and became a naturalized German citizen in 1990, though he retained his Syrian citizenship. While Darkazanli's relationship to the future hijackers is less clear, he is a close associate of Zammar.

According to the FBI, Bin al-Shibh and Essabar were to have participated in the conspiracies that carried out the September 11 attacks. A martyr video was discovered in Bin al-Shibh's possessions in Afghanistan, and [————] reportedly discovered information about flight training on Essabar's computer. [Page 193] However, neither was able to obtain a U.S. entry visa. Before the attacks, Bin al-Shibh and Bahaji left for Pakistan where Bin al-Shibh was eventually captured [————————————].

Mottasadeq lived with Atta and signed his will, and also had power of attorney for al-Shehhi. He is now being held in Germany on charges related to September 11.*

[——] Darkazanli was in contact with a number of Islamic extremists, including [——].

After September 11, the FBI discovered that Darkazanli traveled to Spain in the summer of 2001 at approximately the same time that Atta was there. It is possible that Darkazanli and Atta met with Yarkas, who may have had advance knowledge of the September 11 attacks.

* Motassadeq was convicted on February 19, 2003 in Germany of membership in a terrorist organization and accessory to over 3,000 murders in New York and Washington.

Spanish authorities intercepted a call to Yarkas on August 27, in which he was told, "we have entered the field of aviation and we have even slit the throat of the bird." The FBI speculates that the "bird" represented the bald eagle, symbol of the United States. Yarkas, who was arrested by the Spanish on November 13, 2001, has met at least twice with Bin Ladin. A Spanish indictment alleges that he had contacts with Mohammed Atta and Ramzi Bin al-Shibh. [———].

According to CIA documents, the U.S. Intelligence Community first became aware of Darkazanli in 1993 when a person arrested in Africa carrying false passports and counterfeit money was found with Darkazanli's telephone number. A CIA report notes that, despite careful scrutiny of Darkazanli and his business dealings, authorities were not able to make a case against him.

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The FBI became interested in Darkazanli in 1998 after the arrests of Wadi El-Hage and Abu Hajer, operatives in Bin Ladin's network. According to FBI documents, Darkazanli's fax and telephone numbers were listed in El-Hage's address book. El-Hage has been convicted for his role in the 1998 Embassy bombings and is in U.S. custody. The FBI also discovered that Darkazanli had power of attorney over a bank account belonging to Hajer, a high-ranking al-Qa'ida member who has served on its Shura Council. Hajer is currently in U.S. custody.

[———].

[Zammar had come to the CIA and FBI's attention on numerous occasions before the September 11 attacks. CIA documents refers to Zammar as an Islamic extremist and note that his name has turned up in the possession of several extremists questioned or detained. Of particular importance, [———————————————] in mid-1999 that Zammar was in direct contact with one of Bin Ladin's senior operational coordinators].

[In March 1999, CIA received intelligence about a person named "Marwan" who had been in contact with Zammar and Darkazanli. Marwan was described as a student who had spent time in Germany [————————————————]. The CIA speculated at the time that this was a Bin Ladin associate who lived in the United Arab Emirates, but now believes that Marwan was Marwan al-Shehhi, one of the presumed hijacker pilots. After September 11, the FBI received information about additional connections before the attacks between Zammar and persons who participated in the attacks].

[Considerable pressure was placed on foreign authorities in the years leading up to the September 11 attacks to target Darkazanli, Zammar, and other radicals [————]. A senior U.S. Government officer told [page 195] the Joint Inquiry that significant information concerning al-Qa'ida members had been shared with foreign authorities, but that it became apparent only after September 11, 2001 that the foreign authorities had been watching some of those persons before that date].

[The Joint Inquiry reviewed numerous documents describing efforts to pressure [——] authorities to act. [————————————————

[————————————

Fifteen of the 19 hijackers were Saudi nationals who received visas in Saudi Arabia. Before September 11, the United States had not established heightened screening for illegal immigration or terrorism by visitors from Saudi Arabia. In a Joint Inquiry hearing, DCI Tenet described a less than rigorous review of visa applicants in Saudi Arabia before September 11:

> Most of the young Saudis [hijackers] obtained their U.S. visas in the fall of 2000. The State Department did not have a policy to stringently examine Saudis seeking visas [page 197] before 11 September because there was virtually no risk that Saudis would attempt to reside or work illegally in the U.S. after their visas expired. U.S. Embassy and consular officials do cursory searches on Saudis who apply for visas, but if they do not appear on criminal or terrorist watchlists they are granted a visa. Thousands of Saudis every year are granted visas, as a routine; the majority are not even interviewed. The vast majority of Saudis study, vacation, or do business in the U.S. and return to the kingdom.

Consistent with this description of the situation, the Joint Inquiry's review confirmed that, prior to September 11, 2001, only a small percentage of visa applicants in Saudi Arabia were interviewed by consular affairs officers; travel agencies were used to deliver visa applications to consular offices in Saudi Arabia; and a relatively low standard was applied in scrutinizing visa applications for accuracy and completeness in Saudi Arabia.

The 19 hijackers received visas at consular offices abroad in accordance with routine procedures. The majority of the hijackers sought new passports shortly before applying for visas. Requests for new passports can stem from theft, loss, or accidental destruction. However, terrorists also often try to hide travel to countries that provide terrorist training by acquiring new passports.

Multiple-entry visas were issued to the hijackers for periods ranging from two to ten years. Eighteen of the nineteen received B-1/B-2 visas for tourist and business purposes. The nineteenth hijacker, Hani Hanjour, was issued a B-1/B-2 visa in error. He should have been issued an F-1 visa for study in the United States because he had expressed a desire to study English here. Recognizing the error, the INS issued Hanjour an F-1 visa when he arrived in the United States.

At their ports-of-entry, the hijackers were issued "stay visas" valid for six months. Some hijackers, Atta, Hanjour, al-Shehhi, al-Mihdhar, and Jarrah, entered and re-entered the United States for several six-month periods before September 11. They stayed for five or six months,

went abroad for weeks or months, re-entered the United States, and received additional six-month stays.

Since the majority of the hijackers were Saudi nationals who received their visas in Saudi Arabia, questions have been raised about the "Visa Express" program, a process in many countries that encourages visa applicants to submit non-immigrant applications to designated travel agencies or other collection points for forwarding to U.S. embassies. In Joint Inquiry interviews, State Department [page 198] officials described Visa Express as simply an application collection process and not a visa adjudication, issuance, or determination system. Visa Express is merely a way of "dropping the application off." Travel agencies assist by giving applicants correct forms, helping non-English speakers fill out the forms, and collecting fees. Approximately sixty embassies and consulates throughout the world use travel agencies or other businesses in this manner.

The Visa Express program in Saudi Arabia began in May 2001. Five of the 19 hijackers applied for visas in Saudi Arabia in June, so it is likely that they used travel agencies to acquire application forms and deliver them to the embassy. None of the five, including al-Mihdhar, was on a watchlist at the time. Thus, when name checks were performed, the system showed no derogatory information. If derogatory information did exist in the system, as was the case with a suspected terrorist who applied for a visa in Saudi Arabia in August 2001 under the Visa Express program, the watchlist system should block issuance of a visa.

State Department officials informed the Joint Inquiry that the Visa Express program was terminated in Saudi Arabia in July 2002 because news reports suggested that the program allowed Saudi applicants to skirt the normal process. According to State Department officials, the program did not affect the number of Saudis interviewed because applicants are selected for interviews when their applications present signs of an intention to immigrate. These officials said that all applications, including those delivered to consular officers under the Visa Express program in Saudi Arabia, were checked against the watchlist.

The Joint Inquiry also received information from the Immigration and Naturalization Service about the 19 hijackers, two of whom, including Nawaf al-Hazmi, had overstayed their visas. In addition, Hani Hanjour had been issued an F-1 visa to study English, but did not

register for classes and, therefore, became "a non-immigrant status violator." The INS was not aware of these violations until after September 11.

VIII. The Rising Threat and the Context of the September 11 Attacks

[Page 199]

A basic question before the Joint Inquiry was whether the Intelligence Community adequately recognized the threat international terrorist groups posed to the United States. The Inquiry therefore examined the evolution of the terrorist threat to this country, the Community's response since the creation of the Counterterrorist Center (CTC) in 1986, and what the Community has or should have learned from all sources, including previous terrorist attacks, about the threat to the United States.

[Understanding the September 11 attacks requires an historical perspective broader than the details of those attacks. Consequently, the Joint Inquiry took note of major acts of terrorism directed against the United States in the 1980s and early 1990s, including:

- The 1983 bombings of the U.S. Embassy and Marine Barracks in Beirut by Islamic Jihad
- The March 1984 kidnapping and murder of William Buckley, a CIA official in Beirut, and subsequent kidnapping of other U.S. citizens in Lebanon
- The April 1984 bombing of a restaurant frequented by members of the U.S. armed forces near Torrejon Airbase in Spain by the Iranian-backed terrorist group Hizbollah
- The September 1984 bombing of the U.S. Embassy annex in Beirut
- The June 1985 hijacking of TransWorld Airways Flight 847
- The October 1985 hijacking of the cruise ship Achille Lauro

- The November 1985 hijacking of an EgyptAir flight from Athens and

[Page 200]

- The December 1985 attack on the Rome and Vienna airports by the Abu Nidal organization.

Before the emergence of al-Qa'ida in the early 1990s, attacks like these shaped the U.S. Government's conception of how terrorist groups behaved. In general, those groups were viewed as instruments of the nation states that sponsored them and they were not interested in mass casualties. The lessons learned at that time were reflected in Joint Inquiry testimony by former National Security Advisor Brent Scowcroft:

> [In the late 1980s], terrorism was primarily a phenomenon which was state-sponsored or state-assisted or tolerated. And therefore, it was natural for us to think of deterring or dealing with terrorism primarily through the sponsor than through the terrorist organizations directly where things like deterrence and so on would have some impact.…A further point, none of the terrorist organizations at that time so far as we knew had global reach. This meant that while U.S. persons, U.S. interests, and U.S. assets were not immune from terrorist attack, the United States homeland, in effect, was. And that certainly colored how terrorism was viewed. Terrorist organizations appeared to be either regionally or issue related. And even though Hizbollah was thought to be behind many of the terrorist acts that occurred during the Reagan Administration, the acts themselves seemed to be relatively independent and uncoordinated events rather than part of an overall strategy.

Terrorism aimed at the United States began to take on a different set of characteristics in the 1990s as Bin Ladin and al-Qa'ida emerged as a threat to the United States. Bin Ladin was intent on striking inside the United States, and the Intelligence Community detected numerous signs of a pending terrorist attack by al-Qa'ida in the spring and summer of 2001.

A. A New Breed of Terrorists

International terrorism struck directly in the United States in February 1993, when a truck bomb exploded in the parking garage of the World Trade Center in New York City. A second alarm sounded in June 1993 when the FBI arrested eight persons for plotting to bomb New York City landmarks, including the United Nations and the Lincoln and Holland tunnels. The central figures in these plots were Ramzi Yousef and Sheikh Omar Abd al-Rahman, who was the

spiritual leader of both Gama'at al- [page 201] Islamiya and Egyptian Islamic Jihad. Although the Intelligence Community has not established that Bin Ladin had a role in either plot, both Yousef and Rahman were later determined to have ties to Bin Ladin. Both 1993 plots featured the deliberate intent to kill thousands of innocents by a group composed of different nationalities without a state sponsor, characteristics previously absent from terrorist schemes.

The new trend in terrorism became more apparent in January 1995 when Philippine National Police discovered Ramzi Yousef's bomb-making laboratory in Manila and arrested his accomplice, Abdul Hakim Murad. Captured material and interrogations of Murad revealed Yousef's plot to kill the Pope, bomb the U.S. and Israeli embassies in Manila, blow up twelve U.S. airliners over the Pacific Ocean, and crash a plane into CIA Headquarters. These plans were known collectively as the "Bojinka Plot." Murad was eventually convicted for his role in the plot and is currently incarcerated in the United States.

It is worth noting that Murad was charged only for his involvement in the scheme to blow up the airliners over the Pacific and not for the other aspects of the Bojinka Plot. Because the plans to crash a plane into CIA Headquarters and to assassinate the Pope were only at the "discussion" stage, prosecutors decided not to include those plots in the indictment. FBI agents who were interviewed by the Joint Inquiry about the Bojinka Plot confirmed this tight focus on the elements of the crime investigated and charged, explaining that the case was about a plan to blow up twelve airliners and, therefore, other aspects of the plot were not relevant to the prosecution. As a result, the Joint Inquiry was able to locate almost no references to the plan to crash a plane into CIA Headquarters in the FBI's investigatory files on the case.

The first World Trade Center bombing, the New York City landmarks plot, and the Bojinka Plot pointed to a new form of terrorism. The plots revealed a growing threat from persons who ascribed to a radical interpretation of Sunni Islam; they involved infliction of mass casualties; and they confirmed that international terrorists were interested in attacking symbolic targets within the United States, such as the World Trade Center.

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The increasing development of religious-based terrorist organizations in the 1990s contributed directly to the emergence of this new form. As Bruce Hoffman, a terrorism expert

with the RAND Corporation noted in a statement for the Joint Inquiry record: "[f]or the religious terrorist, violence first and foremost is a sacramental act or a divine duty."

The new breed also focused on America. In testimony before the Joint Inquiry, former National Security Advisor Sandy Berger noted that the new terrorists were "hardened by battle against the Soviets in Afghanistan in the '80s and energized against the United States by the military presence we left in Saudi Arabia after the Gulf War."

The first attack on the World Trade Center in 1993, five years before Bin Ladin openly called on his followers to bring *jihad* to America, was a clear signal that Sunni extremists sought to kill Americans on American soil. Seven years later, the arrest of Ahmed Ressam and the seizure of bomb-making materials in his car at the U.S./Canada border should have dispelled all doubt that al-Qa'ida and its sympathizers sought to operate on U.S. soil, even though most of the terrorist masterminds remained overseas.

Emphasis on mass casualties was another important change from the terrorism the United States witnessed in the 1980s. Although attacks in the 1980s sometimes were intended to kill hundreds of official or military personnel, for example, the bombings of the Marine barracks and the U.S. Embassy in Lebanon, no major terrorist group attempted to kill thousands of civilians. Brian Jenkins, an expert on terrorism, wrote in 1975: "[T]errorists want a lot of people watching and a lot of people listening and not a lot of people dead." Twenty years later, Director of Central Intelligence James Woolsey contended that: "[T]oday's terrorists don't want a seat at the table; they want to destroy the table and everyone sitting at it." The 1999 edition of the FBI's *Terrorism in the United States* pointed out that the number of terrorist attacks had decreased in the 1990s, but the number of casualties had increased. Terrorism had evolved from a frightening episodic danger that could kill hundreds to an ominous menace that directly threatened the lives of tens of thousands of Americans.

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It took some time for the Intelligence Community to recognize the emergence of this new form of terrorism. In Joint Inquiry interviews, FBI personnel who were involved in the investigation of the 1993 World Trade Center bombing suggest that the Intelligence Community was initially confused about the new adversary. This form of terrorism featured Arabs from countries hostile to one another working together without a state sponsor. Counterterrorism

experts eventually recognized the shift and incorporated it into their analyses. A July 1995 National Intelligence Estimate, for example, identified a "new breed" of terrorist, who did not have a state sponsor, was loosely organized, favored an Islamic agenda, and had an extreme penchant for violence.

B. Emergence of Usama Bin Ladin and al-Qa'ida

Usama Bin Ladin's connection to international terrorism first came to the attention of the Intelligence Community in the early 1990s. According to a former CTC Chief in testimony before the Joint Inquiry, Bin Ladin was first seen as "a rich Saudi supporting Islamic extremist causes." He founded the al-Qa'ida organization in 1989 and moved to Sudan in 1991 or 1992. During his time in Sudan, Bin Ladin built a network of international Islamic extremists and allied himself with other Sunni terrorist groups.

Bin Ladin drew on a broad network of Islamic radicals fighting in the Balkans, Chechnya, and Kashmir in an attempt – in their eyes – to defend Islam against its persecutors. Fighters from Saudi Arabia, Egypt, Pakistan, and many other countries took up arms to aid their co-religionists, while Muslims from around the world contributed money. Although the specific actions of al-Qa'ida often did not enjoy widespread support, the causes it championed were viewed as legitimate, indeed laudable, in much of the Muslim world.

[In December 1992, as U.S. military forces were deploying to Somalia as part of a United Nations operation to provide humanitarian assistance to a starving population, Islamic extremists attacked a hotel in Aden, Yemen housing U.S. service members supporting that operation. An Intelligence Community paper from April 1993 concluded that "[Bin Ladin's] group almost certainly played a role" in that attack. An article from an April 1993 National Intelligence Daily also took note that three to four hundred Islamic militants had [page 204] received training the previous year at military camps in Afghanistan funded by Persian Gulf Arabs. One camp was run by an Egyptian and funded by Bin Ladin].

In Joint Inquiry testimony, former CTC Chief Cofer Black reported that the CIA learned in 1993 that "Bin Ladin was channeling funds to Egyptian extremists" and in 1994 that "al-Qa'ida was financing at least three terrorist training camps in northern Sudan." He also noted

Bin Ladin's connection to the 1995 assassination attempt against Egyptian President Mubarak and explained that "an al-Qa'ida defector [had] laid out for us Bin Ladin's role as a head of a global terrorist network."

[In November 1995, five Americans were killed when the Office of Program Management at a Saudi National Guard facility in Riyadh was bombed. According to the Intelligence Community, the cumulative body of evidence eventually suggested that Bin Ladin and a group he supported were responsible. [——].

In May or June 1996, Bin Ladin moved from Sudan to Afghanistan, where he was treated as an honored guest of the Taliban, then the dominant political and military group. According to DCI Tenet's testimony before the Joint Inquiry, "[o]nce Bin Ladin found his safehaven in Afghanistan, he defined himself publicly as a threat to the United States. In a series of declarations, he made clear his hatred for Americans and all we represent."

In August 1996, Bin Ladin issued a public *fatwa* or religious decree, authorizing attacks by his followers against Western military targets on the Arabian Peninsula. In February 1998, Bin Ladin and four other extremists issued another public *fatwa* expanding the 1996 *fatwa* to include U.S. military and civilian targets anywhere in the world. In a May 1998 press conference, Bin Ladin publicly discussed "bringing the war home to America."

On August 7, 1998, two truck bombs destroyed U.S. embassies in Nairobi, Kenya and Dar Es Salaam, Tanzania. Two hundred twenty four people, including twelve Americans, were killed in the attacks and 5,000 were injured. The Intelligence Community confirmed very quickly that these attacks [page 205] had been carried out by Bin Ladin's terrorist network. The attacks showed that the group was capable of carrying out simultaneous attacks and inflicting mass casualties.

In early December 1999, the Jordanian government arrested members of a terrorist cell that planned to attack religious sites and tourist hotels in connection with the Millennium celebrations. About a week later, in mid-December 1999, Algerian extremist Ahmed Ressam tried to enter the United States from Canada with bomb making chemicals and detonator

equipment. He was arrested after an alert Customs agent asked to search his car and he attempted to flee. Investigation revealed that his target was Los Angeles International Airport and that he was an operative with ties to Bin Ladin's network.

In describing what the U.S. Government might have done differently before September 11, DCI Tenet testified:

> [T]he one thing that strikes me that we all just let pass from the scene after the Millennium threat was this fellow who tried to cross the border from Canada into the United States. There were no attacks. There were no Americans killed. We didn't have any hearings. We didn't talk about failures. We didn't talk about accountability. We just assumed the system would keep working because it prevented the last attack. He tried to cross the border; and I think one of the things that everybody should have done is say, "what does this mean?," more carefully, rather than just moving from this threat to the next. Assuming that it had been disrupted, what does it mean for the homeland? Should we have taken more proactive measure sooner? Hindsight is perfect, but it is the one event that sticks in my mind.

In October 2000, Bin Ladin operatives carried out an attack by boat on *USS Cole*, as it was refueling in Aden, Yemen. Seventeen U.S. sailors were killed. An investigation revealed that *USS The Sullivans* had been the original target of the *Cole* attack in January 2000, but the terrorists' boat had sunk from the weight of the explosives loaded on it.

C. Attributes of Bin Ladin's Terrorist Operations

As the 1990s progressed, it became clear that Bin Ladin's terrorist network was unusual, although not unique, in its skill, dedication, and ability to evolve. The 1998 embassy attacks, the [page 206] planned attack in Jordan around the Millennium, and the attack on *USS Cole* suggested a highly capable adversary. Operations carried out by Bin Ladin's network before September 11 suggested several worrisome traits:

- Long-range planning. The 1998 attack on two U.S. embassies in East Africa took five years from its inception. The planning for the attack on *USS Cole* took several years.

- Simultaneous operations. The 1998 attack on the two embassies and the Millennium plots demonstrated that al-Qa'ida was able to conduct simultaneous attacks, suggesting sophisticated overall planning. In a statement for the Joint Inquiry record, RAND's Bruce Hoffman noted that simultaneous terrorist attacks are rare, as few groups have enough skilled operators, logisticians, and planners to conduct such operations.

- Operational security. Terrorist manuals and training emphasize that operations should be kept secret and details compartmented. Communications security is also stressed. Thus, disrupting these operations is difficult, even if low-level foot soldiers make mistakes and are arrested. Several attacks carried out by Bin Ladin's operatives occurred with little warning. Even the successful disruption of part of a plot, as occurred during the Millennium, does not necessarily reveal other planned attacks, such as an attack on a U.S. warship planned for around the same time.

- Flexible command structure. Bin Ladin's network uses at least four different operational styles: a top-down approach employing highly-skilled radicals; training amateurs like Richard Reid, the so-called "shoebomber," to conduct simple, but lethal attacks; helping local groups with their own plans, as with Jordanian plotters during the Millennium; and fostering like-minded insurgencies. Tactics that can stop one type of attack do not necessarily work against others.

- Imagination. Most terrorists are conservative in their methods, relying on small arms or simple explosives. The attack on *USS Cole,* however, was a clear indication of the Bin [page 207] Ladin network's tactical flexibility and willingness to go beyond traditional delivery means and targets.

Size also distinguishes Bin Ladin's network from many terrorist groups. The recently disrupted Greek radical group, November 17, for example, contained fewer than fifty people. According to Hoffman, the Japanese Red Army and the Red Brigades both had fewer than one hundred dedicated members. Even the Irish Republican Army, one of the most formidable terrorist organizations in the 1970s and 1980s, had no more than four hundred activists.

Arresting and prosecuting members of these groups was an effective way to end or lessen the threat they posed.

Although the number of highly skilled and dedicated persons who have sworn fealty to Bin Ladin was probably in the low hundreds before September 11, the organization as a whole is much larger, with tens of thousands having gone through the training camps in Afghanistan. Its organizational and command structures, which employ many activists who are not formal members of the organization, make it difficult to determine where al-Qa'ida ends and other radical groups begin. Media reports indicate that al-Qa'ida has trained thousands of activists in Sudan and Afghanistan, and interviews of intelligence officials indicate that al-Qa'ida can draw on thousands of supporters when raising funds, planning, and executing attacks.

D. Intelligence about Bin Ladin's Intentions to Strike Inside the United States

Central to the September 11 plot was Bin Ladin's determination to carry out a terrorist operation inside the United States. The Joint Inquiry therefore reviewed information the Intelligence Community held before September 11 that suggested that an attack within the United States was a possibility. Our review confirmed that, shortly after Bin Ladin's May 1998 press conference, the Community began to acquire intelligence that Bin Ladin's network intended to strike within the United States. Many of these reports were disseminated throughout the Community and to senior U.S. policy-makers.

These intelligence reports should be understood in their proper context. First, they generally did not contain specific information as to where, when, and how a terrorist attack might occur, and, [page 208] generally, they were not corroborated. Second, these reports represented a small percentage of the threat information that the Intelligence Community obtained during this period, most of which pointed to the possibility of attacks against U.S. interests overseas. Nonetheless, there was a modest, but relatively steady stream of intelligence indicating the possibility of terrorist attacks inside the United States. Third, the credibility of the sources providing this information was sometimes questionable. While one could not, as a result, give too much credence to some of the individual reports, the totality of the information in this body of reporting clearly reiterated a consistent and critically important theme: Bin Ladin's intent to launch terrorist attacks within the United States.

The Joint Inquiry reviewed many intelligence reports, including:

- In June 1998, the Intelligence Community obtained information from several sources that Bin Ladin was considering attacks in the United States, including Washington, D.C., and New York. This information was provided to [————————] senior government officials in July 1998.

- In August 1998, the Intelligence Community obtained information that a group of unidentified Arabs planned to fly an explosive-laden plane from a foreign country into the World Trade Center. The information was passed to the FBI and the FAA. The latter found the plot to be highly unlikely, given the state of the foreign country's aviation program. Moreover, the agencies believed that a flight originating outside the United States would be detected before it reached its intended target inside the United States. The FBI's New York office took no action on the information, filing the communication in the office's bombing file. The Intelligence Community acquired additional information since then suggesting links between this group and other terrorist groups, including al-Qa'ida

- In September 1998, the Community prepared a memorandum detailing al-Qa'ida infrastructure in the United States, including the use of fronts for terrorist activities. [page 209] This information was provided to [————————] senior government officials in September 1998.

- In September 1998, the Community obtained information that Bin Ladin's next operation might involve flying an explosives-laden aircraft into a U.S. airport and detonating it. This information was provided to [————————] senior government officials in late 1998.

- In October 1998, the Community obtained information that al-Qa'ida was trying to establish an operative cell within the United States. This information suggested an

effort to recruit U.S. citizen Islamists and U.S.-based expatriates from the Middle East and North Africa.

- In the fall of 1998, the Community received information concerning a Bin Ladin plot involving aircraft in the New York and Washington, D.C. areas.

- In November 1998, the Community obtained information that a Bin Ladin terrorist cell was attempting to recruit a group of five to seven men from the United States to travel to the Middle East for training, in conjunction with a plan to strike U.S. domestic targets.

- In November 1998, the Community received information that Bin Ladin and senior associates had agreed to allocate rewards for the assassination of four "top" intelligence agency officers. The bounty for each assassination was $9 million. The bounty was in response to the U.S. announcement of an increase in the reward for information leading to Bin Ladin's arrest.

- In the spring of 1999, the Community obtained information about a planned Bin Ladin attack on a government facility in Washington, D.C.

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- In August 1999, the Community obtained information that Bin Ladin's organization had decided to target the U.S. Secretary of State, Secretary of Defense, and DCI. "Target" was interpreted by Community analysts to mean "assassinate."

- In September 1999, the Community obtained information that Bin Ladin and others were planning a terrorist act in the United States, possibly against specific landmarks in California and New York City.

- In late 1999, the Community obtained information regarding possible Bin Ladin network plans to attack targets in Washington, D.C. and New York City during the Millennium celebrations.

- On December 14, 1999, Ahmed Ressam was arrested as he attempted to enter the United States from Canada, and chemicals and detonator materials were found in his car. Ressam's intended target was Los Angeles International Airport. Ressam was later determined to have links to Bin Ladin's terrorist network.

- In February 2000, the Community obtained information that Bin Ladin was making plans to assassinate U.S. intelligence officials, including the Director of the FBI.

- In March 2000, the Community obtained information regarding the types of targets that operatives in Bin Ladin's network might strike. The Statue of Liberty was specifically mentioned, as were skyscrapers, ports, airports, and nuclear power plants.

- In March 2000, the Intelligence Community obtained information suggesting that Bin Ladin was planning attacks in specific West Coast areas, possibly involving the assassination of several public officials.

- In April 2001, the Community obtained information from a source with terrorist connections who speculated that Bin Ladin was interested in commercial pilots as [page 211] potential terrorists. The source warned that the United States should not focus only on embassy bombings, that terrorists sought "spectacular and traumatic" attacks and that the first World Trade Center bombing would be the type of attack that would be appealing. The source did not mention a timeframe for an attack. Because the source was offering personal speculation and not hard information, the information was not disseminated within the Intelligence Community.

The Joint Inquiry did not find any comprehensive Intelligence Community list of Bin Ladin-related threats to the United States that was prepared and presented to policymakers before September 11. Such a compilation might have highlighted the volume of information the Community had acquired about Bin Ladin's intention to strike inside the United States.

[Nonetheless, the Intelligence Community did not leave unnoticed Bin Ladin's February 1998 declaration of war and intelligence reports indicating possible terrorist attacks inside the

United States. The Community advised senior officials, including [————————] the Congress, of the serious nature of the threat. The Joint Inquiry also reviewed documents, other than intelligence reports, that demonstrate that the Intelligence Community, at least at senior levels, understood the threat Bin Ladin posed to the domestic United States, for example:

- A December 1998 Intelligence Community assessment that Bin Ladin "is actively planning against U.S. targets. . . . Multiple reports indicate UBL is keenly interested in striking the U.S. on its own soil . . . . [A]l-Qa'ida is recruiting operatives for attacks in the U.S. but has not yet identified potential targets."

- The December 1998 declaration of war memorandum from the DCI to his deputies at the CIA:

  > We must now enter a new phase in our effort against Bin Ladin . . . we all acknowledge that retaliation is inevitable and that its scope may be far larger than we have previously experienced. . . . We are at war. . . . I want no resources or people spared in this effort, either inside CIA or the [Intelligence] Community.

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- A document prepared by the CIA and signed by the President in December 1998: "The Intelligence Community has strong indications that Bin Ladin intends to conduct or sponsor attacks inside the United States."

- June 1999 testimony to the Senate Select Committee on Intelligence by the CTC Chief and a July 1999 briefing to House Permanent Select Committee on Intelligence staff members describing reports that Bin Ladin and his associates were planning attacks inside the United States.

- A document prepared by the CIA and signed by the President in July 1999 characterizing Bin Ladin's February 1998 statement as a "de facto declaration of war" on the United States.

In testimony before the Joint Inquiry, however, former National Security Advisor Sandy Berger put this information in context:

> The stream of threat information we received continuously from the FBI and CIA pointed overwhelmingly to attacks on U.S. interests abroad. Certainly the potential for attacks in the United States was there.

E. Indications of a Possible Terrorist Attack in Spring and Summer 2001

The Joint Inquiry record confirms that, in the eyes of the Intelligence Community, the world appeared increasingly dangerous for Americans in the spring and summer of 2001. During that period, the Intelligence Community detected a significant increase in information that Bin Ladin and al-Qa'ida intended to strike against U.S. interests in the very near future. Some Community officials have suggested that the increase in threat reporting was unprecedented, at least in their own experience. While the reporting repeatedly predicted dire consequences for Americans, it did not provide specific detail that could be acted on.

Between late March and September 2001, the Intelligence Community identified numerous signs of an impending terrorist attack, some of which pointed specifically to the United States as a target: [page 213]

- In March, an intelligence source claimed that a group of Bin Ladin operatives was planning to conduct an unspecified attack in the United States in April 2001. One of the operatives allegedly resided in the United States.

- In April, the Intelligence Community obtained information that unspecified terrorist operatives in California and New York State were planning a terrorist attack in those states for April.

- [Between May and July, the National Security Agency reported at least thirty-three communications suggesting a possibly imminent terrorist attack. The Intelligence Community thought at the time that one of them might have constituted a signal to proceed with terrorist operations. While none of these reports provided specific information on the attack, and it was not clear that any persons involved in the intercepted communications had first-hand knowledge of where, when, or how an

attack might occur, they were widely disseminated within the Intelligence Community].

- In May, the Intelligence Community obtained a report that Bin Ladin supporters were planning to infiltrate the United States by way of Canada to carry out a terrorist operation using high explosives. This report mentioned without specifics an attack within the United States. In July, this information was shared with the FBI, the Immigration and Naturalization Service, the Customs Service, and the State Department and was included in an intelligence report for senior government officials in August.

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- In May, the Department of Defense acquired and shared with other elements of the Intelligence Community information suggesting that seven persons associated with Bin Ladin had departed various locations for Canada, the United Kingdom, and the United States.

- In June, CTC obtained information that key operatives in Bin Ladin's organization were disappearing, while others were preparing for martyrdom.

- In July, the CTC became aware of a person who had recently been in Afghanistan who reported, "Everyone is talking about an impending attack." The Intelligence Community was also aware that Bin Ladin had stepped up his propaganda efforts in the preceding months.

- On August 16, the INS detained Zacarias Moussaoui in Minneapolis, Minnesota. His conduct had aroused suspicions about why he was learning to fly large commercial aircraft and had prompted the flight school he was attending to contact the local FBI field office. FBI agents believed that Moussaoui might have intended to carry out a terrorist act.

- On August 23, CIA requested that al-Mihdhar and al-Hazmi, who had first come to the attention of the CIA and NSA in 1999 as possible associates of Bin Ladin's

network, be added to the Department of State watchlist for denying entry to the United States.

- In late summer, the Intelligence Community obtained information that a person associated with al-Qa'ida was considering terrorist operations in the United States. There was no information as to the timing or possible targets.

- On September 10, NSA intercepted two communications [————————] suggesting imminent terrorist activity. These communications were not translated [page 215] into English and disseminated until September 12. They were not specific, and it is unclear whether they referred to the September 11 attacks.

During the summer of 2001, the Intelligence Community also disseminated information to a wide range of senior government officials at all federal agencies and military commands about the potential for imminent terrorist attacks. For example:

- On June 25, the Intelligence Community issued a terrorist threat advisory warning government agencies that there was a high probability of an imminent "spectacular" terrorist attack resulting in numerous casualties against U.S. interests abroad by Sunni extremists associated with al-Qa'ida.

- Subsequently, intelligence information provided to [————————] senior government leaders on June 30 indicated that Bin Ladin's organization expected near-term attacks to have dramatic consequences on governments or cause major casualties.

- [A briefing prepared for senior government officials at the beginning of July asserted: "Based on a review of all-source reporting over the last five months, we believe that UBL will launch a significant terrorist attack against U.S. and/or Israeli interests in the coming weeks. The attack will be spectacular and designed to inflict mass casualties against U.S. facilities or interests. Attack preparations have been made. Attack will occur with little or no warning]."

- Later, on July 9, intelligence information provided to [————————] senior government leaders indicated that members of Bin Ladin's organization continued to expect imminent attacks on U.S. interests.

[Of particular interest to the Joint Inquiry was whether and to what extent the President received threat-specific warnings during this period. Access to this information was denied the Joint Inquiry by [page 216] the White House. However, the Joint Inquiry was told by a representative of the Intelligence Community that, in August 2001, a closely held intelligence report for [————————] senior government officials included information that Bin Ladin had wanted to conduct attacks in the United States since 1997. The information included discussion of the arrest of Ahmed Ressam in December 1999 at the U.S.-Canadian border and the 1998 bombings of U.S. embassies in Kenya and Tanzania. It mentioned that members of al-Qa'ida, including some U.S. citizens, had resided in or traveled to the United States for years and that the group apparently maintained a support structure here. The report cited uncorroborated information obtained and disseminated in 1998 that Bin Ladin wanted to hijack airplanes to gain the release of U.S.-held extremists; FBI judgments about patterns of activity consistent with preparations for hijackings or other types of attacks; as well as information acquired in May 2001 that indicated a group of Bin Ladin supporters was planning attacks in the United States with explosives].*

The Joint Inquiry was also interested in the nature and scope of the intelligence that was being provided to senior policymakers regarding the terrorist threat. In addition to the President's Daily Brief, the Intelligence Community produces a Senior Executive Intelligence Brief (SEIB) each day, a series of short articles that summarize political, military, economic, and diplomatic developments around the world of particular interest to senior government executives. The Joint Inquiry reviewed SEIBs distributed by the Intelligence Community in the spring and summer of 2001 and confirmed a rise in reporting on Bin Ladin between March and June. This increase was still only a relatively small portion of the array of intelligence subjects that the SEIBs brought to the attention of policymakers. For example, the peak in Bin Ladin–related

* National Security Advisor Condoleeza Rice stated in a May 16, 2002 press briefing that, on August 6, 2001, the President's Daily Brief (PDB) included information about Bin Ladin's methods of operation from a historical perspective dating back to 1997. One of the methods was that Bin Ladin might choose to highjack an airliner in order to hold passengers hostage to gain release of one of their operatives. She stated, however, that the report did not contain specific warning information, but only a generalized warning, and did not contain information that al-Qa'ida was discussing a particular planned attack against a specific target at any specific time, place, or by any specific method.

reporting came in June 2001 when Islamic extremists, including Bin Ladin and al-Qa'ida, were referred to in eighteen of the 298 articles that appeared in the SEIBs that month.

The rise in threat reporting concerning Bin Ladin in 2001, though lacking in detail, did generate government terrorist advisories and warnings, including:

- An FAA Circular on June 22, 2001, referring to a possible hijacking plot by Islamic terrorists to secure the release of fourteen persons incarcerated in the United States in connection with the 1996 bombing of Khobar Towers.

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- A public, worldwide caution issued by the State Department on June 22, warning Americans traveling abroad of the increased risk of a terrorist action.

- Four terrorism warning reports or warning report extensions issued by the Department of Defense on June 22 and 26, and July 6 and 20, primarily to alert U.S. military forces and the Department of Defense to signs that Bin Ladin's network was planning a near-term, anti-U.S. terrorist operation.

- A State Department démarche to Taliban representatives in Pakistan on June 26, 2001, declaring that the Taliban would be held responsible for terrorist attacks carried out by Bin Ladin or al-Qa'ida.

- An FBI communication on July 2, advising federal, state, and local law enforcement agencies of increased threat reporting about groups aligned with or sympathetic to Bin Ladin. The communication noted that the majority of the reports suggested a potential for attacks against U.S. targets abroad and that the FBI had no information suggesting a credible threat of terrorist attack in the United States, although the possibility could not be discounted.

Deputy Secretary of State Richard Armitage described the situation to the Joint Inquiry:

> In fact, [the intelligence] was good enough for us to take several steps. We issued between January and September nine warnings, five of them global, because of the threat information we were receiving from the intelligence agencies in the

> summer, when George Tenet was around town literally pounding on desks saying, something is happening, this is an unprecedented level of threat information. He didn't know where it was going to happen, but he knew that it was coming.

Interviews conducted during the Joint Inquiry show that the general view within the Intelligence Community in the spring and summer of 2001 was that an attack on U.S. interests was more likely to occur overseas, possibly in Saudi Arabia and Israel. Intelligence information, the arrest of suspected terrorists in the Middle East and Europe, and a credible report of a plan to attack a U.S. embassy in the [page 218] Middle East shaped the Community's thinking about where an attack was likely to occur. In fact, FBI agents working in Yemen on the *Cole* investigation were told to leave the country because of concern about a possible attack.

The belief that an attack was likely to occur overseas was also reflected in numerous statements and data the Joint Inquiry reviewed, for example:

- In a May 16, 2002 press briefing, National Security Advisor Condoleezza Rice said: "I want to reiterate that during this time, the overwhelming bulk of the evidence was that this was an attack that was likely to take place overseas"

- The FBI's Assistant Director for Counterterrorism at the time said that the intelligence he was seeing led him to believe with a high probability – "98 percent" – that an attack would occur overseas.

- At a Joint Inquiry hearing, Deputy Secretary of State Richard Armitage testified: "I, in general, perceived the threat to be at our interests overseas, primarily in the Gulf, some in Southeast Asia, and most definitely in Israel. That is from my point of view and the Department of State."

- At the same hearing, Deputy Secretary of Defense Paul Wolfowitz testified: "I would say near-term we perceived the threat to be overseas, as Secretary Armitage says. In the mid- to longer-term, we perceived the threat to be mass casualties in the United States as a result of chemical or biological or conceivably nuclear attack. . . ."

- Deputy National Security Advisor Steve Hadley asserted in a written response to Joint Inquiry questions:

> The specific warning the Administration did have pointed to operations against U.S. interests abroad. . . . The threat warnings, in the spring and summer of 2001, did not, to my knowledge, include any specific warning information to indicate plans for terrorist [page 219] attacks inside the United States. . . . During this period of increased threat reporting, information from [Intelligence Community] agencies focused specifically on potential attacks in Europe, the Middle East, and the Arabian Peninsula. . . . [Intelligence Community] officials, however, did not discount the possibility of domestic attacks by al-Qa'ida and other groups.

Bin Ladin-related threat reporting began to decline in July 2001. The Intelligence Community did, however, continue to follow up on some of the information in its possession.

F. Intelligence Information on Possible Terrorist Use of Airplanes as Weapons

Central to the September 11 attacks was the terrorists' use of airplanes as weapons, which National Security Advisor Condoleezza Rice addressed in a May 2002 press briefing:

> I don't think anybody could have predicted that these same people would take an airplane and slam it into the World Trade Center, taken another one and slam it into the Pentagon; that they would try to use an airplane as a missile, a hijacked airplane as a missile. All of this reporting about hijacking was about traditional hijacking. You take a plane – people were worried they might blow one up, but they were most worried that they might try to take a plane and use it for release of the blind Sheikh or some of their own people.

The Joint Inquiry confirmed that, before September 11, the Intelligence Community produced at least twelve reports over a seven-year period suggesting that terrorists might use airplanes as weapons. As with the intelligence reports indicating Bin Ladin's intentions to strike inside the United States, the credibility of sources was sometimes questionable and information often sketchy. The reports reviewed by the Joint Inquiry included:

- In December 1994, Algerian Armed Islamic Group terrorists hijacked an Air France flight in Algiers and threatened to crash it into the Eiffel Tower. French authorities deceived the terrorists into thinking the plane did not have enough fuel to reach Paris and diverted it to Marseilles. A French anti-terrorist force stormed the plane and killed all four terrorists.

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- In January 1995, a Philippine National Police raid turned up material in a Manila apartment suggesting that Ramzi Yousef, Abdul Murad, and Khalid Shaykh Mohammad planned, among other things, to crash an airplane into CIA Headquarters. The police said that the same group was responsible for the bombing of a Philippine airliner on December 12, 1994. Information on the threat was passed to the FAA, which briefed U.S. and major foreign carriers.

- In January 1996, the Intelligence Community obtained information concerning a planned suicide attack by persons associated with Shaykh al-Rahman and a key al-Qa'ida operative to fly to the United States from Afghanistan and attack the White House.

- In October 1996, the Intelligence Community obtained information regarding an Iranian plot to hijack a Japanese plane over Israel and crash it into Tel Aviv. A passenger would board the plane in the Far East, commandeer the aircraft, order it to fly over Tel Aviv, and crash the plane into the city.

- In 1997, an FBI Headquarters unit became concerned about the possibility that an unmanned aerial vehicle (UAV) would be used in terrorist attacks. The FBI and CIA became aware of reports that a group had purchased a UAV and concluded that the group might use the plane for reconnaissance or attack. The possibility of an attack outside the United States was thought to be more likely, for example, by flying a UAV into a U.S. embassy or a U.S. delegation.

- In August 1998, the Intelligence Community obtained information that a group, since linked to al-Qa'ida, planned to fly an explosive-laden plane from a foreign country into the World Trade Center. As explained earlier, the FAA found the plot to be highly unlikely given the state of the foreign country's aviation program. Moreover, the agencies concluded that a flight originating outside the United States would be detected before it reached its target. The FBI's New York office took no action on the information.

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- In September 1998, the Intelligence Community obtained information that Bin Ladin's next operation might involve flying an explosives-laden aircraft into a U.S. airport and detonating it. This information was provided to senior government officials in late 1998.

- In November 1998, the Intelligence Community obtained information that the Turkish Kaplancilar, an Islamic extremist group, had planned a suicide attack to coincide with celebrations marking the death of Ataturk, the founder of modern Turkey. The conspirators, who were arrested, planned to crash an airplane packed with explosives into Ataturk's tomb during a ceremony. The Turkish press said the group had cooperated with Bin Ladin, and the FBI's New York office included this incident in a Bin Ladin database.

- In February 1999, the Intelligence Community obtained information that Iraq had formed a suicide pilot unit that it planned to use against British and U.S. forces in the Persian Gulf. The CIA commented that this was highly unlikely and probably disinformation.

- In March 1999, the Intelligence Community obtained information regarding plans by an al-Qa'ida member, who was a U.S. citizen, to fly a hang glider into the Egyptian Presidential Palace and detonate explosives. The person, who received hang glider training in the United States, brought a hang glider to Afghanistan. However, various problems arose during the testing of the glider. He was subsequently arrested and is in custody abroad.

- In April 2000, the Intelligence Community obtained information regarding an alleged Bin Ladin plot to hijack a Boeing 747. The source, a "walk-in" to the FBI's Newark office, claimed that he had learned hijacking techniques and received arms training in a Pakistani camp. He also claimed that he was to meet five or six persons in the United States. Some of these persons would be pilots who had been instructed to take over a plane, fly to Afghanistan, or, if they could not make it there, blow the plane up. Although [page 222] the source passed a polygraph, the Bureau was unable to verify any aspect of his story or identify his contacts in the United States.

- In August 2001, the Intelligence Community obtained information about a plot to bomb the U.S. embassy in Nairobi from an airplane or crash the airplane into it. The Intelligence Community learned that two people who were reportedly acting on instructions from Bin Ladin met in October 2000 to discuss this plot.

The CIA disseminated several of these reports to the FBI and to agencies responsible for preventive actions. These included the FAA, which is responsible for issuing security directives, alerting domestic and international airports and airlines of threats the Intelligence Community has identified.*

In testimony before the Joint Inquiry, DCI Tenet mentioned additional evidence developed since September 11 concerning al-Qa'ida's intention of to use airplanes as weapons:

> [After 11 September, we learned from a foreign government service that in 1996, Bin Ladin's second-in-command, Muhammad Atif, drew up a study on the feasibility of hijacking US planes and destroying them in flight, possibly influenced by Yousef's and Mukhtar's unrealized plans [the Bojinka Plot]. . . . Bin Ladin's determination to strike America at home increased with the issuance of the February 1998 *fatwa* targeting all Americans, both military and civilian. The ideas about destroying commercial airliners that had been circulating in al-Qa'ida leadership circles for several years appear to have been revived after that *fatwa*, in the early planning stages of the 9/11 plot. We believe that outside events also shaped al-Qa'ida leaders' thinking about an airliner attack. [————————————] the October 1999 crash of Egypt Air Flight 990, attributed in the media to a suicidal pilot, may have encouraged al-Qa'ida's growing impression that air travel was a vulnerability for the United States].

Despite these reports, the Intelligence Community did not produce any specific assessments of the likelihood that terrorists would use airplanes as weapons, and U.S. policymakers apparently remained unaware of this kind of potential threat. Former National Security Advisor Sandy Berger testified before the Joint Inquiry: "We heard of the idea of airplanes as weapons, but I don't recall being presented with any specific threat information about an attack of this nature or any alert highlighting this [page 223] threat or indicating it was any more likely than any other." In response to written Joint Inquiry questions, Deputy National Security Advisor Steve Hadley asserted:

* As noted earlier, however, the former intelligence office at FAA, the Transportation Security Intelligence Service, researched 12 reports concerning the possible use of airplanes as weapons that the DCI testified had been disseminated to appropriate agencies and found that there was no record of FAA receipt of three of them, two others had been derived from State Department reports, and one was not received by FAA until after September 11, 2001.

> Before September 11, I do not recall receiving any information concerning al-Qa'ida using aircraft as weapons for attacks within the United States. One CIA analysis stated that al-Qa'ida was interested in possible hijackings in order to win the release of imprisoned al-Qa'ida members, but did not mention the possibility of using aircraft themselves as weapons.

The failure to consider seriously the use of aircraft as weapons may be the result of insufficient resources directed to intelligence analysis. Before September 11, CTC had forty analysts to analyze terrorism issues worldwide, with only one of its five analytic branches focused on terrorist tactics. As a result, the only terrorist tactic on which CTC had performed strategic analysis was the use of chemical, biological, radiological and nuclear weapons because of the obvious potential for mass casualties.

Aviation-related terrorism was included in some broader terrorist threat assessments, such as the National Intelligence Estimate (NIE) on terrorism. For example, a 1995 NIE mentioned the plot to blow up twelve U.S. airliners and cited the consideration the Bojinka conspirators gave to attacking CIA Headquarters with an aircraft laden with explosives. The FAA worked with the Intelligence Community on this analysis and drafted the section addressing the threat to civil aviation, which said:

> Our review of the evidence… suggests the conspirators were guided in their selection of the method and venue of attack by carefully studying security procedures in place in the region. If terrorists operating in [the United States] are similarly methodical, they will identify serious vulnerabilities in the security system for domestic flights.

A 1997 update to the 1995 NIE concluded:

> Civil aviation remains a particularly attractive target in light of the fear and publicity the downing of an airliner would evoke and the revelations last summer of the U.S. air transport sectors' vulnerabilities.

As a result of the increasing threats to aviation, Congress required the FAA and FBI to conduct joint threat and vulnerability assessments of security at select "high risk" U.S. airports and to provide [page 224] annual reports to Congress. A classified portion of the December 2000 report downplayed the threat to domestic aviation:

> FBI investigations confirm domestic and international terrorist groups operating within the U.S. but do not suggest evidence of plans to target domestic civil aviation. Terrorist activity within the U.S. has focused primarily on fundraising,

> recruiting new members, and disseminating propaganda. While international terrorists have conducted attacks on U.S. soil, these acts represent anomalies in their traditional targeting which focuses on U.S. interests overseas.

Thus, less than a year before the September 11 attacks, and notwithstanding intelligence information to the contrary, the FBI and FAA assessed the prospects of a terrorist incident targeting domestic civil aviation in the United States as relatively low.

After September 11, the CIA acknowledged some of the information that was available regarding the use of airplanes as weapons. A draft analysis dated November 19, 2001, "The 11 September Attacks: A Preliminary Assessment," explains:

> We do not know the process by which Bin Ladin and his lieutenants decided to hijack planes with the idea of flying them into buildings in the United States, but the idea of hijacking planes for suicide attacks had long been current in jihadist circles. For example, GIA terrorists from Algeria had planned to crash a Air France jet into the Eiffel Tower in December 1994, and Ramzi Yousef – a participant in the 1993 World Trade Center bombing – planned to explode 12 US jetliners in mid-air over the Pacific in the mid-1990s. Likewise the World Trade Center had long been a target of terrorist bombers.

Despite that intelligence, the Joint Inquiry found no evidence that, before September 11, analysts in the Intelligence Community were:

- cataloguing information regarding the use of airplanes as weapons as a terrorist tactic;
- sending requirements to collectors to look for additional information on this threat; or
- considering the likelihood that Bin Ladin, al-Qa'ida, or any other terrorist group, would attack the United States or U.S. interests in this way.

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The CTC's Deputy Director acknowledged that the CIA had not performed strategic analysis on airplanes as weapons before September 11. He also explained ways in which CTC has sought to improve its analytic capabilities since then:

> We have a couple of approaches to strategic analysis in CTC now…We have spent a fair amount of analytic time looking at intelligence reporting that [al-Qa'ida is] going to use a particular type of tactic or go after a particular type of target, other intelligence reporting…that shows that they have actually trained at that tactic or trained for that type of target. . . . When you get all three of those ingredients, that's pretty sobering. What is most alarming to us is the number of tactics that we've gotten that kind of a case on, that three-legged case . . . on

> surface-to-air missiles…use of truck bombs and car bombs . . . the use of aircraft, both aircraft hijackings and aircraft as weapons . . . the use of improvised explosive devices like Mr. Reid put in his shoes several months ago . . . the use of poisons and toxins. Put it all together and you can say that al-Qa'ida has built a handful of cards, any of which it could be playing, all of which it intends at some point and with some opportunity to play. Its choices are very broad and very frightening.

Even if enough analysis is done to provide better analysis to policymakers regarding strategic threats, there remains the issue of how much influence that information will have in warning other federal entities and the private sector. In discussing what could have been done better before September 11, the DCI told the Joint Inquiry that the failure to focus on the the use of airplanes as weapons was just one area that should have been part of a "systematic thought process to think about how you play defense:"

> You can disseminate all of the threat reportings you want. You can do the strategic analysis about airplanes. You can do the strategic analysis about car bombs, truck bombs, assassination attempts, fast boats and everything else. You can put all of that out there to people. Unless somebody is thinking about the homeland from the perspective of buttoning it down to basically create a deterrence that may work, your assumption will be that the FBI and the CIA are going to be one-hundred percent flawless all of the time. And it will never happen.

IX. The Development of U.S. Counterterrorism Policy before September 11

When the Cold War ended, counterterrorism was not a top U.S. policy priority. However, as the threat from al-Qa'ida increased in the 1990s, concern grew about the danger to America. The Clinton [page 226] Administration steadily increased its attention to terrorism, which became a top priority after the August 1998 attacks on U.S. embassies in Kenya and Tanzania. The Bush Administration also devoted considerable attention to the al-Qa'ida threat as it conducted a policy review in the months before September 11.

Despite sharpened focus in the years before September 11, terrorism remained only one concern of many and counterterrorism efforts had to compete with other priorities. The process for setting intelligence priorities was also vague and confusing, and neither the Clinton nor the Bush Administration developed an integrated counterterrorism strategy that drew on all elements of national power before September 11.

A. Counterterrorism as an Intelligence Priority

Counterterrorism was not a top intelligence priority in the immediate aftermath of the Cold War. Former National Security Advisor Brent Scowcroft testified that the first Bush Administration focused primarily on the former Soviet Union. Moreover, the sense of immediacy diminished because the incidence and severity of terrorism had declined since the Reagan Administration. Mr. Scowcroft noted that the focus of discussions on terrorism was state-sponsored attacks, from which the U.S. homeland was thought to be immune.

As a result, neither the first Bush administration nor the Intelligence Community devoted considerable attention to terrorism at the time. Former National Coordinator for Counterterrorism Richard Clarke noted that the first Bush Administration approved only one "narrow document" related to terrorism, suggesting that the subject was not a high priority. Thus, as former National Security Advisor Sandy Berger testified:

> When President Clinton began his first term in 1993, the Intelligence Community was primarily focused on the agenda created by the Soviet Union's collapse, the Cold War's end, and our Gulf War victory. . . . The CIA maintained no significant assets in Afghanistan after our withdrawal from the region in 1989. Little was known about Osama Bin Ladin except that he was one of many financiers of terrorist groups.

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B. Growing Importance in the Clinton Administration

Mr. Clarke has testified that, when the Clinton Administration came into office, "the furthest thing from [its] mind in terms of the policy agenda was terrorism." This quickly ended with Mir Amal Kansi's murder of two CIA employees outside agency Headquarters shortly after President Clinton's inauguration. That event, plus the Iraqi attempt to assassinate former President Bush in 1993 and the February 1993 bombing of the World Trade Center, "catapulted" terrorism onto the Administration's agenda, according to Mr. Berger. He also noted that these events led to the President becoming personally focused on terrorism.

The Clinton Administration issued several documents that many witnesses saw as reflecting the growing importance of terrorism:

- In 1995, the Clinton Administration issued Presidential Decision Directive (PDD) 35, which former National Security Advisor Anthony Lake described as "formally establish[ing] our top intelligence priorities and plac[ing] terrorism among them, led only by intelligence support for our troops in the field and a small number of states that posed an immediate or potential serious threat to the United States."

- Several months later in 1995, the President issued PDD 39, the first PDD issued explicitly on terrorism since the Reagan administration. Mr. Lake noted that PDD 39 "mandated increased efforts to capture terrorists abroad; high priority for detecting and preventing attacks with weapons of mass destruction; and the exchange between the FBI and CIA of high-level anti-terrorism officials."

- In 1998, Presidential Decision Directives 62 and 63 were issued to raise the importance of counterterrorism within the interagency process and to clarify responsibilities for reacting to an attack. According to Mr. Clarke, these directives established an interagency coordination process, to include regular meetings to evaluate threats, discuss resources, and treat counterterrorism as a continuous, rather than *ad hoc* concern.

Al-Qa'ida emerged as a leading adversary during the second term of the Clinton Administration. Mr. Berger told the Joint Inquiry that Bin Ladin was portrayed as a financier as late as 1996, but that U.S. knowledge of his activities and concern about the threat his organization posed began to grow rapidly. After the August 1998 attack on U.S. embassies in Kenya and Tanzania, Bin Ladin dominated [page 228] U.S. counterterrorism concerns. As Mr. Berger testified, "In 1996 he was on the radar screen; in 1998 he was the radar screen."

Senior level officials met frequently on terrorism. In the months before the Millennium celebrations, according to Mr. Berger, there were constant Principals Meetings and much senior level attention to the risk of an al-Qa'ida attack. According to Deputy National Security Advisor Steve Hadley, Mr. Berger and Mr. Clarke both emphasized the importance of terrorism during the transition from the Clinton to the Bush Administration.

C. Uncertainty During the Transition

Transitions between administrations always take considerable time. For some high level positions, such as National Coordinator for Counterterrorism, it is difficult if not impossible to maintain continuity or an intense daily focus on an issue, if the status of the person holding the position is unclear. Mr. Berger explained that the Clinton Administration did not respond to the

October 2000 attack on *USS Cole*, in part, because it believed that the incoming Bush Administration should handle the matter. However, Bush Administration officials testified that they did not begin their major counterterrorism policy review until April 2001. Thus, it appears that significant slippage in counterterrorism policy may have taken place in late 2000 and early 2001. At least part of this was due to the unresolved status of Mr. Clarke as National Coordinator for Counterterrorism and his uncertain mandate to coordinate Bush Administration policy on terrorism and specifically on Bin Ladin.

D. The George W. Bush Administration

Al-Qa'ida remained an intelligence priority under the Bush administration. Mr. Hadley told the Joint Inquiry that "countering terrorist threats to the United States was a top intelligence priority from the first days of this Administration." He noted that Clinton Administration counterterrorism programs and covert action authorities remained in place in early 2001, while the Bush Administration considered a far more aggressive policy against al-Qa'ida and its Taliban supporters: [page 229]

> From the first days of the Bush Administration through September 2001, it conducted a comprehensive, senior-level review of policy for dealing with al-Qa'ida. The goal was to move beyond the policy of containment, criminal prosecution, and limited retaliation for specific attacks, toward attempting to 'roll back' al Qa'ida.

[As Deputy Secretary of State Richard Armitage testified to the Joint Inquiry on September 19, 2002:

> The National Security Council . . . called for new proposals [in March 2001] on a strategy that would be more aggressive against al-Qa'ida. The first deputies meeting, which is the first decision making body in the administration, met on the 30th of April and set off on a trail of initiatives to include financing, getting at financing, to get at increased authorities for the Central Intelligence Agency, sharp end things that the military was asked to do. . . . So, from March through about August, we were preparing a national security Presidential directive, and it was distributed on August 13 to the principals for their final comments. And then, of course, we had the events of September 11. . . .]

That policy review reportedly involved drafting new covert action authorities, several senior level meetings to discuss policy alternatives, and exploration of other initiatives. The review was nearing completion in the days before September 11.

E. Competing Priorities

[Counterterrorism was only one of many priorities for both the Clinton and Bush Administrations. Although a complete review of their policy priorities is beyond the scope of this inquiry, several senior officials have suggested the wide range of concerns that faced both administrations:

- Intelligence Community officials with responsibility for resource management noted that a range of regional and global issues were important concerns that policymakers emphasized in allocating resources.

- Mr. Clarke explained that he faced resistance to using military force in Afghanistan, in part because the United States was already bombing Iraq and Serbia.

- Former Clinton Assistant Secretary of State for South Asia Karl Inderfurth noted in an interview that the East Africa embassy bombings made counterterrorism the top U.S. priority in its dealings with the Taliban regime in Afghanistan. Before then, ending the civil war, advancing women's rights, and establishing a broad-based government were U.S. priorities for that country.

- Mr. Inderfurth also noted that concerns about an Indian-Pakistani conflict, or even nuclear confrontation, competed with efforts to press Pakistan on terrorism.

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- Mr. Hadley noted that Bush Administration concerns before September 11 included the P-3 aircraft incident with China and the June 2001 G-8 Summit].

Even those involved directly in counterterrorism efforts focused much of their attention on groups other than al-Qa'ida and its affiliates. Mr. Clarke told the Joint Inquiry that Iran and the Lebanese Hizbollah were the most important terrorist concerns during the first Clinton Administration. This was corroborated by Mr. Lake, who noted that the Administration's "primary preoccupation was on state sponsors of terrorism and such organizations as Hizbollah."

The Iranian supported attack on the U.S. military at Khobar Towers in 1996 reinforced this concern, according to Mr. Clarke.

Several agencies also focused their counterterrorism efforts on force protection. After the embassy bombings, the State Department tried to augment security in its facilities worldwide. Similarly, the attacks on Khobar Towers and *USS Cole* led to increased Defense Department and military efforts to protect U.S. military facilities and assets abroad.

Moreover, the process of setting intelligence priorities was often confusing. Mr. Clarke noted that the White House "never really gave good systematic, timely guidance to the Intelligence Community about what the priorities were at the national level." Mr. Hadley stated that Bush Administration officials were told during the transition that "this priority-setting process [PDD-35] . . . was not effective for communicating changing priorities over time." Joint Inquiry interviews with Intelligence Community officials suggest that many felt that the prioritization process was so broad as to be meaningless.

There was also bureaucratic confusion about responsibility for counterterrorism. Despite efforts by the NSC's Counterterrorism Security Group to streamline the process, agencies often did not coordinate their counterterrorism efforts. Mr. Inderfurth noted that the State Department had different elements working on counterterrorism in regard to Afghanistan, Saudi Arabia, embassy security, and other matters. Former Deputy Secretary of Defense John Hamre noted in an interview that several different components of the Defense Department were involved in counterterrorism, often with little coordination.

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F. Policy Measures to Fight Terrorism

In accordance with the growing importance of terrorism, Clinton Administration officials took several steps to strengthen U.S. counterterrorism efforts. During the late 1990s, the CIA initiated a campaign, working with foreign liaison services to disrupt and "take down" al-Qa'ida and other terrorist cells around the world. Mr. Clarke told the Joint Inquiry that "'disrupt' means 'arrest,' if possible, have the host country arrest, or if there is any reason to bring them back to the United States, to arrest them and bring them back here." The Clinton Administration

strongly backed this campaign, according to Mr. Berger, who pointed out that terrorist cells were dismantled and disrupted in more than twenty countries as a result.

The Clinton Administration used military force, albeit in a limited manner as is discussed in detail in a separate chapter. Mr. Clarke noted that the retaliatory strike on Iraq in 1993 for its attempted assassination of former President Bush was the first time the U.S. had used military force to punish a state for terrorism since 1986. According to Mr. Berger, the 1998 cruise missile strikes on terrorism-linked facilities in Afghanistan and Sudan were meant to demonstrate the Clinton Administration's seriousness, as well as to disrupt al-Qa'ida's infrastructure. The Clinton Administration also initiated an increasingly aggressive covert action policy, also discussed in a separate section.

Mr. Berger, Mr. Clarke, and Mr. Lake noted several other measures the Clinton Administration initiated:

- Increasing intelligence funding after 1995

- More than doubling the number of FBI agents devoted to, and more than tripling the FBI budget for, counterterrorism

- Expanding the size of the CTC and otherwise increasing CIA efforts against terrorism

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- Passing the Anti-Terrorism and Effective Death Penalty Act in 1996 and legislation to track foreign student visas

- Pressing CIA to establish an operational unit focused on tracking Bin Ladin and terrorist financing (Intelligence Community and Clinton Administration officials differ as to who deserves credit for this effort)

- Encouraging CIA and the FBI to improve cooperation on terrorism, including exchanging senior officials. (Officials in the FBI, CIA, and Clinton Administration also differ as to who deserves credit for this effort)

- Increasing diplomatic pressure on the Taliban through bilateral discussions, U.N. sanctions, and freezing of assets.

Policymakers report to the Joint Inquiry that they had limited flexibility with regard to Afghanistan. Mr. Berger testified that neither Congress, the media, nor the international community supported invading Afghanistan before September 11. During the Bush Administration, the United States issued a démarche to the Taliban in June 2001, noting that it would be held accountable for al-Qa'ida attacks on the United States.

Neither the Clinton nor Bush Administration aggressively tried to disrupt al-Qa'ida financing. A former Intelligence Community official testified that in 1996 or 1997 the Intelligence Community had plans [————————————————————————————————————], plans the Treasury Department blocked due to concerns about [————————————] and worries that [————————————]. Because of Treasury's concerns, the Intelligence Community, according to the former official, was limited before September 11 to "[————————————————————————————————————]." Mr. Clarke noted that counterterrorism officials hoped to appeal Treasury's initial position by presenting concrete information on terrorism fundraising. The Intelligence Community, however, was not able to provide the information.

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G. The Law Enforcement Approach

Some policy makers recognized that countering al-Qa'ida required the application of all aspects of U.S. power. According to testimony from Deputy Secretary of Defense Paul Wolfowitz, the effort against al-Qa'ida:

> . . . is not just something for the Intelligence Community alone; . . . you can't go to war against al-Qa'ida without recognizing the role that the Government of Afghanistan is playing. You can't go after the Government of Afghanistan without recognizing the problems in your relationship particularly with Pakistan, but with other neighboring countries, and you can't get serious about this without looking at military options.

Before September 11, however, neither the Clinton nor Bush Administration developed a plan to disrupt al-Qa'ida that integrated U.S. diplomatic, economic, intelligence, and military

assets. Deputy Secretary of State Richard Armitage testified that the Bush Administration received briefings on the urgency of the al-Qa'ida threat, but "we were never given a plan," a contention Mr. Berger echoed. Mr. Wolfowitz testified that even contingency planning for using the military for counterterrorism "was in the very most primitive stages." General Hugh Shelton, former Chairman of the Joint Chiefs of Staff, told the Joint Inquiry that he did not believe that policy makers had any serious plans to use the military in a significant way against the Taliban before September 11.

In the absence of a more comprehensive strategy, the United States defaulted to relying on law enforcement, at home and abroad, as the leading instrument in the fight against al-Qa'ida. The perpetrators of the 1993 World Trade Center bombing and the plot against New York City landmarks, several conspirators in the 1998 embassy bombings, and several members of a group that planned Millennium attacks were all prosecuted. This emphasis on prosecution continued a trend begun in the 1980s when Congress and President Reagan gave the FBI an important role in countering international terrorism, including attacks overseas.

Government officials apparently never intended to rely exclusively on law enforcement to fight terrorism. Senior Department of Justice officials testified that they saw their efforts as an adjunct to other means of fighting terrorism. Mary Jo White, who as U.S. Attorney for the Southern District of [page 234] New York prosecuted many of the most important cases against al-Qa'ida, testified before the Joint Inquiry that "no one considered prosecutions to be the country's counterterrorism strategy or even a particularly major part of it." Mr. Wolfowitz testified that terrorism "is not a law enforcement problem, and it can't be dealt with simply by retaliating against individual acts of terrorism." However, covert action and military force had little impact before September 11.

Prosecutions do have several advantages in the fight against terrorism. As Ms. White noted in her testimony and in an interview, prosecutions take terrorists off the street. She acknowledged that this does not shut down an entire group, but some bombs, she said, do not go off as a result of arrests. In addition, she pointed out that critical intelligence often comes from the investigative process, as individual terrorists confess or reveal associates through their personal effects and communications. As former FBI Director Louis Freeh asserted in an interview, "You can't divorce arrest from prevention." Ms. White contended that the

prosecutions might deter some, though not all individuals from violence. Finally, the threat of a jail sentence often induces terrorists to cooperate with investigators and provide information.

Heavy reliance on law enforcement, however, has costs. National Intelligence Officer for the Near East and South Asia Paul Pillar noted in Joint Inquiry testimony that it is easier to arrest terrorist underlings than masterminds. Those who organize and plan attacks, particularly the ultimate decision makers who authorize them, are often thousands of miles away when an attack is carried out. In addition, the deterrent effect of imprisonment is often minimal for highly motivated terrorists such as those in al-Qa'ida.

Moreover, law enforcement is time-consuming. The CIA and the FBI expended considerable resources supporting investigations in Africa and in Yemen into the embassy and *U.S.S. Cole* attacks, a drain on scarce resources that could have been used to gather information and disrupt future attacks. Finally, law enforcement standards of evidence are high, and establishing a legal case that meets these standards often requires unattainable intelligence and threatens to compromise sensitive sources or methods.

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At times, law enforcement and intelligence have competing interests. The former head of the FBI's International Terrorism Section noted that Attorney General Reno leaned toward closing down surveillances under the Foreign Intelligence Surveillance Act if they hindered criminal cases. In addition, convictions that help disrupt terrorists are often based on lesser charges (such as immigration violations), and this may not always convince FBI field personnel that the effort is worthwhile compared with other cases that put criminals in jail for many years. As former FBI Assistant Director for Counterterrorism Dale Watson explained, Special Agents in Charge of FBI field offices focused more on convicting than on disrupting.

Reliance on law enforcement when individuals have fled to a hostile country, such as Iran or the Taliban's Afghanistan, appears particularly ineffective, as the masterminds are often beyond the reach of justice. One FBI agent scorned the idea of using the Bureau to take the lead in countering al-Qa'ida, noting that all the FBI can do is arrest and prosecute. They cannot shut down training camps in hostile countries. He noted that the strategy is "like telling the FBI after Pearl Harbor, 'go to Tokyo and arrest the Emperor.'" In his opinion, a military solution was necessary because "[t]he Southern District doesn't have any cruise missiles."

H. Disruptions and Renditions

Disruptions and renditions are important tools in the fight against terrorism, and terrorist activity can be disrupted in many ways. Examples include watchlists to deny entry into the United States, liaison relationships with foreign intelligence and law-enforcement services willing to arrest and detain radicals, raids on terrorist facilities, and criminal investigations and prosecutions.

In testimony to the Joint Inquiry, the DCI summed up the ultimate disruption of al-Qa'ida operations -- destruction of the Afghani sanctuary:

> In this struggle, we must play offense as well as defense. The move into the Afghanistan sanctuary was essential. We have disrupted the terrorists' plans, denied them the comfort of their bases and training facilities and the confidence that they can mount and remount attacks without fear of serious retribution.

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Disruption became increasingly important in the years before September 11. Following the arrest of Ahmed Ressam with explosives at the U.S./Canada border and the discovery of plots in Jordan during the Millennium celebrations, a worldwide effort was launched to thwart other attacks. The effort involved dozens of foreign intelligence services, which detained suspected radicals, minimally to keep them off the streets, but also in the hope of gaining confessions or intimidating them into aborting planned attacks. Former National Security Advisor Sandy Berger gave some idea of the scope of these disruption efforts when he testified that the Intelligence Community had worked around the world since 1997 to dismantle al-Qa'ida cells in about twenty countries.

A rendition is the arrest and detention of terrorist operatives for return to the United States or another country for prosecution. Renditions often lead to confessions, and they disrupt terrorist plots by shattering cells and removing key individuals. In practice, almost all renditions entail disruptions.

[Working with a wide array of foreign governments, CIA and FBI have helped deliver dozens of suspected terrorists to justice. CTC officers responsible for the renditions program told the Joint Inquiry that, from 1987 to September 11, 2001, CTC was involved in the rendition

of several dozen terrorists, a number that increased substantially after September 11. Former National Counterterrorism Coordinator Richard Clarke described for the Joint Inquiry a particularly successful program, through which "we were able to identify al-Qa'ida members throughout the world [———————————————————————————].”

The emphasis on renditions and disruptions increased as the Intelligence Community received more frequent reports of impending al-Qa'ida attacks in the spring and summer of 2001. As DCI Tenet testified:

> Starting in the spring and continuing through the summer of 2001 we saw a significant increase in the level of threat reporting. Again, working with the FBI and foreign liaison services, we thwarted attacks on the U.S. Embassy in Paris, our Embassy in Yemen, U.S. facilities in Saudi Arabia and operations to kidnap U.S. citizens. We approached twenty countries with specific targets for disruption, prompting arrests in [———————————————————————————], and elsewhere.

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[U.S. Government officials told the Joint Inquiry that [———————————————————————————] , and that there are a number of factors that make the rendition process difficult. [———————————————————————————
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I. Afghanistan as a Terrorist Sanctuary

[Between 1996 and September 2001, the United States worked with dozens of foreign governments to disrupt al-Qa'ida, arrest and interrogate its operatives, and prevent terrorist attacks. Throughout that period, Afghanistan was a terrorist safehaven, in which al-Qa'ida built a network for planning attacks, training and vetting recruits, and indoctrinating potential radicals. In essence, al-Qa'ida created a terrorist army in Afghanistan with little interference. As DCI George Tenet explained in testimony before the Joint Inquiry:

The terrorist plotting, planning, recruiting, and training in the late 1990s were aided immeasurably by the sanctuary the Taliban provided.

-- Afghanistan had served as a place of refuge for international terrorists since the 1980s. The Taliban actively aided Bin Ladin by assigning him guards for security, permitting him to build and maintain terrorist camps, and refusing to cooperate with efforts by the international community to extradite him.

-- In return, Bin Ladin invested vast amounts of money in Taliban projects and provided hundreds of well-trained fighters to help the Taliban consolidate and expand their control of the country.

--While we often talk of two trends in terrorism – state supported and independent -- in Bin Ladin's case with the Taliban what we had was something completely new: a *terrorist* sponsoring a *state*]. (Emphasis in original.)

Some CIA analysts and operators told Joint Inquiry staff that they recognized as early as 1997 that Bin Ladin's terrorist organization would continue to train cadres of Islamic extremists and generate numerous terrorist operations, as long as the Taliban granted al-Qa'ida sanctuary in Afghanistan.

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Failure to eliminate Afghanistan as a terrorist sanctuary had practical operational consequences. In describing to the Joint Inquiry the CIA's 1999 plan to capture and bring Bin Ladin and his principal lieutenants to justice, DCI Tenet explained that, because "U.S. policy stopped short of replacing the Taliban regime, . . . the ability of the U.S. Government to exert pressure on Bin Ladin" was seriously limited. Because our government had "no official presence in Afghanistan, and relations with the Taliban were seriously strained," the DCI asserted, it became much "more difficult to gain access to Bin Ladin and al-Qa'ida personnel."

Between 1999 and 2001, the government did undertake some efforts to address the problem of Afghanistan as a terrorist sanctuary. In 1999, senior CIA and State Department officials began to focus on the Taliban as an integral part of the terrorist problem. In 1999 and 2000, the State Department worked with the United Nations Security Council to obtain resolutions rebuking the Taliban for harboring Bin Ladin and allowing terrorist training. The Defense Department began to focus on this issue in late 2000 after the *Cole* bombing and formulated military options for dealing with the Taliban.

According to Steve Hadley, President Bush's Deputy National Security Advisor, the Bush Administration initiated shortly after taking office a senior-level review of al-Qa'ida policy. In Summer 2001, the State Department sent a démarche to Taliban representatives in Pakistan, which noted threats to Americans emanating from Afghanistan and declared that the United States would hold the regime responsible for actions by terrorists the Taliban harbored. None of these actions appears to have restrained terrorist training or al-Qa'ida's ability to operate in Afghanistan.

Despite the Intelligence Community's growing recognition that Afghanistan was churning out thousands of radicals, the Joint Inquiry found little effort to integrate the instruments of national power - diplomatic, intelligence, economic, and military - to address the problem effectively. [——]. Little effort was made to use the full force of the U.S. military before September 11, with the exception of August 1998 cruise missile strikes. Former National Security Advisor Sandy [page 239] Berger testified that there was little public or Congressional support for an invasion of Afghanistan before September 11.

Permitting the sanctuary in Afghanistan to exist allowed Bin Ladin's key operatives to meet, plan, train recruits, and ensure that al-Qa'ida's masterminds remained beyond the reach of international justice. In testimony before the Joint Inquiry, the DCI explained:

> Nothing did more for our ability to combat terrorism than the President's decision to send us into the terrorists' sanctuary. By going in massively, we were able to change the rules for the terrorists. Now they are the hunted. Now they have to spend most of their time worrying about their survival. Al-Qa'ida must never again acquire a sanctuary.

In response to a question about what he would have done differently in hindsight before September 11, the DCI reiterated this point about sanctuary:

> [W]e should have taken down that sanctuary a lot sooner. The circumstances at the time may have not warranted, the regional situation may have been different, and after 9/11 all I can tell you is we let a sanctuary fester, we let Bin Ladin build capability. And there may have been lots of good reasons why in hindsight it couldn't have been done earlier or sooner. I am not challenging it, because hindsight is always perfect, but we let him operate with impunity for a long time without putting the full force and muscle of the United States against it.

J. The Intelligence Community

[The nation's experience with international terrorism in the 1980s began with the bombings of the U.S. Embassy in Beirut in April 1983 and a U.S. Marine barracks in Beirut in October. The Islamic Jihad claimed responsibility for both attacks, which were followed by the March 1984 kidnapping and murder of William Buckley, a CIA official in Beirut. Over the next two years, terrorist groups kidnapped other American citizens in Lebanon who were not connected to the U.S. Government].

In April 1984, the Iranian backed terrorist group Hizbollah claimed responsibility for the bombing of a restaurant frequented by U.S. service members near Torrejon Airbase in Spain. In September 1984, the U.S. Embassy annex in Beirut was bombed. 1985 brought a flurry of terrorist [page 240] activity against U.S. citizens and interests, including the June 1985 hijacking of TransWorld Airways Flight 847, the October 1985 hijacking of the cruise ship *Achille Lauro*, and the November 1985 hijacking of an EgyptAir flight from Athens to Malta. In December 1985, terrorists from the Abu Nidal organization attacked the Rome and Vienna airports.

Certain responses by the U.S. Government to the emerging threat were of particular interest to the Joint Inquiry because they became the foundation of our policy toward international terrorism before the September 11 attacks. A task force led by Vice President George H. W. Bush made a series of recommendations in a December 1985 report on combating terrorism, some of which were quickly implemented:

- President Reagan signed National Security Decision Directive 207 in January 1986, outlining our nation's policy with respect to international terrorism and assigning counterterrorist functions to government components.

- The Director of Central Intelligence's Counterterrorist Center was established in February 1986 as the focal point for counterterrorism.

- A directive signed in the spring of 1986 authorized the CIA to conduct certain counterterrorist activities.

As is explained in more detail in other sections of this report, America first faced major international terrorist attacks within the United States in February 1993 when a bomb was detonated in the World Trade Center and in June 1993 when the FBI arrested eight persons for plotting to bomb New York City landmarks. In 1996, as Bin Ladin's involvement in directing terrorist acts became more evident, the Counterterrorist Center created a special unit with ten to fifteen members to focus on him. Since 1996, the Community has been actively engaged in operations with mixed success to collect intelligence on Bin Ladin and disrupt his network. On September 10, 2001, thirty-five to forty people were assigned to the CTC's Bin Ladin unit. In 1999, the FBI also created a Bin Ladin unit at Headquarters. Approximately nineteen persons were working in that unit on September 10.

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In August 1998 after the two embassy bombings in Africa, the Intelligence Community quickly confirmed that the attacks had been carried out by Bin Ladin's network. The DCI made combating the threat Bin Ladin posed one of the Intelligence Community's highest priorities, establishing it as a "Tier [Zero] priority," and he raised the status of the threat still further when he announced in December 1998 that "[w]e are at war" with Bin Ladin.

K. The Declaration of War

Whether and when the Intelligence Community as a whole recognized that Bin Ladin was waging war on the United States and that it was necessary to respond in kind is an important factor in assessing the Community's response to the threat Bin Ladin's network posed. In interviews, many persons on the National Security Council staff and at CTC pointed to the August 1998 bombings of two U.S. embassies in East Africa as the moment when they recognized that Bin Ladin was waging war against the United States. That judgment was reflected in two statements by President Clinton in the immediate aftermath of the bombings:

- On August 20, 1998, in an address to the nation on military action against terrorist sites in Afghanistan and Sudan, President Clinton declared: "A few months ago, and again this week, Bin Ladin publicly vowed to wage a terrorist war against America."

- On August 22, 1998, in a radio address to the nation, President Clinton declared: "Our efforts against terrorism cannot and will not end with this strike. We should have realistic expectations about what a single action can achieve, and we must be prepared for a long battle."

In December 1998, Director of Central Intelligence George Tenet elaborated on the President's statements in a memorandum to senior CIA managers, the Deputy DCI for Community Management, and the Assistant DCI for Military Support, declaring war on Bin Ladin: [page 242]

> We must now enter a new phase in our effort against Bin Ladin. . . . We are at war. . . . I want no resources or people spared in this effort, either inside [the] CIA or the Community.

L. The Intelligence Community's Response

The DCI stated to the Joint Inquiry that in early 1999, following his declaration, he ordered a baseline review of CIA's operational strategy against Bin Ladin. According to the DCI's testimony before the Joint Inquiry, the CIA "produced a new comprehensive operational plan of attack against the Bin Ladin/al-Qa'ida target inside and outside Afghanistan," a plan of attack that in subsequent testimony the DCI simply called "The Plan":

> The Plan included a strong and focused intelligence collection program to track – and then act against – Bin Ladin and his associates in terrorist sanctuaries. It was a blend of aggressive human source collection – both unilateral and with foreign partners – and enhanced technical collection. . . .To execute the Plan, CTC developed a program to select and train the right officers and put them in the right places. We moved talented and experienced operations officers into the [CTC]. We also initiated a nation-wide program to identify, vet and hire qualified personnel for counterterrorist assignments in hostile environments. We sought native fluency in the languages of the Middle East and South Asia, combined with policy, military, business, technical, or academic experience. In addition, we established an eight-week Counterterrorist Operations Course to share the tradecraft we had developed and refined over the years.

[According to documents reviewed by the Joint Inquiry, "The Plan" included covert action and technical collection aimed at capturing Bin Ladin and his principal lieutenants. CIA activities within The Plan included working with [———————————————

———————————————

———————————————

———————————]. The Plan was the Intelligence Community's strongest response before September 11, 2001 to the Bin Ladin threat and the DCI's declaration. The Plan is examined in greater depth in the chapter on covert action].

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M. Shortcomings in the Intelligence Community's Response

The Joint Inquiry has determined that the Intelligence Community as a whole was not on a war footing before September 11. For example, knowledge of the DCI's declaration appears to have been limited. Some senior managers at NSA and DIA were aware of the statement, but many in the FBI had not heard of it. For example, the Assistant Director of the FBI's Counterterrorism Division testified to the Joint Inquiry that he "was not specifically aware of that declaration of war." Senior officers in other components of the government, including the Defense Department and the U.S. military, apparently were also unaware of the declaration. When asked whether he knew that the United States had been at war with Bin Ladin, Deputy Secretary of State Richard Armitage responded:

> I was briefed in January and February [2001], leading to my hearings in March before the U.S. Senate. The term "at war" was, to my knowledge, not used. There was no question, though, that we were in a struggle with al-Qa'ida, and al-Qa'ida was the very first thing that the administration took on at the deputies level.

[The Joint Inquiry also reviewed whether the DCI's declaration of war had any real effect in the covert action area prior to September 11, 2001. Cofer Black, former CTC Chief, explained in a statement to the Joint Inquiry: "[A]fter 9/11, the gloves came off]."

[Resources dedicated to counterterrorism generally increased during the 1990s. Notwithstanding the DCI's December 1998 exhortation to spare no resources, however, counterterrorism had to compete with other intelligence priorities. Senior CIA officers pointed to, for example, a variety of regional and global issues as intelligence priorities that required resource allocations. In testimony before the Joint Inquiry, the DCI took note of those competing intelligence requirements]:

> As I "declared war" against al-Qa'ida in 1998 – in the aftermath of the East Africa embassy bombings – we were in our fifth year of round-the-clock support to Operation Southern Watch in Iraq. Just three months earlier, we were embroiled in answering questions on the India and [page 244] Pakistan nuclear tests and trying to determine how we could surge more people to understanding

> and countering weapons of mass destruction proliferation. In early 1999, we surged more than 800 analysts and redirected collection assets from across the Intelligence Community to support the NATO bombing campaign against the Federal Republic of Yugoslavia.

The only substantial infusion of personnel to counterterrorism occurred after September 11, 2001, when the number of CIA personnel assigned to CTC nearly doubled -- from approximately 400 to approximately 800 -- and additional contractors were hired in support of CTC. No comparable shift of resources occurred in December 1998 after the DCI's declaration of war, in December 1999 during the Millennium crisis, or in October 2000 after the attack on *USS Cole*.

NSA Director Hayden described a similar situation before September 11:

> We, like everyone else at the table, were stretched thin in September. The war against terrorism was our number one priority. We had about five number one priorities. And we had to balance what we were doing against all of them.

General Hayden asserted that he knew what NSA had to do to target Bin Ladin effectively before September 11, but was unable to obtain Intelligence Community support and resources for that purpose:

> Given all the other intelligence priorities, it would have been difficult at that time within the [Intelligence Community] or the Department of Defense to accept the kind of resource decisions that would have been necessary to make our effort against the target more robust. NSA was focused heavily on [a range of regional and global issues]. Our resources, both human and financial, were in decline. Our efforts in 2000 to churn money internally were not accepted by the Community; its reliance on [signals intelligence] had made it reluctant to give it up.

The Joint Inquiry also learned that, even after the DCI's declaration of war, there was considerable variation in the degree to which FBI-organized Joint Terrorism Task Forces prioritized and coordinated efforts targeting Bin Ladin and al-Qa'ida in the United States. While the Bureau's New York office took the lead in the vast majority of counterterrorism investigations concerning Bin Ladin, many other FBI offices around the country were unaware of the magnitude of the threat. In an interview, former National Coordinator for Counterterrorism Richard Clarke contended that FBI field [page 245] offices, except New York, were "clueless" about counterterrorism and al-Qa'ida and did not make them priorities. Former National Security Advisor Berger testified before the Joint Inquiry: "What we have learned since

9/11 makes clear that the FBI, as an organization, was not as focused [on the counterterrorism mission]."

N. The President and Senior Policy Advisor Responsibility

The DCI's December 1998 declaration was remarkable for its foresight and aggressiveness. But it could only have effect within a limited sphere because coordinating the U.S. Government's response to the Bin Ladin threat was not the responsibility of the DCI or the Intelligence Community, but of the President and the National Security Council.

In a Joint Inquiry briefing, Mr. Clarke touched on this issue when he discussed Presidential Decision Directive 62, "Protection Against Unconventional Threat to the Homeland and Americans Overseas." That PDD was signed by President Clinton in May 1998, before the bombings of the two U.S. Embassies in Africa and before the DCI's declaration of war. According to Mr. Clarke, the PDD created a ten-program counterterrorism initiative and assigned counterterrorist responsibilities to specific agencies:

- Apprehension, extradition, rendition, and prosecution (Department of Justice);
- Disruption (CIA);
- International cooperation (State);
- Preventing terrorist acquisition of weapons of mass destruction (National Security Council);
- Consequence management (Department of Justice/Federal Emergency Management Agency);
- Transportation security (Department of Transportation);
- Protection of critical infrastructure and cybersystems (National Security Council);
- Continuity of operations (National Security Council);
- Countering the foreign terrorist threat in the United States (Department of Justice); and [page 246]
- Protection of Americans overseas (Departments of State and Defense).

Within that effort were the seeds of an integrated, comprehensive government-wide strategy for countering the Bin Ladin threat that could have put the nation on a war footing before September 11. The initiative is perhaps the closest that President Clinton and the National Security Council came between 1998 and the Administration's departure from office in January 2001 to a coordinated response to the threat. However, the PDD does not appear to have had much impact. It is clearly not as straightforward as the DCI's declaration and, beyond Mr. Clarke's reference to it in his testimony, no other Joint Inquiry witness pointed to PDD-62 as the policy guiding the government's response to the growing al-Qa'ida threat.

Shortly after the Bush Administration took office in January 2001, the National Security Council undertook a review of existing policy for dealing with al-Qa'ida. In response to written Joint Inquiry questions, Deputy National Security Advisor Steve Hadley explained:

> The Administration took the al-Qa'ida threat seriously and, from the outset, began considering a major shift in United States counterterrorism policy. From the first days of the Bush Administration through September 2001, it conducted a senior-level review of policy for dealing with al-Qa'ida. The goal was to move beyond the policy of containment, criminal prosecution, and limited retaliation for specific attacks, toward attempting to "roll back" al-Qa'ida. The new goal was to eliminate completely the ability of al-Qa'ida and other terrorist groups of global reach to conduct terrorist attacks against the United States. . . . Between May and the end of July 2001, four Deputies Committee meetings were held directly related to the regional issues which had to be resolved in order to adopt a more aggressive strategy for dealing with al-Qa'ida. These meetings focused on [———].

This new policy might have produced a coordinated government response to the Bin Ladin threat or put the nation on more of a war footing with al-Qa'ida before September 11. However, as Mr. Hadley noted, "[t]he Administration finalized its review of policy on al-Qa'ida at an NSC Principals [page 247] Committee meeting on September 4, 2001." President Bush had not reviewed the draft policy before September 11.

In short, the DCI and other Intelligence Community officials recognized the Bin Ladin threat. Notwithstanding the DCI's declaration, President Clinton's August 1998 statements, and intelligence reports to policymakers over many years indicating that Bin Ladin was waging war

on the United States, neither President Clinton nor President Bush nor their National Security Councils put the government or the Intelligence Community on a war footing before September 11.

O. Lack of an Integrated Response

Usama Bin Ladin's involvement in international terrorism first came to the attention of the Intelligence Community in the early 1990s. As his direct involvement in planning and directing terrorism became more evident, CTC created a unit to focus specifically on Bin Ladin and the threat he posed to U.S. interests. CTC personnel recognized as early as 1996 that Bin Ladin posed a grave danger to the United States.

Following the August 1998 bombings of two U.S. embassies, the DCI placed Bin Ladin's terrorist network among the Intelligence Community's highest priorities. The DCI raised the status of the threat further still when he announced to CIA senior managers in December 1998:

> We are at war [with Bin Ladin] . . . . I want no resources or people spared in this effort, either inside the CIA or the [Intelligence] Community.

These were strong words. Rather than having a galvanizing effect, however, the Joint Inquiry record reveals that the Intelligence Community continued to be fragmented without a comprehensive strategy for combating Bin Ladin. The record also shows that the DCI was either unable or unwilling to enforce consistent priorities and marshal resources across the Community.

Evidence of a fragmented Intelligence Community can be found in the limited distribution of the DCI's declaration. The Community as a whole had only a limited awareness of the statement. For [page 248] example, although some senior NSA and DIA managers were aware of it, few FBI personnel were. The Assistant Director of the FBI's Counterterrorism Division told the Joint Inquiry that he "was not specifically aware of that declaration of war." Equally disturbing, Joint Inquiry interviews of FBI field personnel showed that they did not know of the DCI's declaration, and some had only passing familiarity with Bin Ladin and al-Qa'ida before September 11. Senior U.S. military officers were also unaware of the DCI's declaration.

[A former chief of the unit in the DCI's Counterterrorist Center formed to focus on Bin Ladin, put it succinctly:

> In my experience between 1996 and 1999, CIA's Directorate of Operations was the only component of the Intelligence Community that could be said to have been waging the war that Bin Ladin declared against the United States in August of 1996. The rest of the CIA and the Intelligence Community looked on our efforts as eccentric and, at times, fanatic].

Additional evidence of the absence of a comprehensive counterterrorist strategy and authoritative leadership can be found in "The Plan" the DCI described in testimony before the Joint Inquiry:

> In spring of 1999, we produced a new comprehensive operational plan of attack against [Bin Ladin] and al Qaeda inside and outside of Afghanistan. The strategy was previewed to senior CIA management by the end of July of 1999. By mid-September, it had been briefed to the CIA operational level personnel, to NSA, to the FBI, and other partners. The CIA began to put in place the elements of this operational strategy which structured the agency's counterterrorism activity until September 11 of 2001.

[According to documents reviewed by the Joint Inquiry, in 1999 "The Plan" consisted of a variety of CIA covert actions against Bin Ladin. Later, in 2000, "The Plan" came to include [———————]. "The Plan" focused principally on CIA covert action and technical collection aimed at capturing Bin Ladin. "The Plan" was also significant for what it did not include:

- A Community estimate of the threat Bin Ladin's network posed to the United States and to U.S. interests overseas; [page 249]

- Significant participation by elements of the Intelligence Community other than the CIA;

- Delineation of the resources required to execute the plan;

- Decisions to downgrade other Community priorities to accommodate the priorities of the plan;

- Attention to the threat to and vulnerabilities of the U.S. homeland; and

- Discussion of FBI involvement in the plan.

The Assistant Director of the FBI's Counterterrorism Division testified to the Joint Inquiry that the FBI had no war plan against Bin Ladin: "Absolutely, we did not [have a plan] at that time." When asked how the FBI's counterterrorism program fit into the overall Community program, the Assistant Director replied:

> I am not sure if I know the answer to that. I talked to [the DCI] briefly about this. I have talked to [the CTC Chief] before -- the answer to your question is, I don't know the answer.

The lack of involvement by agencies other than the CIA is particularly troubling, given gaps in efforts by those agencies to address the threat. For example, while the CIA devoted resources to Bin Ladin, covert action, and Afghanistan, the FBI focused on investigating funding for terrorist groups other than al-Qa'ida, even though FBI leadership recognized after the embassy bombings in August 1998 that al-Qa'ida posed an increasing threat. In some FBI field offices, there was little appreciation for Bin Ladin and al-Qa'ida, including the San Diego office where FBI agents would discover after September 11 connections between terrorist sympathizers and at least two hijackers.

Consistent with this evidence of the absence of a comprehensive strategy is a recent finding by the Inspector General for the Department of Justice that "[t]he FBI has never performed a comprehensive written assessment of the risk of the terrorist threat facing the United States": [page 250]

> Such an assessment would be useful not only to define the nature, likelihood, and severity of the threat but also [to] identify intelligence gaps that need to be addressed. Moreover, . . . comprehensive threat and risk assessments would be useful in determining where to allocate attention and resources . . . on programs and initiatives to combat terrorism.

This assessment still had not been completed as recently as FBI Director Mueller's Joint Inquiry testimony on October 17, 2002. Likewise, the DCI's National Intelligence Council never produced a National Intelligence Estimate on the threat al-Qa'ida and Bin Ladin posed to the United States.

[Absent a comprehensive strategy for combating the threat Bin Ladin posed, the DCI could not be assured that the entire Intelligence Community would focus on the "war." The record of the Joint Inquiry also establishes that the DCI was unable or unwilling to enforce priorities and marshal resources in accordance with his declaration that the Intelligence Community was "at war." Despite the DCI's declaration, the Joint Inquiry heard repeatedly about CIA intelligence priorities that competed with Bin Ladin for personnel and funds, including other high priority intelligence targets worldwide].

NSA Director Hayden described to the Joint Inquiry the situation at his agency before September 11:

> We, like everyone else at the table, were stretched thin in September [2001]. The war against terrorism was our number one priority. We had about five number one priorities. And we had to balance what we were doing against all of them.

General Hayden also explained that he knew what NSA had to do to target Bin Ladin, but he had been unable to obtain sufficient Community support and resources:

> Given all the other intelligence priorities, it would have been difficult at that time within the [Intelligence Community] or the Department of Defense to accept the kind of resource decisions that would have been necessary to make our effort against the target more robust. NSA was focused heavily on [a range of regional and global issues]. Our resources, both human and financial, were in decline. Our [page 251] efforts in 2000 to churn money internally were not accepted by the Community; its reliance on [signals intelligence] had made it reluctant to give it up.

The Joint Inquiry record establishes that, even within the CIA, the DCI did not enforce priorities or marshal resources effectively against the al-Qa'ida threat. Despite the DCI's declaration of war against Bin Ladin, there is substantial evidence that the CIA's Counterterrorist Center had insufficient personnel before September 11, which had a substantial impact on its ability to detect and monitor al-Qa'ida. For example, a former CTC Chief testified before the Joint Inquiry that he did not have the resources to counter the threat Bin Ladin posed:

> The three concepts I would like to leave you with are people, the finances, and operational approvals or political authorities. We didn't have enough of any of these before 9/11.

When asked why personnel were not marshaled to CTC to fight Bin Ladin's network, the former Chief recalled the CIA's Deputy Director of Operations explaining that there were not enough

personnel to go around and that CTC was already well supplied with staff compared to other CIA divisions.

A former Chief of the CTC unit dedicated to Bin Ladin also told us, in a judgment confirmed by his successor:

> We never had enough officers from the Directorate of Operations. The officers we had were greatly overworked. . . . We also received marginal analytic support from the Directorate of Intelligence. . . .

In particular, a CIA officer commented on the reasons for the CIA's failure to follow through on information about two September 11 hijackers who came to the attention of the Intelligence Community in January 2000:

> How could these misses have occurred?… The CIA operators focused on the Malaysia meeting [the hijackers attended]; when it was over, they focused on other, more urgent operations against threats real or assessed. Of the many people involved, no one detected that the data generated by this operation crossed a reporting threshold, or, if they did, they assumed that the reporting requirement had been met elsewhere. . . . They are the kinds of misses that happen when people – even very competent, dedicated people such as the [page 252] CIA officers and FBI agents and analysts involved in all aspects of this story – are simply overwhelmed.

On September 12, 2002, there was a substantial infusion of personnel into the CTC. No comparable shift of resources occurred in December 1998 after the DCI's declaration of war, in December 1999 during the Millennium crisis, or in October 2000 after the attack on *USS Cole*. In testimony before the Joint Inquiry, DCI George Tenet asserted, "In hindsight, I wish I had said, 'Let's take the whole enterprise down,' and put 500 more people there sooner." It is noteworthy that the DCI's comments were limited to the CIA and did not encompass the resources of other agencies within the Intelligence Community.

In response to questions about efforts to obtain additional counterterrorism resources, DCI Tenet described to the Joint Inquiry his inability, before September 11, to generate necessary support within the Executive Branch:

> [I would ask every] year in [the] budget submission . . . I'm not talking about the Committee. I'm talking about the front end at OMB and the hurdle you have to get through to fully fund what we thought we needed to do the job. Senator Kyl once asked me "How much money are you short?" "I'm short $900 million to $1 billion every year for the next five years" is what I answered. And we told that to

> everybody downtown for as long as anybody would listen and never got to first base. So you get what you pay for in terms of our ability to be as big and robust as people - and when I became Director, we had [——] case officers around the world. Now we're up to about [——] and the President's given us the ability to grow that by another [——]. And everybody wonders why you can't do all the things people say you need to do. Well, if you don't pay at the front end, it ain't going to be there at the back end.

The inability to realign Intelligence Community resources to combat the threat Bin Ladin posed is in part a direct consequence of the limited authority the DCI enjoys over major portions of the Intelligence Community. As former Senator Warren Rudman noted in testimony before the Joint Inquiry: "[E]ighty-five percent of [the Intelligence Community's budget] is controlled by the Department of Defense."

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While the DCI has statutory responsibility spanning the Intelligence Community, his actual authority is limited to budgets and personnel over which he exercises direct control: the CIA, the Office of the DCI, and the Community Management Staff. As former House Intelligence Committee Chairman Lee Hamilton told the Joint Inquiry:

> Currently, the Director of Central Intelligence, the leading intelligence figure . . . control[s] but a small portion of his budget. The DCI has, as I understand it, enhanced authority after 1997, and that permits him to consolidate the national intelligence budget, to make some trade-offs, but given the overwhelming weight of the Defense Department in the process, that is of limited value. . . . [T]he thing that puzzles me here is why we reject for the Intelligence Community the model of organization that we follow in every other enterprise in this country. We have someone at the head who has responsibility and accountability. We accept that. But for some reason, we reject it when it comes to the Intelligence Community.

In sum, the Joint Inquiry found leadership and structural failings in the Intelligence Community's response to the Bin Ladin threat. Proposals to restructure the Community are examined in another section of this report**.**

P. The Intelligence Community's Failure to Establish a Coordinated Domestic Focus Before September 11, 2001

Throughout the 1990s, the desire and capacity of international terrorist groups, particularly Islamic radicals, to strike the United States at home increased dramatically. Several terrorist attacks and disrupted plots in the 1990s underscored the reality of this danger.

Recognizing the threat, the Intelligence Community warned regularly and repeatedly that al-Qa'ida and affiliated radicals sought to kill Americans on U.S. soil.

The FBI increased its focus on terrorism in the 1990s, but critics charge that it neither focused sufficiently on radical Islamist activities in the United States nor properly aligned itself to counter the growing danger of terrorism domestically. As a result, the critics say, radical Islamists were able to exploit our freedoms and operate undetected within the United States. Several senior FBI officials, [page 254] however, contend that countering terrorism at home was a top priority and that Islamic radicals simply did not present opportunities for the FBI to disrupt their activities.

[Other Intelligence Community members made only limited contributions to preventing attacks at home and refrained from activities that could be construed as monitoring American citizens. The CIA provided general assessments, noting the risk to the United States. NSA offered some leads related to possible radical activity in the United States, but chose not to intercept communications between individuals in the United States and foreign countries. In general, the Community as a whole did not come together to close gaps in coverage of international terrorist activity in the United States].

As is explained in other sections of this report, in the 1990s, it became clear that al-Qa'ida was a deadly adversary operating in America and able to levy attacks on U.S. soil. The relative immunity from international terrorism that America had enjoyed for many years was gone. Al-Qa'ida was also unusual in its dedication, size, organizational structure, and mission. As former CTC Chief Cofer Black testified, al-Qa'ida became more skilled and attracted more adherents throughout the 1990s, becoming in essence a small army by the end of the decade.

The Intelligence Community repeatedly warned that al-Qa'ida had both the capability and the intention to threaten the lives of thousands of Americans and that it wanted to strike within the United States. This information was conveyed in intelligence reports, broader intelligence assessments, counterterrorism policy documents, and classified Congressional testimony. Policymakers from the Clinton and Bush administrations have testified that the Intelligence Community repeatedly warned them of the danger al-Qa'ida posed and the urgency of the threat.

Q. Steps Taken to Fight International Terrorism at Home

The FBI increased its focus on terrorism throughout the 1990s and helped prevent several major attacks that would have killed many innocent people. According to Director Mueller, these schemes included a 1993 plot to attack New York City landmarks; a 1995 plot to bomb U.S. commercial aircraft; [page 255] a 1997 plot to place pipe bombs in New York City subways; and a plot to bomb the Los Angeles airport in December 1999.

The FBI took several important measures to improve its ability to fight international terrorism in the United States. Former Director Freeh testified that, during the 1990s, the FBI more than doubled the number of personnel working counterterrorism, and its counterterrorism budget more than tripled. In 1998, former Assistant Director for Counterterrorism Dale Watson and other FBI leaders recognized that the Bureau was reacting to terrorist attacks rather than preventing them. They initiated the "MAXCAP05" program to improve the FBI's ability to counter terrorism. In 1999, the FBI made counterterrorism a separate Headquarters division, elevating its importance within the Bureau, and created a separate operational unit focused on Bin Ladin.

Several current and past senior FBI officials have also testified about Bureau initiated personnel exchanges with the CIA and the expansion of its Legal Attaché program (stationing FBI representatives in U.S. Embassies), both of which deepened the FBI's ability to link domestic and international threats. Finally, former Director Freeh has testified that Joint Terrorism Task Forces (JTTFs) were given increasing prominence throughout the 1990s. The JTTF model, originally created to improve coordination between the FBI and the New York City Police Department, was expanded to other cities after the first World Trade Center attack. Over time, the number of JTTFs increased, improving coordination with state and local officials and even other elements of the Intelligence Community, as CIA officers joined several task forces.

R. Lack of Focus on the Domestic Threat

In spite of these steps, several critics contend that the Intelligence Community did not pay sufficient attention to the risk of an attack at home, and that, as a result, the United States became a sanctuary for radical terrorists:

- Former National Security Advisor Brent Scowcroft testified that as a result of American freedoms and civil liberties, "the safest place in the world for a terrorist [page 256] to be is inside the United States. . . . As long as [terrorists] don't do something that trips them up against our laws, they can do pretty much all they want."

- Richard Clarke, former NSC Special Coordinator for Counterterrorism, contends that, with the exception of the New York office, FBI field offices around the country were "clueless" about counterterrorism and al-Qa'ida and did not make these targets priorities. Former National Security Advisor Berger testified that the FBI was not sufficiently focused on counterterrorism before September 11.

- As the Joint Inquiry record confirms, FBI officials working on terrorism faced competing priorities and the ranks of those focusing on al-Qa'ida were not sufficiently augmented. Only one FBI strategic analyst focused exclusively on al-Qa'ida before September 11. The former Chief of the FBI's International Terrorism Section stated that he had more than one hundred fewer Special Agents working on international terrorism on September 11 than he did in August 1998.

- Interviews of FBI New York field office and FBI Headquarters personnel suggest that the New York Field Office, the office of origin for all major Bin Ladin-related investigations, focused primarily on investigating overseas attacks.

- The terrorist threat was viewed through a narrow lens because of the FBI's case-based approach. Interviews of FBI personnel show that analysts were sent to operational units to assist in case work rather than assess data gathered by the various field offices.

- According to FBI agents, FBI counterterrorism training was extremely limited before September 11.

- Former U.S. Attorney Mary Jo White testified that the FBI often lacked linguists competent in the languages and dialects spoken by radicals linked to al-Qa'ida.

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- An FBI agent with considerable counterterrorism experience noted that foreign governments often knew more about radical Islamist activity in the United States than did the U.S. Government because they saw this activity as a threat to their own existence.

As is discussed in other sections of this report, the Joint Inquiry record confirms that the FBI's decentralized structure and inadequate information technology made the Bureau unable to correlate the knowledge possessed by its components. The FBI did not gather intelligence from all its many cases nation-wide to produce an overall assessment of al-Qa'ida's presence in the United States. The Joint Inquiry has also found that many FBI field offices had not made counterterrorism a top priority and they knew little about al-Qa'ida before September 11.

The FBI also did not inform policymakers of the extent of terrorist activity in the United States, although former Director Freeh stated that he met regularly with senior U.S. Government officials to discuss counterterrorism. Former National Security Advisor Berger has testified that the FBI assured him that there was little radical activity in the United States and that this activity was "covered." Although the FBI conducted many investigations, these pieces were not fitted into a larger picture.

FBI officials argue that al-Qa'ida and its sympathizers proved a difficult target in the United States. Director Mueller contends that the hijackers did little to arouse suspicion in the United States, staying away from known terrorist sympathizers:

> They gave no hint to those around what they were about. They came lawfully. They lived lawfully. They trained lawfully.

This judgment is corroborated by several senior FBI investigators who point out that, although "international radical fundamentalists" operate in the United States, "real al-Qa'ida members," those involved in planning or carrying out attacks, avoid other radicals and radical mosques as part of their tradecraft. As is discussed elsewhere in this report, that judgement is open to some question, based on what is now known about the activities of the hijackers in the United States.

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Former FBI Director Freeh also noted in an interview that al-Qa'ida operations were small and were not connected to real "cells," and the former Assistant Director for the FBI's Counterterrorism Division contended that many of the "red flags" now apparent are visible only in hindsight. Other FBI officials noted in testimony that U.S. protection of civil liberties precluded the use of intrusive investigative techniques, and Mr. Freeh criticized the idea of using the FBI preventively by being much more aggressive as a potential risk to a democratic and open society.

Finally, FBI officials contend that resources were limited, while requirements kept increasing. Former Director Freeh and the Assistant Director for the Counterterrorism Division testified that the FBI provided security against terrorism at trials, at special events such as the Olympics, and for meetings of world leaders, all of which demanded considerable resources. In addition, cyber threats and weapons of mass destruction demanded FBI attention. Mr. Freeh testified that, by the end of the decade, "the allocations were insufficient to maintain the critical growth and priority of the FBI's counterterrorism program."

The Joint Inquiry received mixed reports regarding the FBI's aggressiveness in penetrating radical Islamic groups in the United States. Former U.S. Attorney Mary Jo White testified that FBI sources proved invaluable in the successful prevention of the 1993 attack on New York landmarks and the prosecution of the first World Trade Center attack that same year. In addition, the FBI had numerous wiretaps and several human informants in its effort to target various radical Islamist organizations.

However, an FBI official involved in the investigations of the first World Trade Center attack and other terrorist plots argued that the FBI made it exceptionally difficult to handle sources and that this difficulty increased in the 1990s. The agent contended that the FBI did not want to be associated with persons engaged in questionable activities, even though they can provide useful information. In addition, he asserted that agent performance ratings downgraded the importance of developing informants. Director Mueller, however, testified that many constraints and restrictions had decreased since the 1970s, enabling FBI agents to recruit sources with few impediments.

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S. Limited Counterterrorism Contributions by other Intelligence Community Members

The criticisms regarding the FBI's limited attention to the danger at home reflects a large gap in the nation's counterterrorism structure, a failure to focus on how an international terrorist group might target the United States itself. No agency appears to have been responsible for regularly assessing the threat to the homeland. In his testimony before the Joint Inquiry, Deputy Secretary of Defense Wolfowitz asserted that an attack on the United States fell between the cracks in the U.S. Intelligence Community's division of labor. He noted that there is "a problem of where responsibility is assigned."

The CIA and NSA followed events overseas, and their employees saw their job as passing relevant threat information to the FBI. Both the CIA and NSA are leery of activity that suggests they are monitoring U.S. citizens or conducting assessments linked to the activities of persons in the United States, a task that officials interviewed at these agencies believed belongs exclusively to the FBI. The FBI, on the other hand, does not have the analytic capacity to prepare assessments of U.S. vulnerability and relies heavily on the CIA for much of its analysis.

At times, the CIA ignored threat activity linked to the United States, focusing instead on radical activity overseas. For instance, one CIA officer told the Joint Inquiry in an interview that the travel of two hijackers to Los Angeles was not important and that he was interested only in their connection to Yemen.

[A particular failure by NSA and the FBI to coordinate the interception of communications by al-Qa'ida operatives before September 11 illustrates the gaps between programs implemented by the members of the Intelligence Community. Both the FBI and NSA had programs in place to collect al-Qa'ida communications. [————————————————————]. The FBI had not identified a significant number of al-Qa'ida cells in the United States and, thus, had fewer opportunities to use electronic surveillance against these targets].

[While each agency pursued its own collection strategy, neither exerted any effort to develop a coordinated plan to intercept international communications, particularly those between the United [page 260] States and foreign countries. We now know that several hijackers communicated extensively abroad after arriving in the United States and that at least two entered,

left, and returned to this country. Effective coordination among the Intelligence Community agencies could have provided potentially important information about hijacker activities and associations before September 11].

[NSA analyzed several communications from early 2000 involving hijacker Khalid al-Mihdhar, and a suspected terrorist facility in the Middle East that was associated with al-Qa'ida's activities directed against United States' interests. [———————————————————]. The Intelligence Community did not determine until after September 11, 2001 that these contacts occurred while al-Mihdhar was in the United States. [———]. Knowledge of al-Mihdhar's presence in the United States could have proven crucial to launching an investigation that might have revealed information about him and his roommate, hijacker Nawaf al-Hazmi, who came into contact with Hani Hanjour and other hijackers at various times in 2001].

[Better coordination between NSA and the FBI might have: improved prospects for determining that al-Mihdhar was in this country in early 2000; led to the collection of information concerning international communications by other hijackers; identified radical suspects; and created leads for the FBI. Both NSA and FBI are authorized to access international communications between the United States and foreign countries. [———].

[Both agencies had independently learned of the suspected terrorist facility in the Middle East and knew that it was linked to al-Qa'ida activities directed against United States' interests. The FBI informed NSA when it learned of the suspected terrorist facility in August 1998. [Page 261] NSA disseminated several reports of communications involving the suspected terrorist facility in the Middle East to the FBI, including reports relating to [———————————]. However, NSA and the FBI did not fully coordinate their efforts, and, as a result, the opportunity to determine al-Mihdhar's presence in the United States was lost].

[———]. [NSA Director Hayden testified before the Joint Inquiry that the collection of communications between the United States and foreign countries will most likely contain information about [—] domestic activities and, thus, [———] is the responsibility of the FBI, not NSA. General Hayden contrasted the foreign intelligence value of such intercepts and their domestic security value. If the former is at stake, he asserted, NSA should intercept the communications; if the latter, the FBI].

General Hayden, senior NSA managers, NSA legal staff, and NSA analysts made clear in Joint Inquiry testimony and interviews that they do not want to be perceived as focusing NSA capabilities against "U.S. persons" in the United States. The Director and his staff were unanimous that lessons NSA learned as a result of Congressional investigations during the 1970s should not be forgotten.

[Whatever the merits of this position, it was incumbent on NSA and the FBI to coordinate so that the full range of intelligence collection weapons in the arsenal of the Intelligence Community could have been deployed against the terrorist threat. NSA routinely gave the FBI intelligence reporting, and that reporting contained leads about foreign terrorist-related communications. In addition, NSA responded to requests from the FBI for such information [———————]. The FBI used NSA-supplied information to advance its investigative interests. However, there was no inter-agency procedure in effect to ensure that the FBI made an informed decision to cover communications that NSA was not covering [———————————————————————————————————].

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PART THREE-TOPICS-THE ATTACKS OF SEPTEMBER 11, 2001

I. Counterterrorism Resources

Throughout the Joint Inquiry, Intelligence Community witnesses cited a lack of money and people to explain why agencies failed to produce more intelligence on al-Qa'ida, did not arrest or disrupt more terrorists, and were otherwise limited in their response to the growing terrorist threat.

In general, between the end of the Cold War and September 11, 2001, Intelligence Community resources fell or remained even in constant dollars. As a result, overall capabilities declined. The CIA, for example, reduced the number of its operations officers in the field. In addition, the necessary support "tail" for counterterrorism, such as communications and training, eroded. More generally, depth of coverage and expertise declined as personnel moved from crisis to crisis or focused only on the highest priorities.

Within the overall intelligence budget, however, spending on counterterrorism increased considerably during the 1990s. The counterterrorism component of the overall National Foreign Intelligence Program (NFIP) at least doubled at most agencies in the decade before the September 11 attacks, while funding for other intelligence missions declined or stayed even.

In spite of this increase in counterterrorism resources, the overall decline in Intelligence Community resources made it difficult to expand the counterterrorism effort significantly to meet the growing threat. In addition, the overall decline in capabilities hindered the robustness of the counterterrorism effort. Spending on counterterrorism, and spending on al-Qa'ida in particular, relied heavily on supplemental appropriations, which carried with it additional disadvantages.

Although details are imprecise, the Joint Inquiry's research and Intelligence Community agency estimates show that the number of people working on terrorism rose steadily, despite overall decreases in Intelligence Community staffing. Nonetheless, the number of people in

counterterrorism remained small, particularly when compared with post-September 11 levels. [Page 263]

A. Joint Inquiry Resource Review Methodology and Limitations

To explore resource allocations, the Joint Inquiry reviewed documents, requested additional information on specific issues, and interviewed knowledgeable personnel. Documents included formal NFIP submissions and responses; staffing descriptions for major counterterrorism offices, such as the Counterterrorist Center (CTC) at CIA and the FBI's Counterterrorism Division; CIA and FBI submissions requesting additional resources; supplemental appropriations and justifications; National Security Council (NSC)-mandated reviews of counterterrorism spending throughout the Intelligence Community; Inspector General reports; internal assessments of the effort against al-Qa'ida; and many other documents.

Because existing documentary information was insufficient, the Joint Inquiry asked the Intelligence Community for additional information. This included identifying the number of personnel who worked directly on al-Qa'ida and terrorism; determining and reviewing budget methodology; calculating full-time-equivalent staffing levels; and ascertaining resources that other groups received. Interviews related to resources spanned a range of policy officials, Intelligence Community leaders, and budget officers from the agencies and former OMB officials. Policy officials at the NSC and Department of Defense (DoD) were asked about the level of resources provided for intelligence and for counterterrorism.

Based on this review, it appears that the Intelligence Community has only a limited sense of what is budgeted for missions such as counterterrorism. Agencies submit budget requests for field agents or spy satellites, for instance, but do not systematically track the missions for which these capabilities are used. As a result, methodologies vary for estimating how much is spent on terrorism. Moreover, because Intelligence Community managers do not use this data for day-to-day operations, little information was readily available in response to our data requests. The Intelligence Community cannot quickly determine how or where money is spent, or which missions its personnel are carrying out.

Intelligence Community budgeting procedures thus make it difficult to determine whether counterterrorism as a mission is properly funded. Community components budget by [page 264] capabilities, such as the number of intelligence officers or satellites, rather than by missions, such as counterterrorism. Many of these capabilities, however, serve more than one function or mission, making it difficult to measure resource allocation. For example, a CIA field officer may collect on the internal politics of a country, a weapons shipment, and terrorism.

According to the CIA's Associate Deputy Director for Operations (DDO) for Resources, Plans and Policies, it is difficult to measure how much is spent on counterterrorism and the least precise area of accounting is human resources. For instance, in the field, personnel might work on several targets. Requiring them to keep track of the time they spend on particular tasks was considered, but rejected due to the administrative burden this would impose.

Also, counterterrorism often entails infrastructure costs that cannot be readily allocated to a particular effort. Before Fiscal Year (FY) 1999, there was little effort to track counterterrorism spending because counterterrorism was not an office or an expenditure center. Counterterrorism is not limited to CTC, and other CIA components support the effort. Finally, the CIA's accounting system focused on capabilities and resources, not on missions.

In FY 1999, the Office of Management and Budget (OMB) required that spending on counterterrorism be tracked. According to the CIA Budget Office's Director and Deputy Director, counterterrorism spending was calculated by determining the cost of CTC and specific counterterrorism operations for other offices. Indirect costs for those offices, like infrastructure and computers, were not included. To make these calculations, budget officers had to examine each organization and each program. While efforts are underway to restructure budget procedures to make data more easily retrievable, it remains difficult to determine what the Intelligence Community is spending on specific issues and missions. Data must be manually retrieved since budget systems do not "talk" to human resources systems. The effort is time and labor intensive and not "repeatable" because different measures are used in different years.

Even the CIA report on the counterterrorism effort that was provided in response to a specific Joint Inquiry request required a manual reconstruction of hours worked, which is imprecise at best. Thus, the Agency could provide only limited information on how its officers [page 265] divided their time in 1998. A senior NSA official in testimony criticized personnel accounting procedures that focus only on one product line, such as counterterrorism, noting that cryptographers, target developers, and other personnel contribute to products even if they are not formally part of the product lines. However, NSA was unable to provide a procedure to account for the contributions of these personnel.

As a result of these ambiguities, the Community often does not know how much it spends on particular efforts, making it difficult to compare funding across missions. Moreover, different components of the Community use different measures to determine how much they spend on missions, and there is no universally accepted method to measure indirect costs such as infrastructure.

In light of these difficulties, the estimates of spending on counterterrorism that follow should be viewed as rough outlines, not detailed pictures of overall expenditures. Since counterterrorism is not an explicit budget category for the Intelligence Community, it is difficult to estimate the percentage of Community capabilities (e.g., field officers or spy satellites) dedicated to counterterrorism. Community budget officers advised that components of the Community use different measures to estimate total sums spent on counterterrorism and these measures are not consistently used within agencies. Finally, indirect costs (such as infrastructure or communications) are often excluded from these figures.

In addition to this data problem, the White House refused to allow the Intelligence Community to respond to Joint Inquiry requests for information regarding budgets and budgetary decision making. Many important resource issues revolved around the question of “Who said no?” to requests for additional funds for counterterrorism. However, the White House invoked Executive privilege and refused to permit the Intelligence Community to provide “pre-decisional” data on budget requests that were made by agencies before they were sent to Congress. The Joint Inquiry received some of this information indirectly, but large gaps remain. The White House also invoked Executive privilege in response to requests for information on spending for covert action.

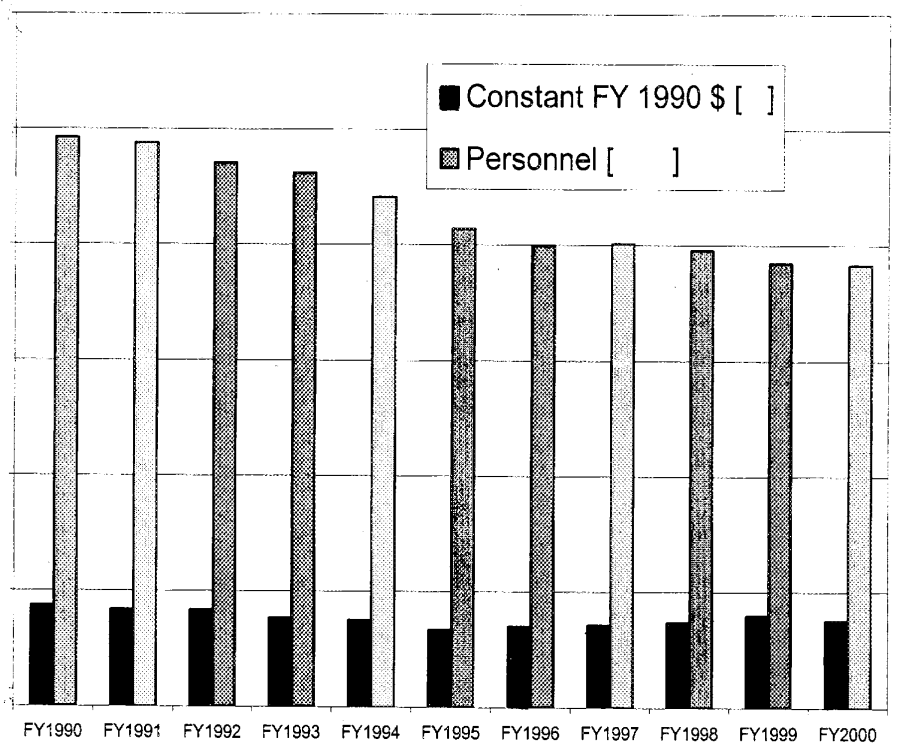
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B. Overall Intelligence Community Funding

Overall funding of intelligence agencies and associated personnel levels fell or remained roughly even in constant dollars from the end of the Cold War until September 11, 2001, hindering the Community's response to the growing terrorist threat. As Chart 1.0 shows, the Intelligence Community budget fell or remained even in constant dollars throughout the 1990s.

Chart 1.0: Total NFIP Funding And Positions, FY 1990 To FY 2000 [Redacted]



Source: CMS

[Page 267]

Many of the overall capabilities, such as communications and training, that are needed to support counterterrorism and other intelligence operations were cut as part of money-saving efforts. Some critics claim these cuts went too far. For example, Deputy Secretary of Defense

Wolfowitz testified that his work with the "Rumsfeld Commission" in 1998 concerning the ballistic missile threat to the United States made clear to him that "resources for intelligence had been cut too deeply." DCI Tenet testified that the CIA regularly asked OMB for more money, but had little success. This led to a shortage of trained agents and other resources.

Former FBI Director Freeh testified that the FBI did not have sufficient resources to "maintain the critical growth and priority of the FBI's counterterrorism program." From 1996 to 1999, Congress increased appropriations substantially, but from 2000 to 2002, requests for additional funds were denied. As a result, FBI Headquarters units that dealt with Islamic extremism had insufficient resources. According to Mr. Freeh:

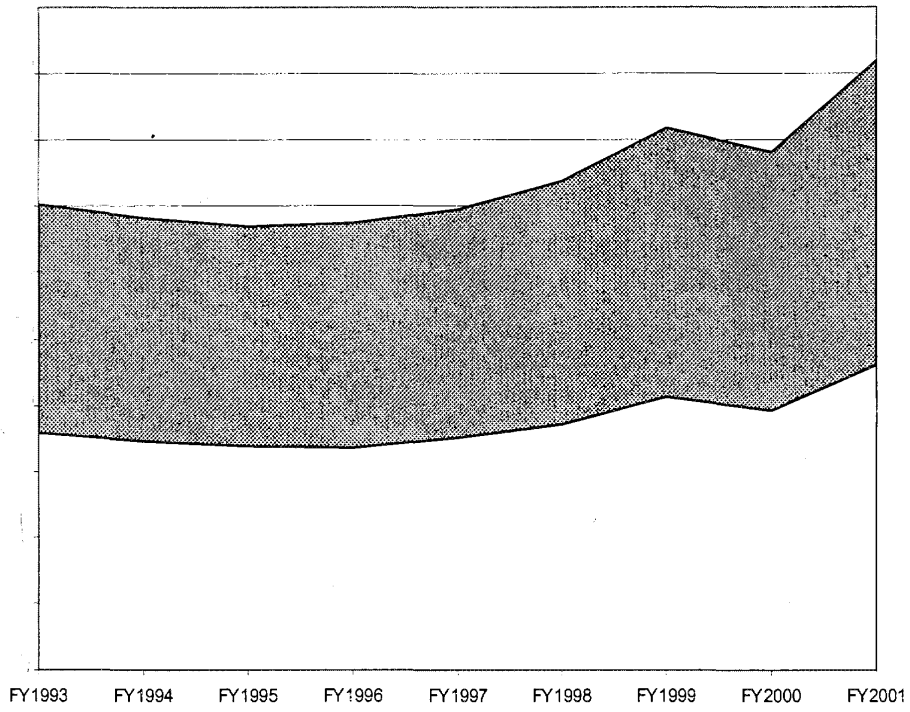
> For FY 2000, 2001, and 2002 FBI counterterrorism budgets, I asked for a total of 1,895 Special Agents, analysts, linguists, and others. The final, enacted allocation I received was 76 people over those three years. . . . Thus, at the most critical time, the available resources for counterterrorism did not address the known critical needs.

The House and Senate Intelligence Committees typically authorized more for the Intelligence Community in the years before September 11 than the Congressional appropriators eventually approved. As Chart 1.1 indicates, only in one fiscal year (FY1996) did the appropriation exceed the authorization.

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Chart 1.1: NFIP Appropriations and Authorizations, FY1993-FY2001 [Redacted]



Source: HPSCI

C. Resources Dedicated To Counterterrorism

[Spending dedicated to counterterrorism grew, however, even as overall resources on intelligence declined. Former National Security Advisor Samuel Berger noted for the record that "working with Congress, [the Clinton administration] more than doubled the counterterrorism budget from 1995 to 2000, during a time of budget stringency – with a 350 % increase in the FBI's counterterrorism funds, and (although classified) substantial increases in CIA's counterterrorism resources." Information from the CIA's Chief Financial Officer shows that funds appropriated to CTC increased from [ ] in FY 1992 to [ ] in FY 2000, excluding supplemental appropriations. Former FBI Director Freeh testified that the number of [page 269] Special Agent and support positions dedicated to terrorism more than doubled from 1993 to 1999. To achieve these increases, the Intelligence Community shielded counterterrorism programs from

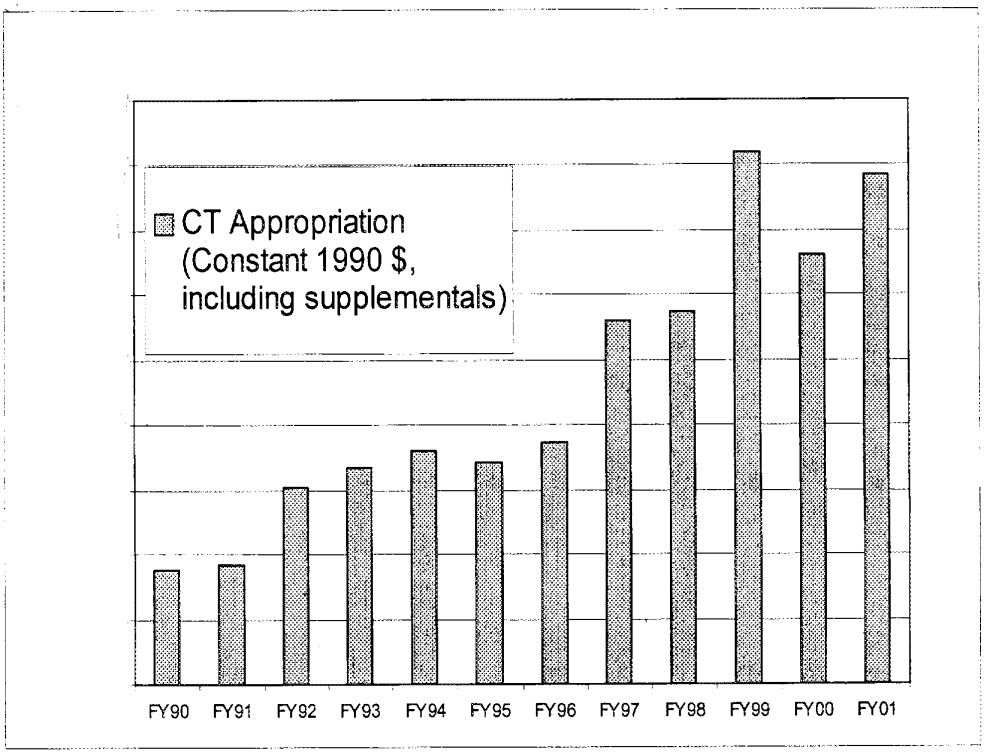
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budget cuts and, as the terrorist threat grew, increased the number of personnel and the amount of resources dedicated to counterterrorism. However, despite this relative increase in resources, there was no massive increase before September 11, 2001].

Chart 1.2 describes overall trends in the Intelligence Community budget dedicated to counterterrorism before September 11, 2001. As Chart 1.2 shows, in the decade before September 11, direct spending on counterterrorism throughout the Community roughly quintupled in a time of tight budgets.

[Page 270]

Chart 1.2: Intelligence Community Counterterrorism Spending Before September 11 [Redacted]



Source: CMS

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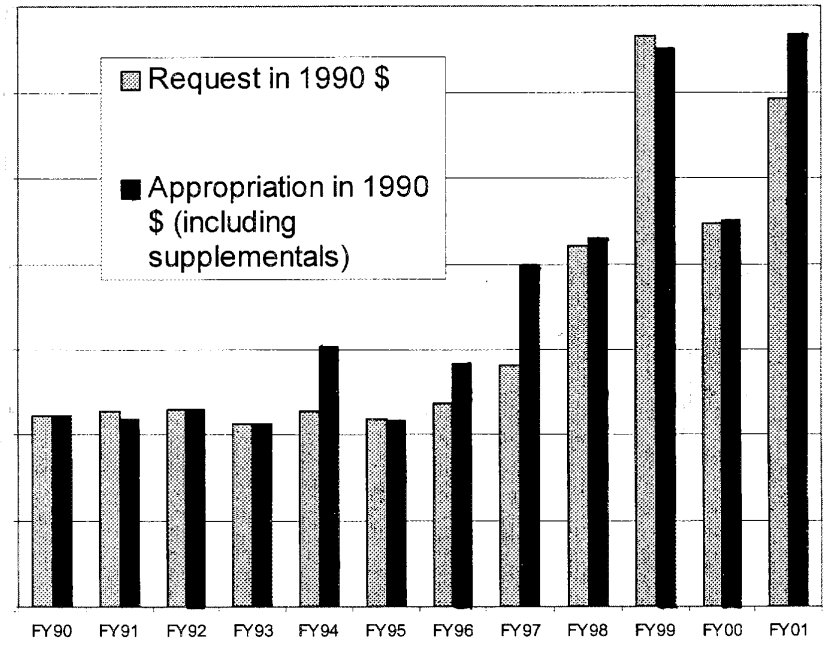
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Charts 1.3, 1.4, and 1.5 compare the amounts the President requested of Congress for CIA, NSA and the FBI with the amounts, including supplemental appropriations, that were eventually appropriated. Agency leaders testified that their requests for resources were sometimes not satisfied, even though Congress appropriated as much or more than the President requested. This is because OMB often reduces agency requests before transmitting them to Congress. As mentioned earlier, the White House denied the Joint Inquiry access to pre-decisional budget data about what was asked of the White House and what was transmitted to Congress. Thus, the Joint Inquiry was not able to obtain that information for the Intelligence Community agencies, apart from FBI data available to the Senate Intelligence Committee.

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Chart 1.3. CIA Spending on Counterterrorism Before September 11 [Redacted]



Source: CMS

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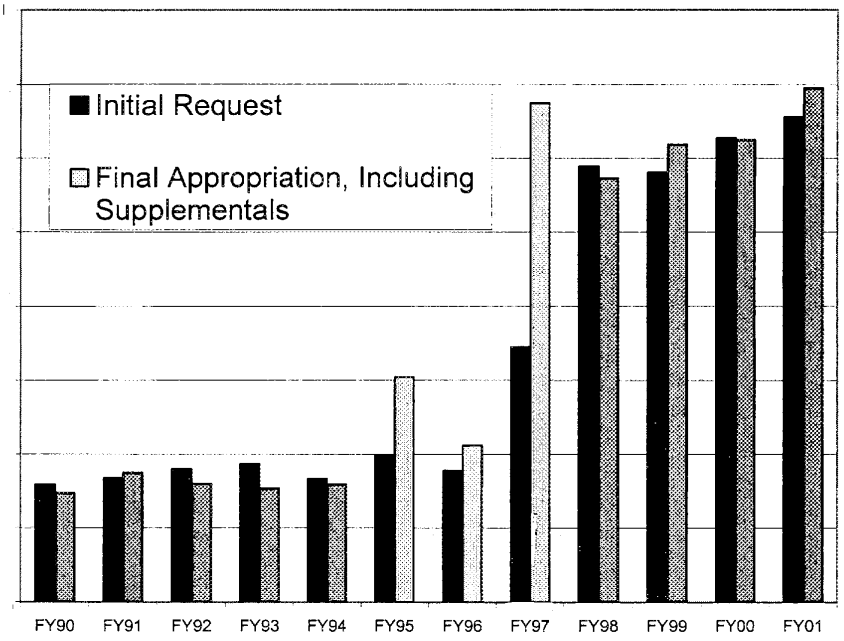
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As Chart 1.3 illustrates, CIA appropriations for counterterrorism increased throughout the 1990s. In general, appropriations for CIA met or exceeded the requests that were submitted by the President to Congress.

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Chart 1.4. FBI Spending On Counterterrorism Before September 11 [Redacted]



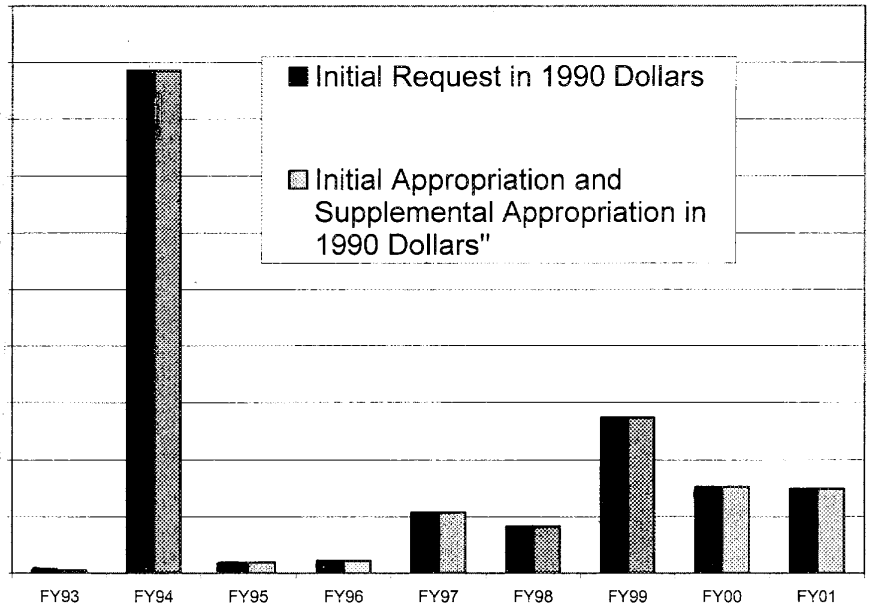
Source: FBI (information provided to SSCI)

The FBI usually received more – at times far more – than the amounts the President initially requested from Congress. FBI appropriations for counterterrorism increased dramatically in the mid-1990s and then fell or remained roughly constant in the years before September 11, 2001.

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Chart 1.5. NSA Spending On Counterterrorism Before September 11 [Redacted]



Source: CMS

NSA received increases in counterterrorism funding, consistent with the rest of the Intelligence Community, with dramatic increases throughout the 1990s. Appropriations consistently met or exceeded Presidential requests to Congress.

Intelligence Community officials contend that the increasing resources they received were not sufficient to meet the growing threat. For example, Cofer Black, former CTC Chief, testified that a lack of resources was a major impediment for CTC. Officials at NSA and CIA also stated in Joint Inquiry interviews that resources had been a problem.

D. Personnel Shortages [Page 274]

The number of analysts, operations officers, field agents, and other intelligence professionals working on al-Qa'ida was limited, creating personnel shortages that led to important information being overlooked.

a. Personnel Concerns At CIA

At the request of the Joint Inquiry, the CIA reviewed its counterterrorism effort from 1998 to 2002. This included analysts and operators outside CTC, many of whom made important contributions but worked only part time on al-Qa'ida. The review resulted in estimates of total "work-years" (i.e., 2087 labor hours per annum) combining the time expended by analysts focusing exclusively on al-Qa'ida and those working on related issues, such as terrorist financing. The results are summarized in Table 2.0.

Table 2.0. Full-Time Equivalent Personnel Dedicated To Counterterrorism At CIA (Excludes CIA Contractors And Detailees From Other Agencies)

Full-Time Equivalent (Work-years) for Staff Employees	**September 1998**	**August 2001**	**July 2002**
Total Headquarters and Staff Work-years Devoted to al-Qa'ida	[ ]	[ ]	[ ]
Total Headquarters and Staff Work-years Devoted to Terrorism, Excluding al-Qa'ida	[ ]	[ ]	[ ]
Total CTC Effort against terrorism (both al-Qa'ida and other groups)	[ ]	[ ]	[ ]

As Table 2.0 indicates, the number of CIA personnel working on al-Qa'ida almost doubled from the August 1998 East Africa U.S. embassy attacks to September 11, 2001. Before [page 275] September 11, the numbers of CTC personnel involved in the effort against terrorism grew, though much of the increase occurred in the field.

Despite these increases, the former Chief of the CTC's Sunni Extremist Group testified that "[w]e always needed more," though he also noted that every other part of the CIA's Directorate of Operations (DO) also believed they needed more resources. DCI Tenet testified

that "we never had enough" personnel working on al-Qa'ida." Many CTC personnel asserted in interviews that the number of employees was well below the levels that were necessary, given the volume of information and the growing nature of the threat. One officer claimed she was told when appeals for more resources were rejected: "People [will] have to die for them to get resources."

The lack of adequate resources meant that CTC personnel responsible for al-Qa'ida were required to work extremely long hours without relief. This created morale problems, made retention difficult, and fostered the perception that the DO did not truly support the counterterrorism mission. As the former Chief of the CTC unit focused on Bin Ladin testified:

> We never had enough officers from the [DO]. The officers we had were greatly overworked. And there was always more senior-level concern for [————————————] than for providing more officers to protect the health and welfare of the unit's officers.

[Despite recognition of the menace al-Qai'da posed and the relatively limited understanding of its network, the CIA had relatively few analysts working on the problem. At CTC, the total work-years for terrorism analysis relating to al-Qa'ida inside its analytic group was only nine in September 1998. According to CIA, nine CTC analysts and eight analysts in the Directorate of Intelligence were assigned to UBL and al-Qa'ida in 1999. This was only a fraction of the analytic effort that was to be devoted to al-Qa'ida in July 2002].

b. Personnel Concerns At NSA

[NSA had only a limited number of Arabic linguists. Before September 11, 2001, few were dedicated full-time to al-Qa'ida, which was only one of many priority counterterrorism [page 276] targets at NSA for which Arabic linguists were needed. For example, those linguists were also used to support other important regional topics and to translate intelligence originating in other parts of the world].

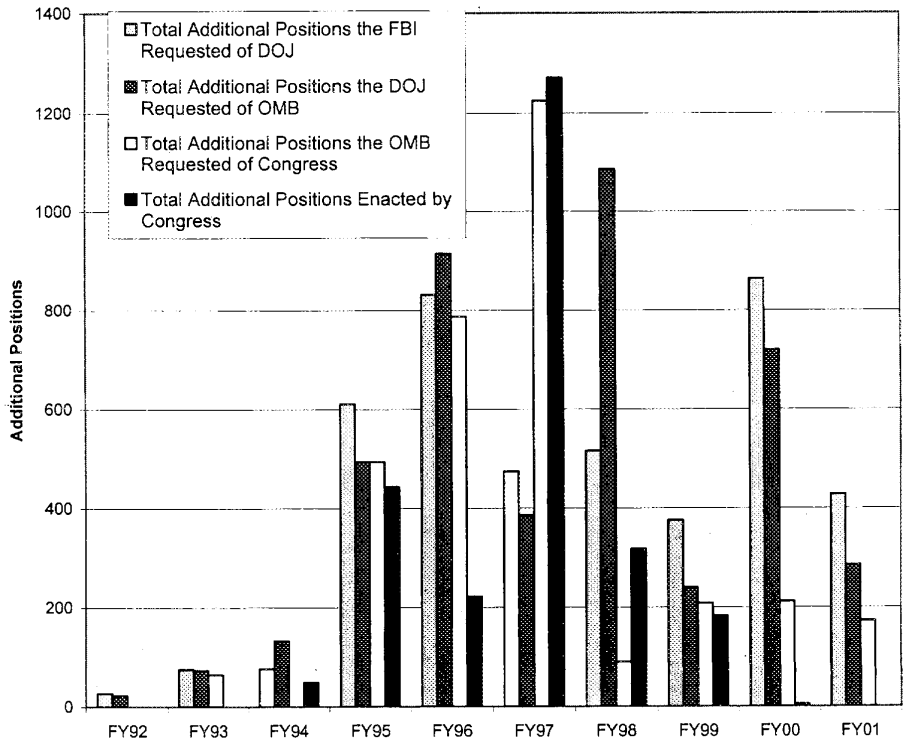
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c. Personnel Concerns At The FBI

The FBI labored under a hiring freeze in the last years of the Clinton Administration. As a result, it did not train new agents, according to an interview of former Director Freeh. Although FBI full-time-equivalent work-years on international terrorism doubled from 1993 to 1998, they fell or remained constant from 1999 to September 2001, according to FBI information. That information also shows that actual work-years of agents and support personnel in the field grew from 482 in 1993 to 1,034 in 2000. Despite this dramatic increase, FBI officials claim they did not receive enough resources to manage the emerging threat. A summary of FBI requests for additional personnel for counterterrorism and the responses from the Department of Justice, Office of Management and Budget, and Congress is presented in Chart 1.6.

[Page 277]

Chart 1.6 FBI Resource Requests



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Source: FBI

Chart 1.6 demonstrates that FBI requests for additional personnel were cut or rejected at times by the Department of Justice, the Office of Management and Budget, and the Congress. Sometimes the Bureau received most of its initial request, and its request was exceeded in one instance. Former OMB officials noted in Joint Inquiry interviews that it was rare for any agency to receive more than its initial request during a time of budget stringency. They also pointed out that, while the FBI often did not receive additional personnel for counterterrorism, many other agencies faced significant cuts.

E. Counterterrorism and the Competition for Scarce Resources

[Page 278]

Because intelligence budgets were shrinking while counterterrorism resources were steadily growing, senior policy and intelligence officials were reluctant to make the additional cuts in other programs that would have been necessary to augment counterterrorism programs further. This would have jeopardized their ability to satisfy other collection priorities within the Intelligence Community. As Director of Central Intelligence George Tenet testified:

> As I "declared war" against al-Qa'ida in 1998 – in the aftermath of the East Africa embassy bombings – we were in our fifth year of round-the-clock support to Operation Southern Watch in Iraq. Just three months earlier, we were embroiled in answering questions on the India and Pakistan nuclear tests and trying to determine how we could surge more people to understanding and countering weapons of mass destruction proliferation. In early 1999, we surged more than 800 analysts and redirected collection assets from across the Intelligence Community to support the NATO bombing campaign against the Federal Republic of Yugoslavia.

[Similarly, NSA Director Hayden testified that his energy was focused heavily on a range of regional and global issues. An FBI budget official told the Joint Inquiry that counterterrorism was not a priority for Attorney General Ashcroft before September 11, 2001 and that the FBI faced pressure to make cuts in counterterrorism to satisfy the Attorney General's other priorities].

The CIA's Associate Deputy Director for Operations (DDO) for Resources recalled some attempt to protect counterterrorism in response to the DCI's declaration of war. However, this did not lead to any change in training, any dramatic increase in the size of CIA's Middle East stations,

or significantly greater numbers of personnel assigned to CTC. A particular problem was that counterterrorism was a worldwide target, and the DO was closing stations in less strategic areas [———] even though al-Qa'ida was active there. This hindered acquisition of information on terrorism in these areas. In interviews, CIA officials explained that they were reluctant to cut entire areas of collection, particularly in the field, because senior U.S. Government policymakers had many requirements for intelligence across a wide variety of issue areas.

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By the late 1990s, Intelligence Community coverage of many issues was exceptionally slim, and staffing was skeletal. The CIA's DO cut by almost one-third the number of personnel deployed overseas, according to the DDO. The Associate DDO for Resources noted that the DO often was not able to meet its collection goals, in part because an increased focus on counterterrorism meant that other issues received less attention. At best, the DO could sustain what it had, but could not invest in the future. Communications and training suffered tremendously, DO officials reported.

[The Intelligence Community was unable to reduce requests for collection on other priorities. As NSA Director Hayden testified, "Our efforts in 2000 to churn money internally were not accepted by the Community; its reliance on [signals intelligence] had made it reluctant to give it up." Former CTC Chief Black noted that shifting resources was difficult because the policy community had other demands for intelligence. He stated in an interview that "[w]e could see it coming in Afghanistan, but, for example, couldn't get more Agency slots [within the theater]." In an interview, the CIA official responsible for the Near East noted that, even after September 11, no major issues were deleted, despite the imperatives of the war on terrorism].

As a result, Intelligence Community officials contend they had too many priorities for the resource levels that were available. The NSA Director testified that, "[g]iven all the other intelligence priorities, it would have been difficult at that time within the [Intelligence Community] or the Department of Defense to accept the kind of resource decisions that would have been necessary to make our effort against the target more robust."

Requests for additional assistance by counterterrorism officials often fell on unsympathetic ears because of declining resources. Mr. Black noted in an interview that the DDO told him that

the CTC had more than its share of people when compared with other divisions. According to the Associate DDO for Resources, every office in the DO asked for more people and the demand for Arabists was particularly high. In general, requests for additional personnel were small because managers knew that resources were limited.

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When additional resources did become available, intelligence officials sought to build up overall capabilities, not just those tied to terrorism. According to the Director of the CIA's Office of the Budget, proposals for putting more DO officers in the field, which was a priority for several years, were not specifically tied to counterterrorism. Any additional field officers would be tasked according to current requirements.

F. Policymaker Criticism of Intelligence Community Budget Allocations

Several former OMB and NSC officials asserted in interviews that the FBI and CIA focused too much on protecting overall funding, and not enough on shifting priorities to increase spending on terrorism. Budget requests specifically tied to counterterrorism were generally approved, according to former OMB officials. However, most requests were for overall capabilities, which met with less support.

For example, former National Coordinator for Security, Infrastructure and Counterterrorism Richard Clarke criticized the Intelligence Community and the FBI for not putting aside other priorities to ensure that al-Qa'ida received sufficient coverage. Mr. Clarke explained in a briefing that only a small part of CIA's counterterrorism expenditures was devoted to al-Qa'ida, even though "[w]e in the NSC and we in the OMB asked CIA repeatedly to find programs of lesser priority, either in the CIA budget or the Intelligence Community budget, to increase the size of these activities, and they claimed there was no program anywhere in the intelligence budget where they could get any funding to reprogram." Former OMB officials corroborate Clarke's argument that the Intelligence Community was reluctant to reprogram money to pay for efforts against al-Qa'ida or otherwise re-align overall spending.

The FBI's use of counterterrorism resources received particular criticism. The Bureau assigned fewer than ten tactical analysts and only one strategic analyst to al-Qa'ida before

September 11. Analysts instead focused on critical infrastructure, case support, and domestic terrorism. FBI officials told the Joint Inquiry that they focused on investigating overseas terrorism, rather than on strategic analysis or on radical activity in the United States.

[Page 281]

G. Reliance on Supplemental Funding For Counterterrorism

The President submits to the Congress an annual budget for the Intelligence Community for the coming fiscal year. The budget request includes funding for ongoing and new programs. Programs that are part of the President's request are considered programs of record (also called base programs) and have established and well understood oversight and accountability procedures. Whereas the President's budget request anticipates funding for current priorities, supplemental appropriations are a reaction to unforeseen events and are granted in addition to base funding.

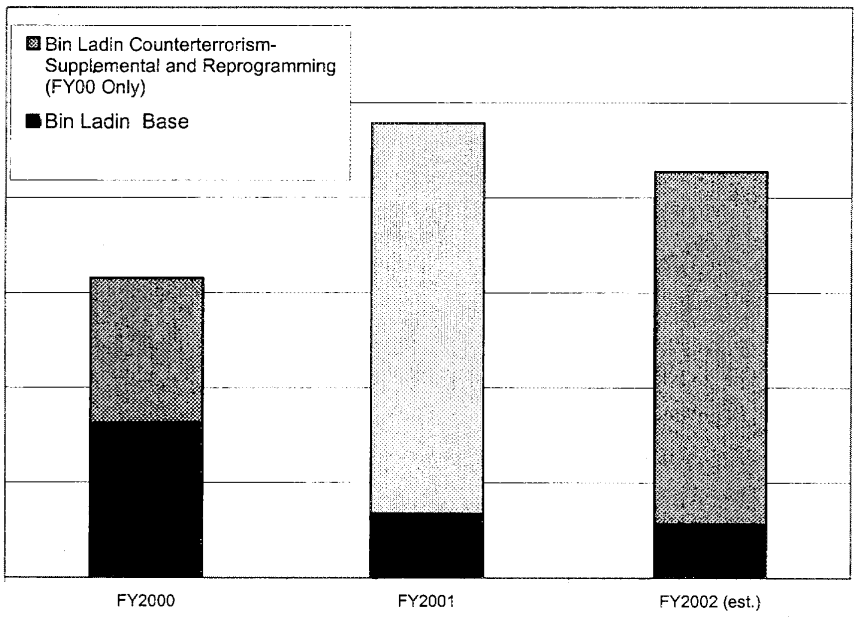
The Intelligence Community relied heavily on supplemental appropriations to finance the effort against terrorism. The Community received large supplementals to fight terrorism following several major al-Qa'ida attacks and as part of the effort during the Millennium celebrations. In particular, most of the CIA's program against al-Qa'ida in later years was funded from supplemental appropriations. This hindered efforts to sustain and plan counterterrorism programs.

Chart 1.7 illustrates the critical importance of supplemental funding in the effort against al-Qa'ida.

[Page 282]

TOP SECRET

Chart 1.7 Supplemental Appropriations In The Effort Against al-Qa'ida [Redacted]



Source: CIA

In interviews, Intelligence Community officials criticized the reliance on supplementals for vital programs such as counterterrorism. Former CTC Chief Black, for example, told the Joint Inquiry that reliance on supplementals made it hard to create a stable program. The Associate DDO for Resources explained several of the challenges supplementals posed:

- Supplemental funding must be used in the fiscal year in which it is appropriated and is not meant to establish long-term programs, making it difficult to plan for the future;

- Supplementals were tactically focused and did not pay for additional personnel or infrastructure upgrades (the September 11 supplemental appropriation was an exception to this rule); and [page 283]

- Programs within the DO take years to develop and cannot be "surged" or cut from year to year.

Despite these problems, the Intelligence Community sought additional supplementals to sustain its counterterrorism effort, rather than alter program funds in the President's budget request. DO officials reportedly did not change overall funding patterns because they did not want to lose expertise or capabilities in other areas; they were confident that supplemental funding would be appropriated to sustain their effort; and the overall funding was largely for "target neutral" infrastructure, such as communications, that would also hinder the effort against al-Qa'ida if cut.

The Director of CIA's Office of the Budget noted that, if a supplemental is expected, program managers can plan without changing their base. In his judgment, from late 1998 through 2001, managers reasonably expected supplementals (though the amount was never fixed) and thus could do some planning. If supplemental funding was not appropriated, base funding could have been adjusted to spend more on al-Qa'ida.

H. How Easily Can Money Be Moved?

[The Intelligence Community has limited flexibility in redistributing resources in response to crises. Reallocation can occur within budget categories. For example, operational activities relating to both a foreign country and counterterrorism may fall into "agent operations" or "analysis" and tradeoffs between them are easier to make. According to a senior Community Management Staff (CMS) budget official, there is considerable latitude in re-allocating small sums, though what counts as "small" varies across agencies. To re-allocate larger amounts, approval must be obtained from the Congressional Intelligence Committees].

According to the CMS budget official, CMS tries to influence the budget and agency spending, but has limited authority. CMS tries to use a "bully pulpit" and takes matters up with the DCI when intelligence components do not comply with CMS directives. CMS also has some leverage in these matters because of its influence over future budget proposals. [Page 284]

However, CMS exerts only limited control over the expenditure process. Unlike agency comptrollers, CMS cannot withhold money from agencies that do not comply with its directives. Agencies may also appeal to the DCI to overturn CMS guidance or inform Congressional staff about their dissatisfaction. The interests of the Secretary of Defense also matter tremendously in the appropriations process, as the Secretary controls the vast majority of the Intelligence Community budget. As a result, CMS is often able to influence only the margins of the process.

Within agencies, resource realignment is also restricted, according to the CIA's Budget Director. Resources cannot be taken out of programs that OMB and Congress have "fenced," i.e., dedicated for only specified activities. National Security Council-mandated [————————] program money is always fenced. To move fenced money, budget office must negotiate with the Congress, CMS, OMB, and others. In addition, personnel services funds cannot be reallocated to pay for non-personnel services costs.

In light of these limits, there has been a call for increasing the budget authority of Intelligence Community managers. For instance, former National Security Advisor Berger testified: "I believe in strengthening the DCI's program to plan, program, and budget for intelligence collection, analysis, and dissemination will permit much more effective integration of our intelligence priorities and efforts, including better concentration on counterterrorism." And former FBI Director Freeh criticized the budget process as taking away discretion from the FBI Director and making it difficult to transfer money to priorities such as terrorism.

II. Foreign Liaison

Al-Qa'ida is engaged in a worldwide struggle against the United States and its allies. Those responsible for the September 11 plot, for example, became radicalized in Germany, held meetings in Malaysia, and received funds channeled through the United Arab Emirates. The September 11 attack is only one example of the global scope of al-Qa'ida's activities. The group has conducted or supported attacks not only in America, but also in the Balkans, the Caucasus, [page 285] France, Ethiopia, Indonesia, Kenya, Saudi Arabia, Somalia, Spain, Tanzania, Tunisia, Uzbekistan, Yemen, and dozens of other countries.

The Intelligence Community recognized early on that an effective U.S. response to al-Qa'ida must be global and that foreign intelligence and security services ("liaison services") would be important allies in fighting terrorism. Improving ties to liaison services became increasingly important for the CIA, FBI, NSA, and other agencies, and their efforts helped make foreign countries more effective partners and more willing to assist U.S. counterterrorism efforts.

[Several problems remained, however, some of which are inherent to bilateral relationships. CIA's liaison partners vary in competence and commitment. Others are unwilling to share information and some include individuals believed to have cooperated with terrorist groups. At times, U.S. policies and procedures also hinder successful liaison].

A. Efforts to Improve Foreign Liaison

[In the mid-1990s, CIA counterterrorism officials recognized that unilateral CIA operations alone were not sufficient in penetrating and countering terrorist organizations. For instance, difficulties in unilaterally penetrating [————————] extremist groups necessitated increased cooperation with liaison services, according to a former CTC Chief. To this end, CIA, NSA, and other Intelligence Community agencies strengthened their liaison relationships with existing partners and forged new relationships to fight al-Qa'ida and other terrorist groups.

Throughout the 1990s, the FBI also greatly expanded its efforts to work with foreign governments against terrorism. Former FBI Director Louis Freeh testified that he met with dozens of foreign leaders to build a global counterterrorism network and greatly expanded the Bureau's presence overseas through its Legal Attache ("Legat") program. As of September 11, 2001, the FBI had agents assigned to 44 U.S. embassies. As Mr. Freeh explained, the FBI began to position itself around the globe "in places that matter in the fight against terrorism," particularly in the Middle East, as Legats were assigned to Cairo, Islamabad, Tel Aviv, Ankara, [page 286] Riyadh, and other sites. As a result, he added, the FBI was often able to expedite access to witnesses and create additional channels for information about terrorism.

[Liaison relationships within a country often vary by agency. For instance, interviews the Joint Inquiry conducted in [———————————————

them to work more effectively against local terrorism than can most American intelligence officers [———]. Some liaison services are highly skilled and have operated against these targets for decades].

Liaison services can also provide considerable assistance in human intelligence operations that goes beyond mere information sharing. [———————————————

C. Disadvantages of Relying on Foreign Liaison Services

[Despite the many advantages of working with foreign liaison services, this approach has several limitations that were manifest before September 11. These limitations can hinder cooperation and possibly be exploited by terrorists].

[On some occasions, individuals in some liaison services are believed to have cooperated with terrorist groups, [———————————————

Inquiry interviews in Germany showed that the Germans did not see Islamist groups as a significant threat to their interests before September 11. Deputy National Security Advisor Steve Hadley also noted that European support varied according to the perceived threat.

[The former Chief of CTC's Bin Ladin unit testified that some European services had minimal interest in the Bin Ladin target and offered little assistance. [————————————

Leaks of information revealing a liaison service's role in assisting the United States are a source of frustration cited by almost every expert the Joint Inquiry interviewed. At times, leaks are the result of procedures regarding warnings. For example, the U.S. has issued warnings based on information from liaison services – warnings required by U.S. policies – even though this angered the liaison service by potentially revealing its sources. More commonly, leaks are unauthorized, serve no policy purpose and simply anger liaison services whose sources and methods may be compromised.

[Leaks also hinder cooperation with governments that prefer to minimize public ties to the U.S., and particularly to U.S. intelligence. For example, one foreign government is sensitive to excessive public connections with the United States because they damage its reputation in the area and provide fuel for criticism to [———] rivals, according to a U.S. Government official].

Interviews with Intelligence Community officials suggest a range of additional problems. The U.S. can easily overwhelm a small liaison service with many demands. For instance, CIA Station personnel in [———] maintain that one of their principal responsibilities is to decide on the priorities for requests for information so that the [———] do not receive too many. U.S. laws, [page 291] particularly those that attach the death penalty to crimes, make it difficult for several governments to extradite terrorist suspects to, or provide information in support of prosecutions by, the U.S. This has hindered cooperation in the investigations of Zacarias Moussaoui and other suspects. Finally, although intelligence cooperation is often isolated from shifts in bilateral diplomacy, poor bilateral relations can affect intelligence liaison relations in negative ways.

E. Coordination of Foreign Liaison

[Most Intelligence Community officials operating overseas coordinate liaison relations well with DCI representatives who are responsible for intelligence relations with foreign governments. U.S. Ambassadors are always briefed, according to the Chief of the CIA's [———————]. He emphasized that the primary instruction given to the DCI representatives by CIA is: "Recruit the U.S. Ambassador first," that is, gain the good will of the Ambassador. Interviews with several Ambassadors indicate that, in general, the Intelligence Community coordinates well with U.S. embassies].

Nonetheless, there are challenges to coordinating relations with liaison services. For instance, liaison on counterterrorism has not always been integrated into overall U.S. regional goals. Senior policy makers told the Joint Inquiry that, before September 11, they had not always succeeded in incorporating the struggle against al-Qa'ida into U.S. policy toward key states [———————————]. As a result, other issues often diverted attention from terrorism.

There are also many channels through different agencies for U.S. Government liaison with foreign governments. These range from CIA and FBI to the Agriculture and Commerce Departments. As former National Security Advisor Sandy Berger noted, U.S. ambassadors often lack control over these relationships and, consequently, the U.S. Government does not always properly consider the priorities of all the requests it makes of foreign governments.

Mr. Clarke also noted that there exists a "gentleman's agreement" with friendly liaison services: "you don't spy in the United States and we don't spy in your country." In his view, [page 292] however, this arrangement can put the U.S. at "some disadvantage when [foreign liaison services] are not terribly aggressive on our behalf."

[This disadvantage was compounded by the decision at the end of the Cold War to cut CIA presence in some Western countries dramatically. [———].

[The CIA is responsible for coordinating the overall intelligence liaison relationship, but FBI Legats and Defense Department attachés do not need CIA permission to interact with their local partners when, for example, a U.S. citizen overseas is involved in terrorism. Weaknesses in inter-agency coordination overseas can also reflect lack of coordination within the United States. For example, during Joint Inquiry interviews abroad, it was determined that a joint planning meeting to target al-Qa'ida leader [———————————], which was to include CIA officers and their foreign liaison service counterparts, did not include the local FBI Legat. In fact, he was not aware of the meeting, although the Bureau plays a major role in tracking [———]. In

general, however, CIA and FBI have come to learn more about each other's procedures and requirements and, as a result, have improved cooperation overseas].

F. Additional Challenges for the FBI Overseas

The FBI's Legat program, which grew rapidly in the 1990s and remains relatively new, faces several additional problems. FBI agents reported to the Joint Inquiry that some offices were responsible for too large an area or for too many countries. As a result, they have little opportunity for the face-to-face meetings with foreign counterparts that are integral to establishing liaison relationships. In addition, Legats have limited funding for interaction with foreign counterparts. One Legat also noted that most FBI agents in the United States have little understanding of how the program works and, therefore, do not use it effectively.

[Page 293]

In addition, the Joint Inquiry was told in interviews that FBI Headquarters has often been slow in responding to Legat requests for support or information. The FBI Headquarters unit that supports the Legat program appears to be understaffed, since it has the same number of staff to support 45 Legat offices as it did when there were only 20 such offices.

G. Progress After September 11

[The Joint Inquiry did not delve deeply into how liaison relationships changed after the September 11 attacks. However, almost all interviews and testimony that dealt with this subject indicated that cooperation had improved dramatically, particularly in regard to al-Qa'ida. The immediacy and magnitude of the threat impressed governments worldwide. In addition, increased U.S. attention to terrorism increased pressure on other governments to cooperate, and the amount of shared intelligence reporting has greatly increased, as have other types of cooperation, even with some previously recalcitrant or hostile countries [————————————].

III. Covert Action and Military Operations Against Bin Ladin

[The Joint Inquiry examined whether the Intelligence Community might have missed opportunities to disrupt the September 11 attacks through covert action or military operations directed against Usama Bin Ladin. To answer that question, the Joint Inquiry reviewed covert action documents and interviewed twenty-six persons with first-hand knowledge of U.S. efforts to capture Bin Ladin before September 11. The review included documents authorizing covert action [———————————————————————————————————], and information related to 13 military options formulated by the Chairman of the Joint Chiefs of Staff in late 2000. Interviews included CIA personnel involved in covert action to capture Bin Ladin and his principal lieutenants; senior military officers responsible for planning contingency operations; [———————————————————————————————————]; senior CIA and NSC officials and senior military officers involved in [page 294] authorizing and implementing covert action and the use of military force; and State Department counterterrorism officials.

A. Background

The National Security Act of 1947, as amended, defines "covert action" as "activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly." Covert action does not include activities whose primary purpose is to acquire intelligence; traditional diplomatic or military activities; traditional law enforcement activities; or routine support to these activities or the activities of other government agencies abroad.

[In spring 1986, President Reagan signed a directive authorizing CIA to conduct certain counterterrorism operations abroad]. [———————————————————————————————————
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[redacted].

[redacted, [page 295] redacted]. All actions authorized [redacted] must be important to U.S. national security as established in the relevant Presidential Finding. [redacted]:

[redacted].

[redacted].

The U.S. military does not require [———————————————————————————————]. Thus, a traditional military operation, such as a strike by cruise missile or special operations forces, to kill or capture Bin Ladin would require only an order from the President.

B. Authorities to Conduct Covert Action Against Bin Ladin

[Page 296]

[Former National Security Advisor Sandy Berger testified that "from August 1998 on, . . . [President Clinton] authorized a series of overt and covert actions to try to get Bin Ladin and his principal lieutenants." [———]:

[———].

[———]:

- [———];
- [———];

- [———]; and

[Page 297]

- [———

however. [———————————————

did not apply to situations in which you are acting in self-defense or you are acting against command and control targets against an enemy, which he certainly was. . . . [A]s a practical matter, it didn't stop us from doing anything].

. . . .

Senator Bayh: . . . we have heard from some of [those] who deal in these kinds of areas. They are pretty reluctant, absent an express authorization, to wander too far down that path for fear of having the wrong legal interpretation and someday being faced with a lawyer who has a different analysis of some kind. . . .

Mr. Berger: They certainly would have to have clarity from the President of the United States or something like that.]

[———————————————

- "[———————————————

———————————————

[redacted].

[redacted].

[redacted].

[Page 302] [redacted]:

[redacted].

. . . .

[redacted].

[———].

[———].

[———].

[Page 303]

[———].

According to individuals interviewed by the Joint Inquiry, [———]. This idea reflects a tension between two views of counterterrorist efforts. One view is that the problem is primarily a law enforcement matter, with prosecutions and

convictions as the ultimate goal, while the other is that we are at war and terrorists are combatants in a foreign army who may be detained until the end of the conflict.

[———]. The White House refused to allow the Joint Inquiry to review the relevant documents, but [———]:

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[Deputy Secretary of State Richard Armitage testified to the Joint Inquiry on September 19, 2002 that:

> The National Security Council . . . called for new proposals [in March 2001] on a strategy that would be more aggressive against al-Qa'ida. The first deputies meeting, which is the first decision making body in the administration, met on the 30th of April and set off on a trail of initiatives to include financing, getting at financing, to get at increased authorities for the Central Intelligence Agency, sharp end things that the military was asked to do. . . . So, from March through about August, we were preparing a national security Presidential directive, and it was

distributed on August 13 to the principals for their final comments. And then, of course, we had the events of September 11. . .].

[————————————

such documents, because they were not deemed necessary. However, Presidential approval would have been required for military operations.

C. Additional Operational Challenges and Constraints

In interviews, CTC personnel pointed out numerous operational challenges and constraints they faced in attempting to capture [————] Bin Ladin and his lieutenants:

- Bin Ladin resided in a country suspicious of foreigners and embroiled in a civil war. Thus, determining his whereabouts was exceptionally difficult and dangerous, especially for Western intelligence officers.

- Bin Ladin had a number of enemies, any one of whom might attempt to kill him. As a result, when he traveled inside Afghanistan, he was always in the company of a large security detail. Some of his bodyguards were "hardened killers" who had fought with Bin Ladin against the Soviet invasion of Afghanistan.

- [——]. Moreover, Bin Ladin and his associates were careful not to reveal operational information [——].

[Page 306]

- [——]; and

- The U.S. had limited access to Afghanistan and the countries near it, [——].

In interviews with the Joint Inquiry, a former CTC Chief and a former Chief of the [———————] Extremist Group also described constraints on CIA actions:

- The CIA could not violate the Constitution, U.S. law, or human rights, including Bin Ladin's, during these operations;

- The operations could not violate the prohibition on assassinations in Executive Order 12333;

- [———];

- [———];

- The CIA was not authorized to upset the political balance in Afghanistan; and

- The U.S. military did not support putting U.S. "boots on the ground" in Afghanistan.

[Page 306]

[In the September 12, 2002 hearing, a CIA official also spoke of the constraints he faced in staging covert action against Bin Ladin:

> [———

In a statement to the Joint Inquiry, a former CTC Chief cited the "international political context of this period" as presenting "an operational environment with major impediments that CIA constantly fought to overcome":

- "The U.S. Government had no official presence in Afghanistan, and relations with the Taliban were seriously strained. Both of these factors made it difficult to get access to Bin Ladin and al-Qa'ida personnel."

- "U.S. policy stopped short of replacing the Taliban regime or providing direct support to others for the specific purpose of overthrowing the Taliban. These realities limited our ability to exert pressure on Bin Ladin."

- "During this period, the Taliban gradually gained control over most of Afghanistan, increasingly limiting the opposition's capabilities and room to maneuver."

[Page 308]

- "U.S. relations with Pakistan, the principal access point to Afghanistan, were strained due to the nuclear tests of 1998 and the military coup in Islamabad in 1999."

He also noted other factors that complicated CIA operations against Bin Ladin:

[———————————————

General Hugh Shelton, former Chairman of the Joint Chiefs of Staff, and the Joint Staff's current Director of Operations pointed to two additional constraints on military operations against Bin Ladin. The first was the absence of "actionable" intelligence on Bin Ladin's whereabouts: the Intelligence Community never provided a location and time at which a missile strike could be launched. The second was the absence of a declaration of war or some similar declaration indicating that the Taliban was a formal enemy. In General Shelton's view, the absence of such a declaration precluded the United States from sending U.S. soldiers into Afghanistan to capture or kill Bin Ladin. He believes that solving the Afghanistan problem before September 11 required the full range of diplomatic, economic, and military tools available to the U.S. Government. [Page 309]

In contrast, the Chief of CTC's Bin Ladin unit through June 1999, told the Joint Inquiry:

> [———————————————

[The Joint Inquiry also became aware of the existence of [———————————————————]. The White House declined to provide access, but the Joint Inquiry was able to develop some information about their content.

[Page 310]

Notwithstanding the extensive efforts [————] to guide CIA covert action against Bin Ladin, actual efforts to implement covert action and military operations against him in Afghanistan before September 11 were very limited. A central element in these efforts was the CTC unit established in 1996 to focus exclusively on Bin Ladin and his terrorist network. Initially, the unit was created to examine terrorist financing and to determine whether Bin Ladin posed a significant threat. [———].

[———]. In February 1998, Bin Ladin issued his public *fatwa* authorizing attacks on American civilians and military personnel anywhere in the world. His statement and subsequent indictment in the United States added urgency to the effort to formulate a covert action plan against him. [———].

[———

[———————————————

[Page 312]]:

[ ].

[ ] [The President ordered the U.S. Navy on August 20, 1998 to launch cruise missiles against targets in Afghanistan and Sudan. This is the only instance the Joint Inquiry has been able to identify in which the CIA or U.S. military carried out an operation directly against Bin Ladin before September 11].

According to the President's public statements at the time, the cruise missile strikes were launched in self-defense against groups that had played key roles in the embassy bombings, had executed earlier attacks against Americans, were planning to launch additional attacks, and were attempting to obtain chemical weapons. All personnel interviewed on this matter by the Joint Inquiry concur that one objective of the strikes in Afghanistan was to kill Bin Ladin.

[ ]:

- [ ]. [Page 313]

- [———].

- [———].

[———].

In the summer and fall of 1999, following the arrival of a new Chief of CTC and a new Chief of the Bin Ladin unit, CTC reviewed its covert action program against Bin Ladin and developed "The Plan." This review was propelled by the DCI's December 1998 memorandum declaring "war" against Bin Ladin. The Plan that resulted in September 1999 contained five main elements, with an estimate of each element's prospects of success:

- [———].

- [———].

[Page 314]

- [———————————————

In testimony before the Joint Inquiry, the DCI acknowledged impediments to "The Plan":

> U.S. policy stopped short of replacing the Taliban regime, limiting the ability of the U.S. Government to exert pressure on Bin Ladin. U.S. relations with Pakistan, the principal access point to Afghanistan were strained by the Pakistani nuclear tests in 1998 and the military coup in 1999. The U.S. Government had no official presence in Afghanistan, and relations with the Taliban were seriously strained. Both factors made it more difficult to gain access to Bin Ladin and al-Qa'ida personnel.

Over time, CTC officers engaged in these covert action efforts concluded that "getting Bin Ladin" required dealing with the Taliban regime first. They believed that the different means of capturing Bin Ladin were unlikely to succeed as long as the Taliban continued to provide Bin Ladin a safehaven. In addition, CIA officers recognized that the entire al-Qa'ida apparatus in Afghanistan, not just Bin Ladin, was a problem. Thus, placing pressure on the Taliban to expel Bin Ladin and end its support for terrorism was necessary.

[————————————

[Former National Security Advisor Berger testified that the President demanded more information on Bin Ladin's location in 2000:

> We were continually looking at what we were doing, looking at new techniques, looking at new steps we could take. In the fall – in February of 2000, for example, I sent a memo to President Clinton outlining what we were doing. And he wrote back, this is not satisfactory. It was particularly related to how you find this guy. We have got to do more. And that prompted us to work with the Intelligence Community and the military on a new technique for detecting Bin Ladin. . . . Actually it was very promising as a way of determining where he would be if we had one strand of human intelligence].

[———————————————

[redacted].

[redacted].

[redacted].

[redacted].

[redacted].

[Page 318]

[redacted]

———————————————

———————————————

where he had been when they were launched. Several senior CIA officers who were interviewed, including the Deputy Director for Operations, two former CTC Chiefs, a former Chief of CTC's Bin Ladin unit, and a [———]. Thus, CIA's general reluctance to rely on a single source of information or recommend missile launches based on human intelligence alone was compounded by concerns about the reliability of this information. In addition, policymakers sought information on the presence of non-combatants and property that might be damaged in a strike].

[The interviewees also mentioned contingency plans to launch additional cruise missile strikes at Bin Ladin had the Intelligence Community been able to obtain precise information on his location. [Page 321] As former National Security Advisor Sandy Berger explained to the Joint Inquiry:

> Unfortunately, after August 1998, we never again had actionable intelligence information reliable enough to warrant another attack against Bin Ladin or his key lieutenants. If we had, President Clinton would have given the order. The President ordered two submarines loaded with cruise missiles on perpetual deployment off the coast of Pakistan for that very purpose. We also were engaged in a number of covert efforts I cannot discuss in this unclassified format].

According to a CIA document, in December 1999, the U.S. Special Operations Command had been tasked to begin planning and was "working closely" with CIA. The Joint Inquiry did not identify any operations that came about as a result of this planning.

In an interview with the Joint Inquiry, General Shelton, former Chairman of the Joint Chiefs of Staff explained the military options beyond cruise missile strikes. In the fall of 2000, he prepared a paper containing 12 or 13 options for using military force against Bin Ladin. Several options reportedly involved "U.S. boots on the ground" in Afghanistan and were aimed at capturing Bin Ladin, [———————————————]. General Shelton, along with Secretary of Defense William Cohen, discussed these options with National Security Advisor Berger in late 2000, after Mr. Berger had expressed impatience with U.S. efforts to get Bin Ladin. The military Joint Staff's Director of Operations described the military options paper as an effort to "educate" the National Security Advisor about the "extraordinary complexity of the 'boots-on-the-ground' options." According to this officer, the military did not receive any tasking to develop

these options further. The Joint Inquiry requested a copy of both the paper detailing the military options as well as the military Joint Staff's pre-September 11 strategic plan for Afghanistan that is discussed below. The NSC denied that request, although a senior officer in the military Joint Staff was allowed to brief the Joint Inquiry on those options.

Former Chairman Shelton said the options could have been executed "very quickly," but depended on the Intelligence Community obtaining actionable intelligence. He said CIA never provided such intelligence and the military had never been tasked to obtain it.

Mr. Clarke explained that "the overwhelming message to the White House from the uniformed military leadership was 'we don't want to do this,' [————————————] [Page 322] ————————————

The military Joint Staff's Director of Operations also mentioned a strategic plan developed by the Joint Staff in late 2000 for dealing with the Taliban regime. The U.S. military was coming to the same conclusion as the Intelligence Community: getting Bin Ladin meant dealing with the Taliban regime first and shutting down the sanctuary in Afghanistan.

The Joint Inquiry also asked General Shelton whether the military and CIA ever pooled assets or developed plans to conduct a joint operation against Bin Ladin. The former Chairman said that no plans existed, and that, as a general principle, he was opposed to joint CIA-military [page 323] operations. He explained that he did not want U.S. military units to be dependent on the actions of CIA paramilitary units outside the military chain of command. He noted an instance in which CIA and the U.S. military conducted a coordinated operation [————————]. In that case, a "firewall" between CIA and military units allowed the military to proceed even if CIA units did not accomplish their mission. General Shelton said that he would have insisted on similar arrangements for joint operations in Afghanistan against Bin Ladin. In contrast, a former CTC Chief said about joint operations involving CIA and military units:

> I think it is an absolutely great [idea]. This is something we have been advocating for a long time. If you want to go to war, you take the CIA, its clandestinity, its authorities, and you match it up with special operations forces of the U.S. military, you can really – you can really do some damage... This is something that we have tried to advocate at the working level, and we haven't made much progress. But, if this is something that you [the Congress] would like to look into, it would be great for the United States.

Similarly, a former Chief of CTC's Bin Ladin unit commented:

> As someone who [————————] worked with special forces, they want to work with us and we want to work with them. History was made between the CIA and special forces. We need to do that.

IV. Strategy to Disrupt Terrorist Funding

Bin Ladin and al-Qa'ida financial assets and networks are substantial, diverse, and elusive. In addition to Bin Ladin's personal wealth, the al-Qa'ida financial network relies on funds reportedly raised through legitimate and illegitimate businesses and on donations from wealthy Muslims and charitable organizations supporting Muslim causes. Bin Ladin has claimed that he has access to four ways of transferring money: smuggling cash, the global banking system, the Islamic banking system, and hawalas or informal money transfer networks. Bin Ladin once boasted to a Pakistani newspaper that the cracks in the Western financial system were as familiar to him and his al-Qa'ida colleagues as the lines on their own hands.

[Page 324]

A. Financial Tracking before September 11

Before September 11, no single federal agency was responsible for tracking terrorist funds or coordinating U.S. Government efforts and securing international collaboration to interdict these funds. Some agencies did track terrorist financing, but, for the most part, the effort was disorganized and related to specific cases, and the U.S. Government was generally reluctant to seize assets or make arrests relating to that financing.

The General Counsel of the Department of Treasury explained to the Joint Inquiry that, before September 11, 2001, the financial war on terrorism was "ad-hoc-ism," episodic, and informal, with no mechanism for exchanging information among agencies or for setting priorities. He described errors in perception, focus, and targeting of the Bin Ladin threat and his realization as he watched the World Trade Center Towers disintegrate:

> It was as if we had been looking at the world through the wrong end of a telescope. . . . Money had been spirited around the globe by means and measures and in denominations that mocked all of our detection. . . . The most serious threat to our well-being was now clean money intended to kill, not dirty money seeking to be rinsed in a place of hiding.

The fact that, before September 11, no single agency was responsible for coordinating government efforts to attack terrorist funding does not mean that individual agencies were not tracking funds effectively, identifying terrorists and their organizations, and unraveling their plots by targeting assets. The Chief of the FBI's Financial Crimes Section and the Director of

Treasury's Financial Crimes Enforcement Network (FinCEN) told the Joint Inquiry that, before September 11, they had the capacity to develop leads on terrorist suspects and link them to other terrorists by examining funding sources. The FBI Financial Crimes Section Chief also explained his belief that he would have been able to locate hijackers Nawaf al-Hazmi and Khalid al-Mihdhar, if asked, through credit card and banking transactions.

FinCEN started doing linkage analysis of terrorist financing in April 1999 and first identified an account with a direct link to Bin Ladin in February 2001. FinCEN has the advantage of being able to work with law enforcement and intelligence information, which it [page 325] combines with Bank Secrecy Act information and commercial data to produce a product useful to the Department of Treasury and others in seizing, blocking, and freezing terrorist assets. These capabilities and databases at FinCEN, the Drug Information Center, and across the Intelligence Community enabled the FBI and FinCEN to connect almost all 19 hijackers within days after September 11 by linking their bank accounts, credit cards, debit cards, addresses, and telephone numbers.

B. Financial Tracking after September 11

Since September 11, 2001, the federal government has taken actions to block and seize terrorist assets such as smuggled cash, to arrest and indict terrorist financiers, and to shut down front companies, charities, banks, and hawala conglomerates that offer financial support to al-Qa'ida. On September 24, 2001, four days after signing an Executive Order blocking terrorist funds, President Bush gave a new priority to the effort: "We will starve the terrorists of funding." The Treasury General Counsel described to the Joint Inquiry the change in the government's strategy: "the difference between the activity before 9/11 and after 9/11 is the difference between a mule and an 8-cylinder Chevy."

V. Khalid Shaykh Mohammed: The Mastermind Of September 11

[Khalid Shaykh Mohammed (KSM) is one of al-Qa'ida's most senior leaders and is believed to be the mastermind behind the September 11 attacks. Although the Intelligence

Community knew of KSM's support for terrorism since 1995 and later learned of his links to al-Qa'ida, he was not recognized as a senior al-Qa'ida lieutenant. In April 2002, the Intelligence Community learned that KSM and his group conceived the September 11 plot. KSM is also known as Mukhtar or "the Brain]."

The efforts the Intelligence Community took against KSM illustrate the difficulties it had in understanding al-Qa'ida's activities and structure and formulating a coherent response. The Community devoted few analytic or operational resources to tracking KSM or understanding his [page 326] activities. Coordination within the Community was irregular at best, and the little information that was shared was usually forgotten or dismissed.

A. KSM's Links to Terrorist Attacks before September 11

KSM and his followers played a major role in several Islamist extremist plots before September 11. These plots are notable for the large number of casualties they sought to create, the use of airplanes, and focus on symbolic targets such as the World Trade Center and U.S. government facilities, all characteristics of the September 11 attacks.

Investigators determined in 1995 that KSM was linked to the February 1993 bombing of the World Trade Center. Federal prosecutors gave CIA a copy of a financial wire transaction for $660 between Qatar and the U.S., dated several days before the blast, from "Khaled Shaykh" in Doha to Muhammad Salameh, one of four defendants convicted in the World Trade Center bombing. With additional information that emerged from the Philippines investigation described below, CIA was able to determine that Khaled was KSM, that KSM was an uncle of Ramzi Yousef, the mastermind of the first World Trade Center bombing plot, and that KSM had married the sister of Yousef's wife.

[In 1995, Yousef's plots to bomb twelve U.S. airplanes flying Asian routes, kill the Pope, and crash a plane into CIA Headquarters were thwarted by Philippine police when a fire erupted in an apartment where Yousef was preparing explosives. The police seized a list of names and telephone numbers and found a notation for "Khalid Doha" with telephone and facsimile numbers in Qatar. [———————————————————————————————

———————————————————————————————]. Yet another link to KSM was made when Yousef, who was apprehended shortly after fleeing the Philippines, made a call from detention to Qatar and asked to speak with "Khalid." This number was similar to the one found by the Philippine police. [———————————————————————————————].

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B. The Hunt for KSM

The Intelligence Community agencies worked together to apprehend KSM during his time in Qatar and in the Balkans. However, KSM's frequent travels, and the slow pace of efforts to learn his whereabouts, [———————————————].

C. Finding KSM and Building the Case

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[Prosecutors asked that CIA continue to assist the FBI by using its assets to help establish the case. [———————————————————————————————
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[It was determined that KSM was a top priority. The FBI was poised to take a photograph abroad for identification purposes. If KSM were identified from the photograph, an indictment

would be sought. [———]. On December 30, 1995 KSM was identified [page 328] from the photograph, and he was indicted by a New York City grand jury in January 1996. The indictment was sealed and would be opened once KSM was in custody].

D. [———————————————]

[———

E. Link to al-Qa'ida Discovered

The Intelligence Community was not sure of KSM's alliances until after [————]. For example, a December 1995 CIA cable stated, "As far as we know, Yousef and his [page 329] confederates – such as [KSM] – are not allied with an organized terrorist group and cannot readily call upon such an organized unit to execute retaliatory strikes against the U.S. or countries that have cooperated with the U.S. in the extradition of Yousef and his associates."

[This assessment changed in 1996 when a foreign government shared information that Bin Ladin and KSM had traveled together to a foreign country the previous year. In August 1998, after the bombing of the U.S. Embassy in Nairobi, another foreign government sent CIA a list of the names of individuals who flew into Nairobi before the attack. Based on information delivered by another liaison service, CIA recognized that one of the passengers' names was an alias for KSM. The liaison report also described KSM as close to Bin Ladin. In an interview, the FBI agent responsible for the KSM case could not remember this information, even though it had been disseminated by CIA. This information and subsequent reporting led the CIA to see KSM as part of Bin Ladin's organization. Several CIA cables indicated that following up on information relevant to KSM was essential, given his past activities and his links to al-Qa'ida].

F. The Emphasis on Renditions

[————————————

[———————————————

concerning how CTC, CIA field personnel, and other agencies reacted to this information. That information has not been received.

H. The Hunt for KSM Continues

[Since September 11, the CIA has come to believe that KSM may have been responsible for all Bin Ladin operations outside Afghanistan. In Spring 2002, intelligence indicated that he played a leading role in the *USS Cole* bombing. In the Summer 2002, CIA created a new High Value Target Team to track and target terrorist masterminds such as KSM. In the summer of 2002, KSM appeared along with Ramzi Bin al-Shibh in a taped al-Jazeera interview. Despite Bin al-Shibh's capture in Pakistan shortly thereafter, KSM has not yet been found].*

VI. The FBI's Investigation of Zacarias Moussaoui Before September 11

Zacarias Moussaoui came to the attention of the FBI as the Intelligence Community was detecting numerous signs of an impending terrorist attack against U.S. interests somewhere in the world. He was in the custody of the Immigration and Naturalization Service (INS) on September 11, 2001. The Joint Inquiry examined whether information resulting from the FBI's investigation of Moussaoui could have alerted the government to the scope and nature of the attacks on September 11.

From interviews with flight school personnel and with Moussaoui himself in August 2001, the FBI pieced together the details of his arrival in the United States. Moussaoui contacted the Airman Flight School in Oklahoma by e-mail on September 29, 2000 and expressed interest in taking lessons to fly a small Cessna aircraft. On February 23, 2001, he entered the United States at Chicago's O'Hare Airport, traveling on a French passport that allowed him to stay in [page 331] the country without a visa for 90 days until May 22, 2001. On February 26, he began flight lessons at Airman Flight School.

* On March 1, 2003, Khalid Shaykh Mohammed was captured in Rawalpindi, Pakistan as a result of a joint operation by Pakistani and U.S. authorities.

Moussaoui was unhappy with the training and, at the end of May, contacted Pan American International Flight School in Minneapolis. While Airman provided flight lessons in piloting Cessnas and similar small aircraft, Pan Am provided ground training and access to a Boeing 747 flight simulator used by professional pilots.

Most of Pan Am's students were newly hired airline pilots, who used the flight simulator for initial training, or active airline pilots, who used the equipment for refresher training. Although anyone can sign up for lessons at Pan Am, the typical student has a pilot's license, is employed by an airline, and has several thousand flight hours. Moussaoui had none of these qualifications.

On August 11, Moussaoui and his roommate, Hussein al-Attas, arrived in Egan, Minnesota and checked into a hotel. Moussaoui began classes at Pan Am on August 13. On Wednesday, August 15, a Pan Am employee called the FBI's Minneapolis Field Office because he and other Pan Am employees had become suspicious of Moussaoui.

Before September 11, the FBI determined that Moussaoui had paid approximately $6,800 in cash for training on the Boeing 747 simulator, but met none of the usual criteria for students at the flight school. Moussaoui had no aviation background and, apparently, no pilot's license. It was also considered odd that Moussaoui simply wanted to learn the most challenging elements of flying, taking off and landing a 747, which he referred to as an "ego boosting thing."

Based on information from the flight school, the FBI field office opened an international terrorism investigation of Moussaoui. Agents within that office saw him as a threat to national security. Because the FBI field office in Minneapolis hosts and is part of a Joint Terrorism Task Force, INS agents, who share space and work closely with the FBI in Minneapolis, were able to determine immediately that Moussaoui had been authorized to stay in the United States until May 22, 2001 and, thus, was "out of status" when the FBI began to investigate him in August. [Page 333] On the day the Minneapolis field office learned about Moussaoui, it asked both the CIA and the FBI's legal attaché in Paris for information about him. The FBI field office also informed FBI Headquarters about the investigation.

FBI documents indicate Moussaoui's instructors thought that he had what they characterized as a "legitimate" interest in aircraft. Nonetheless, he was unlike any other student with whom his flight instructor had worked. Moussaoui began the ground school portion of the training with a Power Point presentation on aircraft systems. The instruction was reportedly useless for Moussaoui, who had no background in sophisticated aircraft systems and, apparently, had only approximately 50 hours of flight training in light civil aircraft. In addition, Moussaoui was extremely interested in the operation of the plane's doors and control panel. Pan Am found that suspicious. Further, Moussaoui reportedly said that he would "love" to fly a simulated flight from Heathrow Airport in England to John F. Kennedy Airport in New York. Thus, the Minneapolis FBI office decided to arrest Moussaoui.

In a Joint Inquiry interview, a Minneapolis FBI field office agent said that a Supervisory Agent at Headquarters had suggested that Moussaoui be put under surveillance, but Minneapolis did not have enough agents to do that. In testimony before the Joint Inquiry, however, the Minneapolis agent said that he had relied on his criminal experience in deciding to arrest Moussaoui, rather than surveilling him:

> The decision on whether or not we were going to put Mr. Moussaoui under surveillance rested with me. And I made the decision that he was going to be arrested because we had a violation. The INS was participating as a member, a full member of our joint terrorism task force. My background in the criminal arena suggests that when a violation occurs and you can stop further or potential criminal activity, you act on that. So that is exactly what I instructed the agents to do. If we had the possibility of arresting him, we were going to arrest him. If we needed to surveil him, we certainly could have instituted a surveillance plan. . . . It was not appropriate to do [so] in this case.

In response to questions, the agent explained in more detail why he decided to arrest Moussaoui, rather than put him under surveillance: [Page 334]

> Because I didn't want him to get any additional time on a flight simulator that would allow him to have the knowledge that we could no longer take back from him to operate an aircraft. This provided us the opportunity to freeze the situation as it was going on right there, prevent him from gaining the knowledge that he could use at some point in the future. And, if ultimately we determined all we could do, after interviewing him and doing some other investigative steps, if all we could do was deport him, then we would be sensitized to the fact that he was interested in doing something else and he could be put in the Tip-off System. He would be put in--the appropriate notifications could have been made if he attempted to reenter the United States. But our focus was on preventing him getting the knowledge that he would have needed. . . .

> [I]t is important to remember the circumstances that were present before September llth. We had no real incidents of airplane hijacking that had happened domestically within the preceding decade. We now have a different perspective, that it is very, very difficult to go back and forget and not acknowledge. But, again, I speak to my criminal background in saying if a violation has occurred, and we can take further steps to stop what could speak to a continued violation, we will act. And those were the circumstances under which I made that decision.

Thus, on August 16, 2001, FBI agents, along with two INS agents, went to Moussaoui's hotel. The INS agents temporarily detained Moussaoui and his roommate, Hussein al-Attas, while checking to determine if they were legally in the United States. Al-Attas showed the INS agents a valid student visa and agreed to allow the agents to search his property in the hotel room.

Moussaoui showed the agents his passport case, which included his passport, a British driver's license, a bank statement showing a deposit of $32,000 in cash to an Oklahoma account, and a notification from INS acknowledging his request to extend his stay in the United States. The INS agents determined that Moussaoui had not received an extension beyond May 22, 2001, and they therefore took him into custody.

Moussaoui declined to allow the agents to search his belongings. When the agents told him that he would be deported, Moussaoui agreed to let the agents take his belongings to the INS office for safekeeping. In packing those items, the agents noticed that Moussaoui had a laptop computer.

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The agents interviewed Moussaoui at the INS office in Minneapolis. He told them that he had traveled to Morocco, Malaysia, and Pakistan for business, although he could not provide details of his employment or convincingly explain the $32,000 bank balance.

After Moussaoui's detention, the Minneapolis case agent called the field office's legal counsel and asked if there was any way to search Moussaoui's possessions without his consent. He was told that he had to obtain a search warrant. Over the ensuing days, Minneapolis agents considered several alternatives, including a criminal search warrant and a Foreign Intelligence Surveillance Act (FISA) Court search order. They also considered deporting Moussaoui to France, after arranging for French authorities to search his possessions and share their findings

with the FBI. Adding to the sense of urgency, a supervisor in the INS Minneapolis office told the FBI that INS typically does not hold visa-waiver violators like Moussaoui for more than 24 hours before returning them to their home countries. Under the circumstances, however, the supervisor said that INS would hold Moussaoui for seven to ten days.

After August 17, the FBI did not conduct additional interviews of Moussaoui. On Saturday, August 18, Minneapolis sent a detailed memorandum to FBI Headquarters describing the Moussaoui investigation and concluding that Minneapolis had reason to believe that Moussaoui, al-Attas "and others yet unknown" were conspiring to seize control of an airplane, based on Moussaoui's "possession of weapons and his preparation through physical training for violent confrontation."

In Joint Inquiry interviews, FBI Minneapolis field office agents said that FBI Headquarters advised against trying to obtain a criminal search warrant as that might prejudice subsequent efforts to obtain a FISA Court order. Under FISA, an order warrant could be obtained if the agents could establish probable cause to believe that Moussaoui was an agent of a foreign power and that he had engaged in international terrorism or was preparing to do so. FBI Headquarters was concerned that if a criminal warrant were denied and the agents then tried to obtain a FISA Court order, the FISA Court would think the agents were trying to use authority for an intelligence investigation to pursue a criminal case.

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Around this time, an attorney in the National Security Law Unit at FBI Headquarters asked the Chief Division Counsel in the Minneapolis field office whether she had considered trying to obtain a criminal warrant. The Chief Division Counsel replied that a FISA order would be the safer course. Minneapolis also wanted to notify, through the local U.S. Attorney's Office, the Criminal Division within the Department of Justice about Moussaoui, believing it was obligated to do so under Attorney General guidelines that require notification when there is a "reasonable indication" of a felony. FBI Headquarters advised the Minneapolis field office that there was not enough evidence to justify notifying the Criminal Division.

The Minneapolis field office agent became increasingly frustrated with what he perceived as a lack of assistance from the Radical Fundamentalist Unit (RFU) at Headquarters. He had had

conflicts with the RFU agent over FISA issues earlier and believed that Headquarters was not being responsive to the threat Minneapolis had identified. At the suggestion of a Minneapolis supervisor, the agent contacted an FBI officer who had been detailed to the CTC. The agent shared the details of the Moussaoui investigation with the CTC detailee and provided the names of Moussaoui's associates. The agent explained in a Joint Inquiry interview that he was looking for any information CTC could provide to strengthen the case linking Moussaoui to international terrorism.

On August 21, the Minneapolis field office agent sent an e-mail to the RFU Supervisory Special Agent handling this matter:

> [It's] imperative that the [U.S. Secret Service] be apprised of this threat potential indicated by the evidence. . . . If [Moussaoui] seizes an aircraft flying from Heathrow to NYC, it will have the fuel on board to reach D.C.

The RFU supervisory special agent sent a teletype to several U.S. Government agencies on September 4, 2001, recounting the interviews of Moussaoui and al-Attas and other information the FBI had obtained in the meantime. The teletype, however, merely described the investigation. It did not place Moussaoui's actions in the context of the increased level of terrorist threats during the summer of 2001, and it did not analyze Moussaoui's actions or plans or present information about the type of threat he might have presented.

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A CIA officer detailed to FBI Headquarters learned of the Moussaoui investigation from CTC personnel in the third week of August. The officer was alarmed about Moussaoui for several reasons. First, Moussaoui had denied being a Muslim to the flight instructor, while al-Attas, Moussaoui's companion at the flight school, informed the FBI that Moussaoui was a fundamentalist. Further, the fact that Moussaoui was interested in using the Minneapolis flight school simulator to learn to fly from Heathrow to Kennedy Airport made the CIA officer suspect that Moussaoui was a potential hijacker. As a result of these concerns, CIA Stations were advised by cable of the facts known about Moussaoui and al-Attas and were asked to provide information they had. Based on information received from the FBI, CIA described the two in the cable as "suspect 747 airline attackers" and "suspect airline suicide attacker[s]," who might be "involved in a larger plot to target airlines traveling from Europe to the U.S."

On Wednesday, August 22, the FBI Legat in Paris provided a report that [————————————————————————————] started a series of discussions between Minneapolis and Headquarters RFU as to whether a specific group of Chechen rebels was a "recognized" foreign power, that is, was on the State Department's list of terrorist groups and for which the FISA Court had previously granted orders.

The RFU agent told Joint Inquiry staff that, based on advice he received from the NSLU, he believed that the Chechen rebels were not a "recognized" foreign power and that, even if Moussaoui were to be linked to them, the FBI could not obtain a search order under FISA. The RFU agent told the Minneapolis agents that they had to connect Moussaoui to al-Qa'ida, which he believed was a "recognized" foreign power. The Minneapolis case agent later testified before the Joint Inquiry that he had had no training in FISA, but that he believed that "we needed to identify a – and the term that was thrown around was 'recognized foreign power' and so that was our operational theory."

As the FBI's Deputy General Counsel would later testify, the agents were incorrect. The FBI can obtain a search warrant under FISA for an agent of any international terrorist group, including Chechen rebels. Because of this misunderstanding, the Minneapolis field office spent [page 338] valuable time and resources trying to connect the Chechen group to al-Qa'ida. The Minneapolis field office agent contacted CTC, asking for additional information regarding connections between the group and al-Qa'ida. The Minneapolis supervisor also suggested that the RFU agent contact CTC for assistance on the issue. The RFU agent responded that he had all the information he needed and requested that Minneapolis work through FBI Headquarters when contacting CTC in the future. Ultimately, the RFU agent agreed to submit Minneapolis' FISA request to attorneys in the FBI's NSLU for review.

In interviews, several FBI attorneys with whom the RFU agent consulted confirmed that they advised the RFU agent that the evidence was insufficient to link Moussaoui to a foreign power. One of the attorneys noted that Chechen rebels were not an international foreign terrorism group under FISA. The Deputy General Counsel, however, testified before the Joint Committee that "no one in the national security law arena said that Chechens were not a power that . . . could qualify as a foreign power under the FISA statute." The FBI attorneys also said that, had they had

been aware of the July 2001 communication from the Phoenix field office raising concerns about al-Qa'ida flight training in the U.S., they would have forwarded the FISA request to the Justice Department's Office of Intelligence Policy and Review.

Two FBI agents assigned to the Oklahoma City field office's international terrorism squad visited Airman Flight School on August 23 as part of the Moussaoui investigation. In September 1999, one of the agents had been assigned a lead from the Orlando field office to inquire at the flight school about another individual, who had been identified as Usama Bin Ladin's personal pilot and who had received flight training at Airman Flight School. The agent had not been given any background information about this individual, and he did not know that the person had cooperated with the Bureau during the East Africa U.S. embassy bombings trial. Although the agent told the Joint Inquiry that this lead had been the most significant terrorism information he had seen in Oklahoma City, he did not remember it when he returned to the flight school two years later to ask questions about Moussaoui. The agent acknowledged that he should have connected the two visits but he did not have time to do so.

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[The Joint Inquiry also confirmed that an individual, who attempted to post bond for Moussaoui's roommate, had been the subject of a full-field FBI international terrorism investigation in the Oklahoma City Field Office. According to FBI reports, this individual was a Vice President of Overseas Operations and Recruiting for al-Fatah, the Palestinian group, and a member of the Muslim Brotherhood. He was also a close associate of [————————————], the imam at the Islamic Center [————————], which hijackers al-Hazmi and al-Midhar attended when they lived there. That imam was also a close associate of the imam in San Diego who served as the hijackers' spiritual leader. The Minneapolis field office agent and the head of the RFU both testified that neither of them knew that the individual who had attempted to post bond for Moussaoui's roommate was the subject of a terrorism investigation before September 11].

On August 27, the RFU agent told the Minneapolis supervisor that the supervisor was getting people "spun up" over Moussaoui. According to his notes and his statement to the Joint Inquiry, the supervisor replied that he was trying to get people at FBI Headquarters "spun up" because he was trying to make sure that Moussaoui "did not take control of a plane and fly it into the World Trade Center." The Minneapolis agent said that the Headquarters agent told him:

> [T]hat's not going to happen. We don't know he's a terrorist. You don't have enough to show he is a terrorist. You have a guy interested in this type of aircraft – that is it.

[On August 28, the RFU agent edited, and returned to Minneapolis for comment, the request for a FISA Court order that Minneapolis had prepared. The RFU agent told the Joint Inquiry that it was not unusual for FBI Headquarters agents to make changes to field submissions. The major substantive change was removal of information that tried to make connections between the Chechen rebels and al-Qa'ida. After the edit was complete, the RFU agent briefed the FBI Deputy General Counsel, who told the Joint Inquiry that he agreed with the agent that there was insufficient information to show that Moussaoui was an agent of a foreign power].

The Bureau's focus shifted to arranging for Moussaoui's planned deportation to France, planned for September 17. French officials had agreed to search his belongings and provide the results to the FBI. Although the FBI was no longer considering a FISA Court order, no one [page 340] revisited the idea of attempting to obtain a criminal search warrant, even though the only reason for not attempting to obtain a criminal search warrant earlier – concern that it would prejudice a request under FISA – no longer existed.

On Thursday, September 4, Headquarters sent a teletype to the Intelligence Community and other government agencies, including the Federal Aviation Administration (FAA), providing information about the Moussaoui investigation. The teletype noted that Moussaoui was being held in custody, but did not describe any particular threat that the FBI thought he posed -- for example, that he might be connected to a larger plot. The teletype also did not recommend that the addressees take action or look for additional indicators of a terrorist attack. It also did not provide any analysis of a possible hijacking threat or specific warnings. The following day, the Minneapolis field office agent hand-carried the teletype to two employees of the FAA's Bloomington, Minnesota office and briefed them on the investigation. The two FAA employees told the Joint Inquiry that the agent did not convey any urgency about the teletype and did not ask them to take specific action. The final preparations for Moussaoui's deportation were underway on September 11.

The Joint Inquiry record demonstrates that the FBI's focus when Moussaoui was taken into custody appears to have been almost entirely on investigating specific crimes and not on identifying links between investigations or on sharing information with other agencies with counterterrorist responsibilities. The RFU chief testified that no one at Headquarters saw a connection between the Moussaoui case and the Phoenix communication, the possible presence of al-Mihdhar and al-Hazmi in the United States, and the flood of warnings about possible terrorists attacks in the United States, some using airplanes as weapons, all of which developed in the spring and summer of 2001. Moreover, as the RFU Chief testified, before September 11, the FBI did not canvass persons in custody and cooperating with the government in terrorist investigations to see whether they knew Moussaoui. After September 11, FBI agents showed one of those persons a photograph of Moussaoui and asked him what he knew of Moussaoui. He asserted that he had met Moussaoui in an al-Qa'ida terrorist camp in Afghanistan. When asked about this during [page 341] testimony before the Joint Inquiry, the RFU Chief admitted that "[t]he photograph was not shown before 9/11 and it should have been."

[The indictment against Moussaoui, which was filed on December 11, 2001, alleges that Moussaoui possessed a number of items on August 16, 2001. On that day, which is when FBI and INS agents first interviewed him, the INS took Moussaoui's possessions for safekeeping. Absent search authority, however, the possessions were not examined at that time. As it turned out, according to the indictment, Moussaoui's possessions included letters indicating that Moussaoui was a marketing consultant in the United States for Infocus Tech. The letters had been signed in October 2000 by Yazid Sufaat, whom the Intelligence Community was aware was the owner of the Malaysian condominium used for the January 2000 al-Qa'ida meeting attended by hijackers al-Mihdhar and al-Hazmi. The indictment also alleges that Moussaoui possessed a notebook listing two German telephone numbers and the name "Ahad Sabet," which the indictment states was used by Ramzi Bin al-Shibh to send funds to Moussaoui. Bin al-Shibh, who was apprehended in Pakistan in September 2002, is named in the indictment as a supporting conspirator.]

VII. The Phoenix Electronic Communication

In July 2001, an FBI agent in the Phoenix field office sent an "Electronic Communication" (EC) to the Usama Bin Ladin and the Radical Fundamentalist Units at Headquarters and to several agents on an International Terrorism squad in the New York field office. The agent outlined his concerns about a coordinated effort by Bin Ladin to send students to the United States for aviation training. He noted an "inordinate number of individuals of investigative interest" taking such training in Arizona and speculated that this was part of an effort to establish a cadre of persons, trained in aviation, who could conduct terrorist activity. The EC contained a number of recommendations the agent asked FBI Headquarters to consider.

The FBI's handling of the Phoenix EC is symptomatic of its focus on short-term operational priorities, often at the expense of long-term strategic analysis. The Bureau's ability to handle strategic analytic products, such as the EC, was limited before September 11, 2001. The EC also highlights inadequate information sharing within the FBI, particularly between operational and analytic units. Several addressees on the EC, especially at the supervisory level, did not receive it before September 11 because of limitations in the electronic dissemination [page 342] system. The Joint Inquiry repeatedly heard such complaints about the FBI's information technology. Finally, the FBI's case-driven approach, while extremely productive in the Bureau's traditional law-enforcement mission, does not generally encourage FBI personnel to pay attention to preventive analysis and strategy, particularly when the matter appears to have no direct, immediate impact on ongoing counterterrorism investigations.

A. The Phoenix EC

The Special Agent in Phoenix who wrote the EC told the Joint inquiry he first became concerned about aviation-related terrorism in the early 1990s, while he was investigating Libyans with suspected terrorist ties who were working for U.S. aviation companies. Possible terrorists with easy access to aircraft conjured up for the agent visions of Pan Am Flight 103, which terrorists had blown up years before. His primary concern was that Islamic extremists, studying aviation subjects ranging from security to piloting, could learn how to hijack or destroy aircraft

and evade airport security. However, the agent told the Joint Inquiry that, in writing the EC, he never imagined terrorists using airplanes as was done on September 11.

The Phoenix EC focused on ten individuals who were subjects of FBI investigations, Sunni Muslims from Kenya, Pakistan, Algeria, the United Arab Emirates, India, and Saudi Arabia. Not all were in flight training; several were aeronautical engineering students, and one was studying international aviation security.

The Phoenix agent testified that in April 2000 he interviewed the primary subject of the EC. In the agent's experience, young foreign nationals who are subjects of interviews tend to be somewhat intimidated in their first contact with the FBI. By contrast, this subject told the agent that he considered the U.S. Government and military to be legitimate targets of Islam. The agent noticed a poster of Bin Ladin and another poster of wounded Chechen mujahideen fighters in the subject's apartment. He was also concerned that the subject, who was taking expensive aviation training, was from a poor Middle Eastern country and had not studied aviation before his arrival in the United States.

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The agent described to the Joint Inquiry another incident that increased his suspicion about Middle Eastern flight students in the Phoenix area. During a physical surveillance, the agent determined that the primary subject of the Phoenix EC was using a vehicle registered to another person, who in 1999 had been detained with a third person after trying to gain access to the cockpit of a commercial airliner on a domestic flight. The two told FBI agents who questioned them that they thought the cockpit was the bathroom, and they accused the Bureau of racism. After an investigation, they were released and the case was closed. In November 2000, the subject's name was added to the State Department's watchlist after intelligence information was received that he may have received explosive and car bomb training in Afghanistan. In August 2001, the same person applied for a visa to re-enter the United States and, as a result of the watchlisting, was denied entry.

Finally, the Phoenix agent's concern about Middle Eastern flight students in Arizona was fueled by suspicion that al-Qa'ida had an active presence in Arizona. Several Bin Ladin operatives had lived and traveled to the Phoenix area, and one of them -- Wadih El-Hage, a Bin

Ladin lieutenant -- had been convicted for his role in the 1998 East Africa U.S. embassy bombings. The agent believes that El-Hage established a Bin Ladin support network in Arizona that is still in place.

The Phoenix EC requested that FBI Headquarters consider four recommendations:

- Headquarters should accumulate a list of civil aviation university and colleges around the country;
- FBI offices should establish liaison with these schools;
- Headquarters should discuss the theories in the EC with the Intelligence Community; and
- Headquarters should consider seeking authority to obtain visa information on persons seeking to attend flight schools.

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B. Headquarters' Response to the Phoenix EC

When the Phoenix agent sent the EC to FBI Headquarters, he requested that the Radical Fundamentalist Unit (RFU) and the Usama Bin Ladin Unit (UBLU) consider implementing the suggested actions. The Phoenix agent explained in testimony to the Joint Inquiry that:

> Basically what I wanted was an analytic product. I wanted this discussed with the Intelligence Community. I wanted to see if my hunches were correct.

The EC was initially assigned to an Intelligence Operations Specialist (IOS) in the RFU, who worked on it with a Intelligence Operations Specialist in the UBLU. The latter consulted two IOSs in her unit, mentioning specifically the paragraph in the EC about obtaining visa information. Their discussion centered on the legality of the proposal and whether it raised profiling issues. The IOS also decided to forward the EC to the Portland FBI field office because a person named in the EC, with ties to suspected terrorists arrested in the Middle East in early 2001, was an employee of an airline and had previously lived and studied in the northwestern United States. Portland did not take action on the communication or disseminate it because it was sent to the field for "informational purposes" only.

On August 7, 2001, the Specialists in the two units decided that the matter should be closed. The Specialist in the UBLU told the Joint inquiry that she intended to return to the project once she had time to do additional research, but on September 11, she had not yet had an opportunity to do so. Both Specialists also said that they had considered assigning the Phoenix communication to a Headquarters analytic unit, but had decided against it.

The Chiefs of both the RFU and UBLU informed the Joint Inquiry that they did not see the Phoenix EC before September 11. They do not remember even hearing about the flight school issue until after September 11. An FBI audit of the central records system requested by the Joint Inquiry supports their statements.

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The Phoenix EC was also not shared with other agencies before September 11, although the former Chief of the FBI's International Terrorism Operations Section explained in testimony to the Joint Inquiry:

> One of the great frustrations is that [the Phoenix Communication] talks about airlines—we have FAA people in the [International Terrorism Operations Section]; it talks about intelligence—we have CIA people; it talks about visas—there are State Department people and immigration people in that unit. That information should have been shared, if only for [informational] purposes, with all those people at our Headquarters. And it wasn't done, and it should have been done.

In fact, Transportation Security Administration Assistant Undersecretary for Intelligence Claudio Manno testified at a Joint Inquiry hearing that "the first time that we saw [the Phoenix EC] was when it was brought to our attention by [the Joint Inquiry Staff]. Had the FAA received the memo before September 11, Mr. Manno believes that:

> [W]e would have started to ask a lot more probing questions of FBI as to what this was all about, to start with. There were a number of things that were done later to try to determine what connections these people may have had to flight schools by going back [to information] maintained by the FAA to try to identify additional people. . . . [I]n fact our process is whenever we get a threat, we open . . . an intelligence case file, and that is so we segregate that issue from the hundreds and hundreds and hundreds of other intelligence reports that we get and that we focus on it. And the work that may entail in trying to determine whether this is a credible threat, something that needs to be acted upon, maybe going back and working with FBI to try and get additional information. In some cases it can be working with the State Department or the CIA if it requires overseas work. So we make all efforts to try to get to the bottom of what this is all about.

C. New York FBI Office Action in Connection with the Phoenix EC

The Phoenix EC was sent to two FBI New York field agents who specialize in Bin Ladin cases. They were asked to "read and clear" the memorandum, but were not asked to take follow-up action. A Joint Inquiry audit of electronic records shows that at least three people in New York saw the EC before September 11. Two of the three do not recall seeing the communication [page 346] before September 11; the third remembers reading it, but said that it did not resonate with him because he found it speculative.

The New York agents stated in Joint Inquiry interviews that they had been aware that Middle Eastern men frequently came to the United States for flight training because the United States was considered the best and most reasonably priced venue for such training. In the agents' view, information about Middle Eastern men with ties to Usama Bin Ladin receiving flight training in the United States would not necessarily be alarming because the agents knew that persons connected to al-Qa'ida had already received training in the United States. Before September 11, many agents believed that Bin Ladin needed pilots to operate aircraft he had purchased in the United States to move men and material. Two pilots with al-Qa'ida ties testified for the government during the East African embassy bombing trial.

Nonetheless, the FBI had also received reports not entirely consistent with this view of Bin Ladin pilots. One of those who testified and one other pilot had been trained in al-Qa'ida camps in Afghanistan to conduct terrorist operations. One who had received training in surveillance and intelligence apparently was selected for the course because of his aviation skills. In addition, the FBI's New York field office was one of the recipients of the 1997 communication from FBI Headquarters, asking that the field office identify Islamic students from certain countries who were studying aviation within its area of responsibility.

D. Handling of Phoenix EC Indicates FBI Headquarters Weaknesses

The manner in which FBI Headquarters handled the Phoenix EC provides valuable insight into the Bureau's operational environment before September 11, 2001. A number of FBI

executives have acknowledged that the handling of the EC illustrates important weaknesses before September 11. For example, Director Mueller told the Joint Inquiry:

> . . . the Phoenix memo should have been disseminated to all field offices and to our sister agencies, and it should have triggered a broader analytical approach. . . . These incidents . . . have informed us on needed changes, particularly the need to improve accountability, analytic capacity and resources, information sharing and technology, to name but a few.

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The Joint Inquiry found that the FBI's strategic, analytic, and technological problems were the primary weaknesses demonstrated by the handling of the Phoenix EC. As a supervisory Headquarters agent testified: "when you want to look at systemic problems, . . . clearly you are going to be focused in on strategic analysis and you are going to be focused in on technology; and to run a national program you have to do both."

The Phoenix EC demonstrates how strategic analysis took a back seat to operational priorities at the Bureau before September 11. Many people throughout the government and the FBI believed that an attack was imminent in Summer 2001, but this led only to further de-emphasis of strategic analysis. For example, the Specialist in the UBL unit who handled the Phoenix EC was primarily concerned with a person in the EC connected to persons arrested overseas and paid less attention to the flight school theories.

The RFU Chief told the Joint Inquiry that because he could not keep up with the approximately one hundred pieces of mail he saw daily, he assigned responsibility for reviewing intelligence reports to an Intelligence Operations Specialist in the unit. Even the FBI analytic unit responsible for strategic analysis was largely producing tactical products to satisfy the operational section. There was no system for handling projects with nationwide impact, such as the Phoenix EC, differently than other matters. In fact, the Phoenix agent testified that he recognized the possibility that his EC might not receive a great deal of attention.

> I am also a realist. I understand that the people at FBI Headquarters are terribly overworked and understaffed, and they have been for years. And at the time that I am sending this in, having worked this stuff for thirteen years, and watched the unit in action over the years, I knew that this was going to be at the bottom of the pile, so to speak, because they were dealing with real-time threats, real-time issues trying to render fugitives back to the United States from overseas for justice.

The handling of the Phoenix EC also exposed information sharing problems among FBI Headquarters elements. A number of analysts commented in Joint Inquiry interviews that the UBLU and RFU frequently do not share information with the International Terrorism analytic unit. A UBLU supervisor explained that the Investigative Services Division, of which the [page 348] analytic unit is a part, was not a "major player" and that information was often not shared with it. In testimony before the Joint Inquiry, the FBI's Deputy Assistant Director for Counterterrorism Analysis referred to strategic analysis as the Bureau's "poor stepchild" before September 11. As a result, strategic analysts were often marginalized by the operational units and rarely if ever received requests from those units for assessments of pending al-Qa'ida cases.

Even if the Phoenix EC had been transmitted to the International Terrorism Analytic Unit, its capacity to conduct strategic analysis on al-Qa'ida was limited because five of the unit's analysts had been transferred to operational units. According to the Chief of the National Security Intelligence Section, the Bureau had no personnel dedicated solely to strategic analysis before September 11. The Joint Inquiry has also been told that, as competent new analysts arrived, UBLU and RFU would recruit them as operational support analysts or refuse to share information with them if they remain in the analytic unit.

Due to the FBI's technological limitations, operational units, such as UBLU and RFU, controlled information flow. Strategic analysts often had to rely on operational units for incoming intelligence, a problem the FBI's Deputy Assistant Director for Counterterrorism Analysis acknowledged before the Joint Inquiry: "[because] the FBI lacked effective data mining capabilities and analytical tools, it has often been unable to retrieve key information and analyze it in a timely manner—and a lot has probably slipped through the cracks as a result." Thus, even if the project had been assigned to an al-Qa'ida analyst in the analytic unit, there can be no guarantee that the several reports the FBI had received about airplanes as weapons and terrorist networks sending students to flight schools in the United States would have been drawn together.

The handling of the Phoenix EC also illustrates the extent to which technological limitations affected information flow because most EC addressees have told the Joint Inquiry that they had not seen the EC before September 11. The FBI's electronic system is not designed to ensure that all addressees receive communications, a point a Headquarters supervisory agent

addressed in testimony before the Joint Inquiry: "I can tell you that, based on my position, that my name is on hundreds, if not thousands of documents in that building that will probably not be brought to my attention." In fact, the electronic system was considered so unreliable that many [page 349] personnel in the field and at Headquarters used e-mail and followed up personally on important communications to ensure that they were not neglected. The same supervisory agent described the FBI's information systems as "a setup for failure in terms of keeping a strategic picture of what we are up against." He went on to conclude that, "the technology problems . . . are still there."

RFU and UBLU policies at the time of the Phoenix EC gave the person to whom the matter was assigned discretion to determine which people in the unit would see the report. One FBI employee said that he was not certain why the Phoenix agent put all the addressees on the EC but believes the Intelligence Operations Specialist probably decided that the EC was more relevant to UBLU and therefore did not route the communication to all addressees within the RFU.

E. Links from the Phoenix EC to September 11

FBI officials have noted in public statements and Joint Inquiry testimony that the September 11 hijackers did not associate with anyone of "investigative interest." However, there are indications that hijacker Hani Hanjour, who was unknown to the Intelligence Community and law enforcement agencies before September 11, associated with [————————], an individual who was mentioned in the Phoenix EC, had taken flight training in the United States, and was possibly a radical fundamentalist. There are several reasons why [————————] 's association with Hanjour did not bring Hanjour to the FBI's attention before September 11.

FBI personnel believe that, beginning in 1997, Hanjour and the person named in the Phoenix EC trained together at a flight school in Arizona and may also have known each other through a religious center. The Bureau attempted to investigate this person in May 2001, but discovered that he was out of the country. The Phoenix office generally did not open investigations on persons they believed had permanently left the United States. Although there were no legal bars to opening an investigation, Headquarters discouraged this practice. The Phoenix office did not notify INS, the State Department, or CIA of its interest in this person. The

[page 350] FBI was apparently unaware that the person returned to the United States soon thereafter and may have associated with Hanjour and several other Islamic extremists.

For the FBI to be aware that persons of investigative interest have returned to the United States, close contact must be maintained with INS and CIA. Unfortunately, before September 11, no system was in place to ensure coordination. In this case, the FBI did not notify the INS, State Department, or CIA of its interest in the Phoenix subject. Therefore, this person was able to get back into the United States without any notification to the FBI.

The FBI has confirmed since September 11, 2001, that another individual mentioned in the Phoenix EC is also connected to the al-Qa'ida network. This individual was arrested [————————] in Pakistan in 2002 with [————], one of the most prominent al-Qa'ida figures and one of the primary al-Qa'ida facilitators.

F. Previous FBI Focus on Suspected Terrorists at U.S. Flight Schools

The Phoenix EC must be understood in a broader context: it was not the first occasion that the FBI was concerned about terrorist groups sending persons to the United States for aviation study. The agents involved in drafting the Phoenix EC and the Headquarters personnel who worked on it were unaware of this context.

In 1981, as the U.S. military was involved in hostilities with Libya, President Reagan decided to revoke visas held by Libyan students in the United States involved in aviation or nuclear studies. In March 1983, the INS published a rule in the Federal Register, terminating the non-immigrant status of Libyan nationals or persons acting on behalf of Libyan entities engaged in aviation or nuclear studies. The INS turned to the FBI for assistance in locating such persons. In May 1983, FBI Headquarters sent a "priority" communication to all field offices, asking for assistance in complying with the INS request.

In 1998, the Chief Pilot in the FBI's Oklahoma City Field Office informed an agent on the office's counterterrorism squad that he had observed many Middle Eastern men at Oklahoma [page 351] flight schools. An intra-office communication to the counterterrorism squad supervisor

was drafted noting the Chief Pilot's concern that the aviation education might be related to terrorist activity and his speculation that light planes would be an ideal means to spread chemical or biological agents. The communication was sent to the office's "Weapons of Mass Destruction" control file, apparently for informational purposes only with no follow-up requested or conducted.

The FBI also received reports in 1998 that a terrorist organization might be planning to bring students to the United States for flight training. The FBI was aware that persons connected to the organization had performed surveillance and security tests at airports in the United States and had made comments suggesting an intention to target civil aviation.

In 1999, the FBI received reports that another terrorist organization was planning to send students to the United States for aviation training. The purpose of this training was unknown, but organization leaders viewed the plan as "particularly important" and reportedly approved open-ended funding for it. An operational unit in the Counterterrorism Section at Headquarters instructed 24 field offices to pay close attention to Islamic students from the target country engaged in aviation training. This communication was sent to the Phoenix Office's International Terrorism squad, but the agent who wrote the Phoenix EC does not recall it. The communication requested that field offices "task sources, coordinate with the INS, and conduct other logical inquiries, in an effort to develop an intelligence baseline" regarding the terrorist group's involvement with students. There is no indication that field offices conducted any investigation after receiving the communication. The analyst who drafted it explained that he received several calls from the field for guidance since it raised concerns about the Buckley Amendment, which bars post-secondary educational institutions that receive federal funding from releasing personal information without written student consent.

The project was subsequently assigned to the International Terrorism Analytic Unit at Headquarters, where an analyst determined that 75 academic and more than 1000 non-academic institutions offered flight education in the United States. In November 2000, the analyst informed field offices that no information had been uncovered about the terrorist group [page 352] recruiting students and stated that "further investigation by FBI field offices is deemed imprudent" by FBI Headquarters.

The former chief of the operational unit involved in this project told the Joint Inquiry that he was not surprised by the apparent lack of vigorous investigative action by the field offices. The FBI's structure often prevented Headquarters from forcing field offices to take investigative action they were unwilling to take. The FBI was so decentralized, he said, and Special Agents in Charge of field offices wielded such power that when field agents complained to a supervisor about a request from Headquarters, the latter would generally back down.

Personnel working on the Phoenix EC at Headquarters were not aware of these earlier reports on terrorist groups sending aviation students to the United States and did not know that Headquarters had undertaken a systematic effort in 1999 to identify Middle Eastern flight students in the United States. This example demonstrates the lack of information sharing in the FBI. According to interviewees, this is a problem not only at Headquarters, but also in the field. Agents often will be familiar only with cases in their own squad. The FBI's Deputy Assistant Director for Counterterrorism Analysis, recently detailed from CIA to improve the FBI's analytic capability, testified before the Joint Inquiry that the Bureau "didn't have analysts dedicated to sort of looking at the big picture and trying to connect the dots, say between the Phoenix memo . . . and some other information that might have come in that might have suggested that there were persons there who might be preparing to hijack aircraft."

The Phoenix agent also testified that he was unaware of most of the earlier reports on the potential use of airplanes as weapons. He explained that after a downsizing at Headquarters "we in the field . . . saw a decreased amount of analytical material that came out of Headquarters that could assist someone like myself in Arizona." In an interview, the agent noted that he often felt "out on an island" investigating counterterrorism in Phoenix. In his words, before September 11 counterterrorism and counterintelligence were the "bastard stepchild" of the FBI because these programs do not generate career-enhancing statistics like other programs, such as Violent Crimes/Major Offenders or drugs.

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VIII. Strategic Analysis

A recurrent theme throughout this Joint Inquiry has been the need for stronger, more focused analytic capability throughout the Intelligence Community. The FBI had fewer than ten tactical analysts and only one strategic analyst assigned to al-Qa'ida before September 11. At CTC, only three analysts were assigned to al-Qa'ida full time between 1998 and 2000, and five analysts between 2000 and September 11, 2001. Including analysts from other CIA components in CIA who focused on al-Qa'ida to some degree, the total was fewer than 40 analysts. DCI Tenet acknowledged at a Joint Inquiry hearing that the number of analysts in the CTC analytic unit working on Bin Ladin and al-Qa'ida was "too small" and "we should have had more analysts than we did."

NSA had, in all, approximately [——] analysts in its Counterterrorism "Product Line," supported by analysts in other lines. Throughout 2001, the Counterterrorism Product Line had a standing request for an additional [———] SIGINT analysts, but there was little expectation that such a large request would be satisfied. Moreover, requirements for NSA's Arabic linguists were substantial. Before September 11, only [————] language analysts were working "campaign languages," such as Arabic, Pashto, and Dari. Today that number is almost [——], but requirements continue to increase.

When CTC was created in 1986, DIA's analytic capability remained as a parallel analytic organization. In 1993 or 1994, DIA began a concerted effort against Bin Ladin, with a total authorized strength of 80 terrorism analysts.

A. The Intelligence Community's Lack of Strategic Analysis

The Intelligence Community's analytic focus on al-Qai'da was far more oriented toward tactical analysis in support of operations than on strategic analysis intended to develop a broader understanding of the threat and the organization. For example, the DCI's National Intelligence Council never produced a National Intelligence Estimate on the threat al-Qa'ida posed to the United States. According to an August 2001 CIA Inspector General report, CTC analysts only had time to focus on crises or short-term demands and "did not have the time to spot trends or to [page

354] knit together the threads from the flood of information." Commenting on the CTC's analytic record, the Director of Terrorism Analysis explained during a Joint Inquiry hearing:

> [W]hile the unit's production had gone up dramatically—particularly in the area of current intelligence where the increase had been more than double—production of strategic research had, in fact, remained flat. Earlier correction of these shortcomings would not have enabled us to produce explicit tactical warning of the September 11 plot—the available data was only sufficient to support the strategic warning we indeed provided – but we did recognize our shortcomings and took several steps to address them.

In a Joint Inquiry hearing, DCI Tenet explained the importance of strategic analysis:

> [T]he single lesson learned from all of this is the strategic analytical piece of this has to be big and vibrant to give you the chance to be predictive, even when you don't have much information to go on. I think it's a very important point. We've made a lot of progress.

FBI witnesses identified little, if any, strategic analysis against domestic al-Qa'ida activities before September 11, 2001. The Chief of the FBI's National Security Intelligence Section testified to the Joint Inquiry that the FBI had "no analysts" dedicated to strategic analysis before September 11. In fact, as of that date, the FBI had only one analyst working on al-Qa'ida. FBI Assistant Director for Counterterrorism Dale Watson testified that he could not recall any instance where the FBI Headquarters analytical unit produced "an actual product that helped out."

In regard to the September 11 attacks, witnesses confirmed the Bureau's failure to connect information on al-Mihdhar, al-Hazmi, Moussaoui, and the FBI Phoenix memorandum in the summer of 2001. The FBI's Deputy Assistant Director for Counterterrorism Analysis, recently detailed from the CIA to improve the FBI's analytic capability, testified before the Joint Inquiry that the Bureau "didn't have analysts dedicated to sort of looking at the big picture and trying to connect the dots, say between the Phoenix memo and Moussaoui and some other information that might have . . . suggested that there were individuals there who might be preparing to hijack aircraft."

One of the primary reasons there was so little focus on strategic analysis in the Intelligence Community may have been the perception that operational matters were more [page 355] important to counterterrorism missions than analysis. Consistent with its traditional law enforcement mission, the FBI was, before September 11, a reactive, operationally-driven

organization that did not value strategic analysis. While FBI personnel appreciated case-specific analysis, most viewed strategic analytic products as academic and of little use in on-going operations. The FBI's Assistant Director for Counterterrorism acknowledged in Joint Inquiry testimony that the reactive nature of the FBI was not conducive to success in counterterrorism:

> No one was thinking about the counterterrorism program what the threat was and what we were trying to do about it. And when that light came on, I realized that, hey, we are a reactive bunch of people, and reactive will never get us to a prevention and what we do. . . . Is there anybody thinking and where's al-Qa'ida's next target? And no one was really looking at that.

The Assistant Director also acknowledged the difficulty of going beyond the FBI's traditional case-oriented approach:

> We will never move away from being reactive. We understand that. And that's what people want to talk about most of the time is how's that case going in East Africa, or how's the *USS Cole* investigation going? But if you step back and look at it strategically you need to have people thinking beyond the horizon and that's very difficult for all of us. It's particularly difficult for law enforcement people.

A former CTC Chief also told the Joint Inquiry that in CTC:

> We have underinvested in the strategic only because we've had such near-term threats. The trend is always toward the tactical. . . . The tactical is where lives are saved. And it is not necessarily commonly accepted, but strategic analysis does not … get you to saving lives.

In Joint Inquiry testimony, the FBI's Deputy Assistant Director for Counterterrorism Analysis explained that, before September 11, strategic analysis was the FBI's "poor stepchild." As a result, strategic analysts were often marginalized by operational units and rarely, if ever, received requests from operational sections for assessments of pending al-Qa'ida cases.

In 2000, FBI management aggravated this situation by transferring five strategic analysts, who had been working on al-Qa'ida matters, to operational units to assist with ongoing cases. [Page 356] According to a former Chief of the International Terrorism Analytic Unit, this "gutted" the analytic unit's al-Qa'ida expertise and left it with little capacity to perform strategic analysis.

Concerns about protecting criminal prosecutions also limited the FBI's ability to utilize strategic analytic products. In interviews, some analysts said they frequently were told not to produce written analyses, lest they be included in discovery during criminal prosecutions. FBI analysts were further hindered because of the limitations of the FBI's information technology.

The Bureau has had little success in building a strategic analytic capability, despite numerous attempts before September 11 to do so. For example, in 1996, the FBI hired approximately 50 strategic analysts, many with advanced degrees. Most of those analysts left the Bureau within two years because they were dissatisfied with the role of strategic analysis at the FBI.

CTC analysts also expressed concern that their opinions were not given sufficient weight. A CTC manager confirmed that CIA operations officers in the field resented tasks from analysts because they did not like to take direction from the Directorate of Intelligence. Despite the need for increased analytic capability, CTC reportedly refused to accept analytic support from other agencies in at least two instances before September 11. Both FAA and DIA informed the Joint Inquiry that CTC management rebuffed offers of analytic assistance because the agencies wanted in return greater access to CTC intelligence, particularly intelligence about CIA operations.

NSA analysts told Joint Inquiry staff that the CTC viewed them as subordinate, like an "ATM" for signals intelligence. The analysts attempted to accommodate CTC requests for information by focusing on short-term operational requirements, sometimes at the expense of more thorough analysis, even changing reporting formats because CTC did not like NSA analyst comments to be embedded in the text of the reports. Several NSA analysts also stated their belief that the DCI will always side with the CIA's CTC operational personnel over NSA analysts in the event of agency disagreements.

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B. Analyst Qualifications and Training

The Joint Inquiry explored the extent to which analysts were inexperienced, undertrained, and, in some cases, unqualified for the responsibilities they were given. At the CTC, analysts were a relatively junior group before September 11 with three years experience on the average, in

contrast to eight years for analysts in the CIA's Directorate of Intelligence. The Director of Terrorism Analysis explained during a closed hearing:

> We had some analysts who had been on the terrorism target for some time, but . . . our biggest concentration was people at about the three to four years of experience, so we had a few senior analysts, a large cadre of very good, very experienced when we hired them, but nevertheless they hadn't had the ten years, fifteen years on the account that you would want. There's a historical reason for that. In the Counterterrorist Center, when it was founded, people were brought in on a rotational basis and worked there for two years, and then they went back to their home office. So you hadn't built up that skill back in the late eighties and nineties. Starting in about '97 the Counterterrorist Center had a career service, a nurturing expertise-building service. So by 2000, when I arrived in the Center, what you had is the new people who had been hired into that career service who were reaching their own, but still in the beginning part of their careers.

A January 2002 FBI internal study found that 66% of the FBI's 1200 "Intelligence Research Specialists," or analysts, were unqualified. This problem was compounded by the fact that newly assigned analysts received little counterterrorism training. As the Chief of the FBI's National Security Intelligence Section told the Joint Inquiry:

> While there was no standardized training regimen, other than a two-week basic analytical course, training was available on an ad hoc basis and guidance was provided by both the unit chiefs of the analytical units and the FBI's Administrative Services Division. The development of a standardized curriculum, linked to job skills, and career advancement was being planned . . . , but it was never implemented.

A senior CTC supervisor testified at a Joint Inquiry hearing that CTC did not have enough analysts with sufficient experience to produce sophisticated, in-depth analysis in the quantities needed. In the same hearing, the FBI's Deputy Assistant Director for Counterterrorism Analysis testified that FBI analysts "had great expertise on investigations, [but] were not in a position to see the big picture [or] connect the dots." As a result, the FBI's [page 358] Counterterrorism Division had great difficulty in producing integrated intelligence assessments that provided early warning of emerging threats. Finally, the Chief of DIA's Joint Intelligence Task Force for Combating Terrorism concluded, "We are probably still in the business of describing potentials more than we are able to really render predictive analysis." That testimony reinforces an observation by a DIA senior official with broad experience in counterterrorism that Intelligence Community analysts largely perform descriptive analysis, and interpretive analysis skills have not been encouraged or built into the workforce.

Former NSA Director William Odom also focused on training in materials he submitted to the Joint Inquiry:

> [Although] the Intelligence Community's system of education and training is extensive, diverse, specialized — and fragmented . . . it lacks three key elements. First, nowhere is a common doctrinal understanding of intelligence functions and processes documented and taught to all Intelligence Community management and executive leadership personnel. Second, the teaching of Community-wide resource management has been generally neglected. Third, there is no educational emphasis on senior executive leadership and staff training.

C. Analysts' Access to Information

The Joint Inquiry was also told that all-source counterterrorism analysis suffered because analysts not located at CTC had limited access to "raw material" in FBI counterterrorism investigations, including Foreign Intelligence Surveillance Act information, unpublished NSA information and CIA operations cables. The Special Assistant for Intelligence at DIA testified about the extent of these problems:

> In my opinion, one of the most prolonged and troubling trends in the Intelligence Community is the degree to which analysts, while being expected to incorporate all sources of information into their assessments, have been systematically separated from the raw material of their trade. . . . At least for a few highly complex high stakes issues, such as terrorism, where information by its nature is fragmentary, ambiguous and episodic, we need to find ways to emphatically put the "all" back in the discipline of all-source analysis.

At the FBI, information access continues to be frustrated by serious technology shortfalls. The Bureau's Deputy Assistant Director for Counterterrorism Analysis told the Joint Inquiry:

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> There were a variety of problems in sharing information, not only with other agencies, but within the Bureau itself. This was and is largely attributable to inadequate information technology. In a nutshell, because the Bureau lacks effective data mining capabilities and analytical tools, it has often been unable to retrieve key information and analyze it in a timely manner - and a lot probably has slipped through the cracks as a result.

Following the attack on the *USS Cole*, DIA recognized the need for better information sharing and initiated the Joint Terrorism Analysis Center. The DIA Special Assistant for Intelligence testified:

> . . . a specific aspect of the concept of operations was its provisions for a highly-protected merged data base containing all U.S. intelligence on terrorism, regardless of sensitivity, sourcing or collection methods. This was a Director of DIA initiative to overcome the evident vulnerabilities posed by insufficient intelligence sharing within the U.S. Intelligence Community. Although Intelligence Community principals endorsed the idea at the time and since, it has so far not been implemented. . . . Legacy rules, policies, interpretation of regulations, and agency cultures continue to impede information and data sharing. As a result, we cannot bring our full analytical power to bear on the terrorist threat, nor can we provide the best possible support to military planners, operators, decision makers or to other consumers of intelligence. . . . [P]rogress is being made and there are positive developments under way. But so far remedies remain insufficient to the magnitude of the problem.

Witnesses also described a lack of collaboration among analysts within the Intelligence Community. Terrorist-related intelligence often consists of small fragments of seemingly disparate information. Information that may seem unimportant to one agency may be critical to another. Capitalizing on the analytical strengths of each intelligence agency to understand the terrorist target from different angles should be paramount. Unfortunately, there was no mechanism in place to enable inter-agency collaboration. A former CTC Director of Terrorism Analysis described the problem:

> I think the only way to overcome the various cultures of the various agencies is to force the interaction . . . where you're putting people together and getting the understanding. You do find out there are real concerns. People aren't trying to be jerks on purpose. They have problems and you start finding out about those and learning how to work with those.

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Although it was established with the intention that it would be the Intelligence Community's hub for counterterrorism activities, some suggested that CTC's operational focus significantly overshadowed collaborative strategic analysis. In interviews, NSA analysts, for example, said that CTC viewed them as subordinate, despite the value of their products. Constructive CTC feedback on their reports was rare. A positive step was taken in early 2001 when NSA and CTC analysts began holding bi-weekly video teleconferences, but these were suspended following September 11 due to workload demands.

DIA analysts reported that their efforts are not fully appreciated by CIA. According to a senior DIA official, a lack of trust on the part of collectors and all-source analysts underlay the failure of the CIA to share information with the rest of the Intelligence Community concerning the January 2000 Malaysia meeting that involved at least two of the September 11 hijackers.

Another component of collaboration is understanding the culture and information requirements of other intelligence agencies. NSA regularly sends liaison personnel to other intelligence agencies to help NSA customers better understand its products. Currently there are [—] NSA analysts assigned to CTC; before September 11, there were [—]. There also are [—] NSA analysts at the FBI; before September 11, there were [—]. These analysts often do double duty as NSA liaison and by working on projects for the offices to which they are assigned.

Conversely, no CIA analyst and only one FBI analyst works in NSA's Counterterrorism Product Line. The lack of Intelligence Community representation at NSA reportedly prevents collaboration and insight into how customers use NSA products. Over a year ago, for example, a CIA analyst agreed to an assignment at NSA. While there, she was able to scour unpublished NSA transcripts for lead information, such as [————————], of utility to CTC operations. She left after four months without a replacement, despite CTC's increasing need for leads. While the CIA analyst was at NSA, she had access to the CIA computer network, which is not otherwise available to NSA analysts. The CIA detailee conducted searches of CIA operational cables to determine how NSA products were being used by CTC and to check lead information relevant to NSA. These NSA analysts found the information very useful. When the detailee left, the CIA computer access left as well. A senior NSA analyst said that, if her office had daily [page 361] access to CIA [————————] cable traffic, its productivity could increase dramatically with immediate insight into [————————] requirements and lead information. Currently, the responsibility for reviewing CTC [————————] cables for lead information falls to overworked NSA analysts assigned to CTC who usually conduct these searches "when they have the time."

D. Language Skills

[Witnesses emphasized for the Joint Inquiry the critical importance of language skills in counterterrorism analysis. The linguistic expertise needed to identify, analyze, and disseminate intelligence relating to the al-Qa'ida threat includes an understanding of colloquial expression in [—] "terrorist languages" and dialects. [————————————

———————————]. The majority of Intelligence Community language employees, however, do not have the skills necessary to understand terrorist communications.

[According to NSA's Deputy Director for Analysis and Reporting, "[a]nalyzing, processing, translating, and reporting al-Qa'ida related [————————] communications requires the highest levels of language and target knowledge expertise that exists." Communicants speak all major Arabic dialects, making analysis linguistically and conceptually challenging. Evaluating these communications requires considerable subject-matter expertise in Islam in general and Islamic extremist thought in particular to ensure accurate interpretation. Very few NSA Arabic language analysts have done any graduate work in Islamic Studies, [———]. The targeted person lives in and understands life in a thoroughly Islamic milieu that is reflected in that person's communications].

[The level of language expertise needed to work on the counterterrorist threat is very high. Subject-matter knowledge is necessary in explosives, chemistry, technical communications, [————————————], paramilitary operations, weaponry and tactics. Moreover, speakers of Arabic [page 362] and other languages used by al-Qa'ida are in demand: Arabic linguists are also sought for such important issues [——] as other regional and terrorist intelligence targets].

The pool of qualified persons from which the Intelligence Community can draw to meet this challenge is very small and includes persons with military experience, university students, and those with native background or extensive experience in particular countries. Very few U.S. college graduates have more than a limited capability in Arabic. According to the 2002 Integrated Postsecondary Education Data System statistics, American colleges granted only six degrees in Arabic in the survey year, 183 in Chinese, and 339 in Russian. U.S. colleges or universities offer degrees in languages that are critical in countering the terrorist threat, such as Dari, Pashto, Punjabi, Persian-Farsi, Hindi, Urdu, Turkmen, Tadjik, Tagalog, Somali, Kurdish, Chechen, or Uzbek.

In sum, the Joint Inquiry was told that the quality of Intelligence Community counterterrorism analysis affected not only its strategy and operations, but also the ability of U.S. Government policymakers to understand threats and make informed decisions. Several current and former policymakers provided testimony underlining the importance of intelligence analysis. For example, Mr. Clarke, former National Coordinator for Counterterrorism, explained:

> The FBI did not provide analysis. The FBI, as far as I could tell, didn't have an analytical shop. They never provided analysis to us, even when we asked for it, and I don't think that throughout that ten-year period we really had an analytical capability of what was going on in this country.

Former National Security Advisor Sandy Berger implied in his testimony that the U.S. Government has often relied too heavily on analytic expertise within its own ranks:

> I think we live in a world, Congressman, in which expertise increasingly does not exist in the government. It's a very complicated world. And the five people who know Afghanistan the best or Sierra Leone the best are probably located either in academia, think tanks or in companies, not to devalue the people of the government. So we have to find a way in my judgment to integrate the expertise that exists on the outside with the information that exists on the inside.

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IX. Views of Outside Experts on the Intelligence Community

The Joint Inquiry interviewed and took testimony from many leading experts on the Intelligence Community. The experts touched on a wide array of topics, but much of the discussion revolved around four issues: setting priorities, strategy against international terrorism, reform of the Intelligence Community, and counterterrorism within the United States. Included in the record are, for example, the testimony and statements of several seasoned observers: Lee Hamilton, former chairman of the House Permanent Select Committee on Intelligence, Judge William Webster, former Director of the Federal Bureau of Investigation and the Central Intelligence Agency, General William Odom, former Director of the National Security Agency; Frederick Hitz, former CIA Inspector General; former Senator Warren Rudman, co-chairman of the U.S. Commission on National Security/21st Century; and former Governor James Gilmore, chairman of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction.

A. Setting Priorities

Former Congressman Hamilton placed "first" on his list of reforms setting "clear priorities for the Intelligence Community." Because demand for intelligence by policymakers has become "insatiable," the Congressman argued, the Intelligence Community has become "demand driven" and "there are simply too many intelligence targets, products, and consumers." Since the end of the Cold War, there has not been a "clear set of priorities" within the Intelligence Community and, consequently, there has not been an ordered allocation of resources.

In addition, Former Congressman Hamilton noted that generally "responsibility [has been] on the consumer of the intelligence in both the Legislative and the Executive branches to set forward in some orderly manner the priorities," and he called on the National Security Council to provide guidelines for "long-term strategic planning." The two most important [page 364] priorities, he urged, should be "combating and preventing terrorism" and "preventing the proliferation of weapons of mass destruction."

B. Strategy And Organization

Senator Rudman brought to the Joint Inquiry's attention a 1996 recommendation of the Aspin/Brown Commission on Roles and Capabilities of the United States Intelligence Community, "a distinguished group of Americans who spent a lot of time looking in advance of 9/11 at precisely the things that [the Joint Inquiry is] looking at post-9/11." Under the heading, "The Need for a Coordinated Response to Global Crime," the Aspin/Brown Commission recommended that, in responding to terrorism and other transnational criminal dangers to the American people, the U.S. Government may have to develop "strategies which employ diplomatic, economic, military, or intelligence measures . . . instead of, or in collaboration with, law enforcement response." This made it essential "that there be overall direction and coordination of U.S. response to global crime." Senator Rudman reflected, "I will tell you that nobody evidently read it."

Congressman Hamilton stated the broad case for reorganizing the Intelligence Community, which he described as now a "loose confederation" with redundant efforts, imbalances between collection and analysis, and coordination problems:

> The very phrase 'Intelligence Community' is intriguing. It demonstrates how decentralized and fragmented our intelligence capabilities are. . . . New intelligence priorities demand a reorganization of the Intelligence Community. . . . [W]e really are in a new era, and we must think anew.

Joint Inquiry witnesses expressed a range of views on two interrelated questions about the organization of the Intelligence Community:

-- whether Community leadership should be vested in a new, cabinet-level Director of National Intelligence (DNI) with Community-wide responsibilities beyond those now vested in the Director of Central Intelligence (DCI), particularly with regard to budget planning and execution; and [page 365]

-- whether the "double-hatting," by which the DCI is also the Director of the Central Intelligence Agency, should be ended so that the DNI becomes the President's principal intelligence advisor with authority to lead the Community, while a separate Director oversees the CIA.

C. Should a Strong Director of National Intelligence be Established?

Congressman Hamilton testified that:

> [w]e need a single cabinet-level official who is fully in charge of the Intelligence Community, a Director of National Intelligence or DNI." To fulfill that role, the DNI "must be in frequent and candid contact with the President[,] have his full confidence . . . have control over much, if not most of, the Intelligence Community budget, and the power to manage key appointments. [Presently, the DCI] does not have this control, and thus [the DCI] lacks authority.

Former National Security Advisor Sandy Berger also stated:

> . . . [S]trengthening the DCI's authority to plan, program and budget for intelligence collection, analysis and dissemination will permit much more effective integration of our intelligence priorities and efforts, including better concentration on counterterrorism.

A DNI with authority over management and particularly budget, Congressman Hamilton concluded, is important for "responsibility and accountability":

> The person who controls the budget controls the operation. And if you don't have budget authority, you are dramatically undercut in your ability to manage the operation. That's why the bureaucrats fight so hard over budget. Budget is power.

General Odom expressed a limited difference on the extent of the proposed Director of National Intelligence's budget authority: "I think Congressman Hamilton wants more executive budget authority than I do, but otherwise I think we overlap enormously." The General would give the DNI the planning power necessary to take "an overall comprehensive look" at the intelligence budget and assess whether intelligence agencies are adequately funded. He would not give the DNI budget "execution" or "spending" power, which would require that Congress [page 366] rewrite regulations governing Department of Defense spending because NSA, a principal member of the Intelligence Community, is a component of the Department of Defense.

D. Should the Same Person be both DNI and Director of the CIA?

Several experts called for separate heads of the Intelligence Community and the CIA. Former National Security Advisor Sandy Berger "encourage[d] the Committees to consider proposals to separate the DCI and CIA Director positions, so the DCI can focus primarily on Community issues and not just CIA concerns." Congressman Hamilton was even more definite: to avoid a "natural bias" toward the CIA, the head of the CIA should not also be the DNI: "You cannot be head of the Intelligence Community and head of the CIA at the same time. There's a conflict there. And I want someone over all that. . . ." General William Odom, former Director of the National Security Agency; added: "The DCI becomes trapped if he's also directing an agency, and therefore he doesn't look at the Community as a whole as much as he could."

Judge Webster disagreed with separate appointments and roles for the head of the Community and the CIA and argued instead for keeping the DCI "double-hatted," but strengthening the DCI role.

> [M]ore emphasis [should be put] on finally addressing the lack of real authority that the DCI has over the Intelligence Community. He does not write the report cards on the agency heads. He does not even pick the agency heads. He has nominal authority over the budget….

Reflecting on his time as DCI, Judge Webster explained that "[o]ccasionally I would issue something that looked nominally like an instruction, it was mostly hoping with a lot of groundwork behind it . . . something would come of it." If the head of national intelligence were placed at the White House "without troops," Judge Webster argued, "it's difficult for me to see how it would be truly effective."

Former CIA Inspector General Fred Hitz agreed with Judge Webster, describing the Secretary of Defense as an "800-pound gorilla" that the DCI has never been able to wrestle to the ground because of the Secretary's responsibility and command authority for defense intelligence [page 367] agencies. Mr. Hitz recommended "realistic" proposals giving the DCI "a kibitzing power over selection of Director of NSA and more collaborative powers with the Secretary of Defense."

Former Congressman Hamilton responded that the Director of National Intelligence should have "real authority and real personnel authority": "I wouldn't put him in the White House, as Judge Webster is suggesting [I would]." General Odom argued that the DNI "has to take some organizational capability with him – he can't just stand out there in an office and be a czar over in the White House." He should have an expanded National Intelligence Council as a reinforcement which together with the DCI's Community management staff give him "a pretty good organizational base." As for limiting change to strengthening the existing DCI position, Congressman Hamilton asserted:

> We're in a new world, and we have to begin to think of ways to structure this. I have heard the argument about strengthening the DCI for 35 years. . . . It's a move in the right direction. But I don't think it gets us into the new era we're in.

E. Counterterrorism within the U.S and Creation of a Domestic Intelligence Agency

The witnesses addressed the organizational and other challenges to the effective conduct of counterterrorism operations in the United States. To Congressman Hamilton, the CIA and FBI must "fundamentally alter" policies and practices: "The FBI, with its new emphasis on prevention, will have to focus more on counter-terrorism, and the CIA will have to trace international leads to the homeland." Indeed, "the threat of terrorism is going to require an unprecedented overlap between intelligence and law enforcement." Although Congressman Hamilton favored

restructuring the Intelligence Community so that "resources can be coordinated and agencies aid, not obstruct one another," he did not recommend a new organization to conduct counterterrorism domestically:

> I don't think it's a statutory solution, a legislative solution. . . . Most important, the two agencies will have to share information and work together to infiltrate, disrupt and destroy terrorist cells … If the shortcomings leading up to 9/11 were systemic in nature, the solution lies in better system management, the handling and analysis of vast amounts of information, and the distribution in a timely manner of the key conclusions to the right people.

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Congressman Hamilton urged recognition of the fact that CIA and FBI have "for a very long period" done their jobs "quite well" and they are now "suddenly confronted with a new world." The decision to transform FBI priorities from law enforcement to prevention is a "huge change," and we cannot expect the Bureau "to turn around on a dime." Rather than new legislation, change "takes leadership, it takes oversight."

In contrast, General Odom argued for a major change in the organization of U.S. counterintelligence and counterterrorism. Counterintelligence, he urged, "is in the worst shape of all." Five agencies have counterintelligence operations – FBI, CIA, and three military services – "with no overall manager." As a consequence, "[t]he parochialism, fragmentation, and incompetence are difficult to exaggerate in the U.S. counterintelligence world." Fragmentation and lack of skills ensures "dismal performance" because "terrorists, like spies, come through openings."

General Odom recommended that the "first step" is "to take [counterintelligence] responsibility out of the FBI, leaving the Bureau with its law enforcement responsibilities, and create a National Counterintelligence Service under the DCI with operational oversight over the [counterintelligence] operations of the CIA and the three military departments in the Pentagon." The new organization would not be given arrest authority, which would remain with the FBI and other law enforcement organizations: "The FBI might be the agency to use [intelligence] to go make arrests and provide the evidence for prosecutions, but the business of locating spies, finding out what they're doing, understanding patentable collection, terrorist infiltrations, et cetera, can be primarily an intelligence operation."

Judge Webster did not "warm to the idea of separating counterterrorism from the FBI." He responded to proposals for a separate domestic intelligence service modeled after England's MI-5 service:

> We're not England. We're not 500 miles across our territory. We have thousands of miles to cover. Would you propose to create an organization that had people all over the United States, as the FBI does?

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The Congress, Judge Webster argued, would "never vote the resources to have a second FBI throughout the country." It is better, then, "to use what we have and train them to be more responsive." Rather than spending time "moving the boxes around," Judge Webster recommended that Congress look to those areas in the system which need to be shored up with appropriate resources and training." The "crucial" example, he testified, was the FBI's twelve year-old information system, that "the FBI has been trying to get help with for years, and has not succeeded." Judge Webster also called for "new sets of relationships between CIA, which has been functioning largely abroad, until more recently, with the FBI's participation and expanded legal attaché relationships, and the law enforcement responsibilities of dealing with the threat here":

> More than any other kind of threat, there is an interrelationship between law enforcement and intelligence in dealing with the problem of terrorism … We need both investigative capability and intelligence collection capability, as well as those who go through the bits and pieces and fill in the dots.

Senator Rudman maintained that creation of a British-styled MI-5 domestic intelligence service would not solve the problems we face: "You have got enormous domestic collection capability in the FBI, assuming it is focused in the right direction." He concluded that the Intelligence Community could enhance its campaign against terrorism by adopting measures designed to share and cooperate amongst its members:

> [T]he more jointness that you have between these agencies, the more they work in joint counterterrorism centers, the more their information databases become common, the more there is constant daily, hourly cooperation between them, the more the NSA is brought in by statute, if necessary, to supplying the FBI with domestic counterterrorism information, then you will do the improvement you need.

Senator Rudman spoke forcefully against proposals for a new counterterrorism organization:

> I do not believe we need new structures or new systems. We may need different kinds of people, we may need different kinds of technology, but I don't think

> [page 370] there is anything wrong with the systems. I think there is a lot wrong with how they have been used over the last ten years.

Senator Rudman did not believe that a law-enforcement culture makes it impossible for the Bureau to be an effective intelligence-gathering agency, an issue he has also addressed as chairman of the President's Foreign Intelligence Advisory Board. "The best domestic intelligence-gathering organization . . . on the ground today is the FBI," although the Senator agreed that "[t]he problem is that they have had a law enforcement mind-set." In spite of that problem, the Bureau has 56 field offices and 44 offices overseas, and, therefore, "it is not a question of trying to get a new agency to do the domestic intelligence, counterintelligence; it is a question of [getting] the resources" necessary for the task.

Following the Joint Inquiry hearings, the Commission that Governor Gilmore chairs on assessing domestic response capabilities against terrorism, released recommendations in advance of its fourth annual report in December 2002. The Commission recommended establishment of a National Counter Terrorism Center (NCTC), a "stand-alone organization" headed by a Senate confirmed, presidential appointee, "responsible for the fusion of intelligence, from all sources, foreign and domestic, on potential terrorist attacks inside the United States." The Commission also recommended that "collection of intelligence . . . on international terrorist activities inside the United States, including the authorities, responsibilities and safeguards under the Foreign Intelligence Surveillance Act, which are currently in the FBI, be transferred to the NCTC" for two reasons: First, "while the FBI remains the world's preeminent law enforcement agency, there is a big difference between dealing with a terrorist act as a crime to be punished and dealing with it as an attack to be prevented." Second, "it is important to separate the intelligence function from the law enforcement function to avoid the impression that the U.S. is establishing a kind of 'secret police.'" The proposed NCTC would not have arrest authority.

Governor Gilmore's preference is "to maintain these [domestic intelligence] functions within the FBI and to build upon [its] considerable structures, sources and resources to upgrade and improve these functions." Nevertheless, he said he would support the Commission's recommendation, given the oversight provisions and legal restrictions described in the Commission's preliminary report to ensure that our civil liberties are not diminished. Another Commission member disagreed with the [Page 371] recommendation, however, asserting in

dissent that "[t]he FBI culture as a law enforcement agency provides a backdrop and check and balance against any abuse of civil liberties."

F. A Legislative Charter for the Intelligence Community

Beyond streamlining the Intelligence Community by, for example, enacting legislation to create a new Director of National Intelligence, Congressman Hamilton urged the enactment of a "legislative charter" for the Community, a task he knew from personal experience would be difficult to accomplish:

> U.S. intelligence is governed by a set of disparate laws and executive orders produced over the last fifty-five years. No single one of these laws provides a comprehensive legal foundation for our massive intelligence establishment. This is a remarkable state of affairs in a country that takes the rule of law so seriously.

In short, the Congressman testified, "[w]e need a statutory foundation for U.S. intelligence."

G. Respect for the Rule of Law

Notwithstanding differences on particular proposals, many witnesses joined in the conviction Congressman Hamilton voiced that "[r]eforms in the Intelligence Community must not come at expense of the rule of law and respect for civil liberties." As Judge Webster put it: "I hope that in the rush to judgment, we will remember who we are and [that] the methods we choose, both for intelligence and for law enforcement, will be consistent with who we are in this country." Congressman Hamilton described the challenges ahead: "Intelligence work requires that our government obtain information, and obtaining that information requires surveillance of people who have committed no crime -- the challenge is to facilitate information-gathering about suspicious people, while insulating legitimate personal and political activity from intrusive scrutiny."

Congressman Hamilton also stressed that responsibility for protecting basic rights lies in several places:

> It's very easy to overlook these matters of privacy and civil rights -- it has to come from the top of the agency. It has to be protected by the courts. The United

> [page 372] States Congress, the intelligence committees, have to be sensitive to the manner in which intelligence activities are carried out, and they have to zero in on civil rights and liberties.

Judge Webster added that ensuring that investigatory tools are used in accordance with the law is "an important role for the Department of Justice," and, therefore, he is opposed to law enforcement "go[ing] outside the Department of Justice at the federal level by giving it to people who are not trained and do not understand the requirements that the Constitution and our laws impose on them."

General Odom asserted that "[t]he [Congressional] committees that did the investigation [of the Intelligence Community] in the 1970s did a great service in implementing the system that they have at NSA now, ensuring that rights are not violated":

> Congress should get credit for that. And as the director of the agency I felt better for having this. I felt that I could be certain that my bureaucracy was not going to run away and violate these kind of rights. And it was a thoughtfully done process that created that system in the 1970s.

Finally, General Odom emphasized the importance of accountability:

> In the military, we have a tradition. When you screw things up, we relieve the commander, which leaves me puzzled about the behavior of the Administration in the intelligence area. I consider intelligence . . . a military engagement, and I would hold the commanders as responsible as I would ship commanders who run their ships aground. They don't stay around after they've run them aground, even if they are not very guilty.

X. Information Sharing

Before September 11, 2001, the Intelligence Community had not melded into an effective team to prevent terrorist attacks within the United States. Efforts had been taken to improve cooperation between the CIA and FBI. After the DCI created the CTC in 1986, for instance, CIA and FBI cross-detailed personnel to each other's counterterrorism units, but this did not lead to a plan between those two agencies or across the Community to integrate intelligence collection and analysis. In the absence of a plan, agencies tended to operate independently.

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Prior to September 11, information was inadequately shared not only within the Intelligence Community, but also between the Community, other federal agencies, and state and local authorities. In sum, the Joint Inquiry discovered significant problems in how intelligence agencies shared information among themselves and with entities that need information to protect the nation against terrorist attack.

A. Information Sharing between Intelligence Agencies and within the Federal Government

In closed and open hearings witnesses from both the intelligence and law enforcement communities spoke of the need to share information. As the Comptroller General put it in a statement submitted for the Joint Inquiry record, "The success of a homeland security strategy relies on the ability of all levels of government and the private sector to communicate and cooperate effectively with one another."

a. National Security Agency

NSA intercepts well over [————————] communications each day, which it uses to create reports for dissemination to components of the Executive Branch that have expressed requirements for certain information. The growth of global communications and computer networks has significantly increased the volume of communications NSA can intercept. One of the major challenges the agency faces is to find information buried in the avalanche of electronic data it receives every day. In deciding which communications [———] to target, which [——] to monitor [————], and which communications to select [————————], NSA tries to maximize its exploitation capability, including its linguistic and analytic workforce.

[The effort to find and report the most useful information results in decisions at every step in the exploitation process that leave information behind, unanalyzed and unreported. Thus, potentially vital information is rejected before analysts see it, or, if it reaches an analyst, it is not reported to customers. For example, NSA informed the Joint Inquiry that it reported some but not all communications analyzed in 1999 and the first half of 2000 involving a [page 374] suspected terrorist facility in the Middle East linked to al-Qa'ida activities directed against U.S. interests. NSA did not publish other communications involving this facility and associated with a participant

in a January 2000 meeting in Malaysia, hijacker Khalid al-Mihdhar. As was explained in the section of this report devoted to that meeting, these communications fell below NSA's reporting threshold].

NSA officials described the threshold as a subjective standard that can change every day. It is a product of several factors including the priority of the intelligence topic (for example, threat warnings have the highest priority), the level of customer interest in a particular subject, the perceived value of the information, and the amount of intercept available for analysis and reporting. In short, analysts have considerable discretion in reporting information, especially when it is fragmentary or obscure.

A major concern of NSA customers is that this winnowing process is not sufficiently well informed to avoid leaving potentially vital but seemingly irrelevant information on the "cutting room floor," particularly with regard to targets like al-Qa'ida where the smallest piece of information may fill in the mosaic of the organization and its plans. To make well-informed decisions about what to report, NSA needs detailed knowledge about how raw intercept data might respond to customer needs. NSA deploys many analysts to customer agencies to understand their needs and help them shape NSA reports. This is an important, but not complete solution to the problem.

NSA officials complained to the Joint Inquiry that its customers rarely reciprocate by assigning analysts to NSA to access its information, including raw intercepts. An NSA counterterrorism supervisor noted that the productivity of NSA analysts was substantially increased when a CIA analyst with access to Directorate of Operations cables was detailed to NSA.

NSA officials are concerned about sharing raw intercepts in large part because some intercepts contain information about "U.S. persons" that NSA must protect under "minimization procedures" established by the Attorney General and the Foreign Intelligence Surveillance Court. It is not practical to review all raw traffic to strip off this information, and minimized [page 375]

information might not have the same value as original text. NSA officials also cited concerns about protecting sources and methods that produced the data and the difficulties in separating content from information about them.

b. The Central Intelligence Agency

CIA personnel also make decisions about sharing information, particularly with regard to [————————] cables that contain vital information about CIA activities.

[NSA has told the Joint Inquiry that regular access to [————————] cables would enhance its understanding of material it intercepts and increase the productivity of its analytic workforce. The Director of the Defense Intelligence Agency expressed particular concern about cables relating to the Malaysia meeting. Joint Inquiry staff identified numerous CIA [——] cables concerning that meeting that contained information of value to all-source analysts. In response to a Joint Inquiry request, DIA identified four leads its terrorism analysts could have pursued in early 2000 and one in December 2000, had information been shared. DIA also identified three leads in [CIA] cables in August 2001 that would have allowed it to take action concerning the Malaysian meeting, Zacarias Moussaoui, Khalid al-Mihdhar, and Nawaf al-Hazmi].

[CIA is concerned that access to cables would place its sources and methods at risk because cables contain information about activities, including meetings with human assets. Most analytic personnel recognize this concern and profess not to want operational details or information about sources and methods. These analysts see information of potential significance, embedded in the raw data. The CIA, they believe, filters out many intelligence "nuggets" before analysts receive the information. The agency has itself recognized the value of this data by integrating its counterterrorism analysts into the CTC where they are supposed to have full access to raw traffic].

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c. The Federal Bureau Of Investigation

The FBI collects vast amounts of information from both criminal and intelligence investigations, including interviews, wiretaps, physical searches, grand jury material, and

intelligence disseminated by other members of the Intelligence Community. The FBI's problem is twofold: 1) dissemination of information within the Bureau and, 2) sharing of information with other members of the Intelligence Community. In some cases, the FBI was limited by legal or policy constraints on, for example, the use of grand jury information and information obtained through criminal wiretaps. The USA Patriot Act eliminated some of those constraints. However, the FBI has also been hampered by its own limitations, for example, a failure to develop a strategy for sharing information. As its Deputy Assistant Director for Counterterrorism and Counterintelligence testified:

> We did not leverage what we had information-wise, and we did not leverage what other agencies had as information. We lacked analysts, we lacked linguists, we lacked electronic architecture that allows to us interact with other organizations. . . . We lacked size. And we lacked attacking the target from 360 degrees. For example, we did not develop a program that leveraged what we have as expertise, what the Treasury had as expertise, and what the [CIA] had as to expertise for a concentrated, focused, aggressive investigation in finances. Terrorist organizations . . . like al-Qa'ida . . . have several points of strength, but several points of weakness. . . . We did not leverage State and local police. The culture says you don't share that information.

In addition, as a result of technological problems, FBI analysts did not have access to all information within the Bureau. The FBI's Deputy Assistant Director for Counterterrorism Analysis testified that "the FBI lacked effective data mining capabilities and analytical tools, it has often been unable to retrieve key information and analyze it in a timely manner, and a lot has probably slipped through the cracks as a result."

Before September 11, FBI personnel were not trained or equipped to share foreign intelligence developed in counterterrorism investigations with the Intelligence Community or even with other units within the Bureau, which deprived analysts throughout the Community of information. The FBI's Chief of the Counterintelligence Analysis Section in the Counterintelligence Division explained: [page 377]

> Technology alone, however, is not the silver bullet; gaining access to all relevant FBI information associated with an individual terrorist suspect, terrorist group or State Sponsor was also an issue the analysts faced periodically. Information was sometimes not made available because field offices, concerned about security or media leaks, did not upload their investigative results or restricted access to specific cases. This, of course, risks leaving the analysts not knowing what they did not know.

Finally, the FBI typically used information obtained through the Foreign Intelligence Surveillance Act only in the cases in which it was obtained and would not routinely disseminate the information within the Bureau or to other members of the Intelligence Community.

d. The Department Of State

One of the principal State Department contributions to the fight against terrorism is the TIPOFF watchlist program, which, according to its director, was established in 1987 after the Department issued a visa to someone the Intelligence Community knew was a terrorist.

According to TIPOFF's Director, from inception to Summer 2002, the program prevented 763 individuals from receiving visas to enter the United States. However, the Joint Inquiry was told that information flow into TIPOFF before September 11 was less than complete. It was not until 1995, eight years after a terrorist was mistakenly allowed into the United States, that the CIA approved State Department declassification of data for inclusion in TIPOFF. Before the change in policy, State would submit a list of names monthly for CIA declassification, and that process delayed the watchlist updates.

Growing concern about the terrorist threat did not noticeably increase the amount of information shared between the Intelligence Community and the State Department before September 11, which, in contrast, advised the Joint Inquiry that it received at least 1,500 CIA Central Intelligence Reports containing terrorist names shortly after September 11. State Department officials also spoke about the difficulty in obtaining data for watchlisting purposes from the FBI National Crime Information Center, in spite of ten years of negotiations with the Bureau for access.

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September 11 hijackers Khalid al-Mihdhar and Nawaf al-Hazmi provide perhaps the most glaring examples of incomplete information sharing with the State Department. As is demonstrated in other sections of this report, the CIA had reportable information about these men long before it asked that they be "watchlisted" in August 2001. As DCI Tenet testified, this failure is not the result of a limited problem in the systems in place:

> The fact that we did not recommend al-Hazmi and al-Mihdhar for watchlisting is not attributable to a single point of failure. There were opportunities, both in the

> field and at Headquarters, to act on developing information. The fact that this did not happen – aside from questions of CTC workload, particularly around the period of the disrupted Millennium plots – pointed out that a whole new system, rather than a fix at a single point in the system, was needed.

In particular, the DCI pointed to CIA personnel not understanding their obligation to place people on watchlists or the criteria by which watchlist decisions should be made. The Director of the TIPOFF program also described poor attendance at meetings he would arrange to brief CIA personnel on the program and the frequent turnover of CIA personnel assigned to it.

Some improvements have been made since September 11. For example, Ambassador Francis Taylor told the Joint Inquiry that, "in August, 2002, the entire TIPOFF database, including full biographic records on nearly 85,000 terrorist names, photographs, fingerprints, and on-line documentation, was made available to the authorized users from five Intelligence Community and law enforcement agencies." In August 2002 the State Department added over seven million names from FBI indices to a State watchlist, augmenting the 5.8 million names already uploaded.

e. The Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA)

The FAA and its successor TSA are responsible for making threat information available to airlines and airports, domestic and foreign. Without specific information from intelligence [page 379] and law enforcement agencies, TSA is unable to provide the context of threat to carriers and airports. FAA officials told the Joint Inquiry that they have to make convincing cases about threats to the aviation industry because the industry is not willing to absorb additional security costs, absent strong evidence of need.

An example of the importance of providing context is the memorandum an agent in the FBI's Phoenix office prepared expressing concern about Middle Eastern students taking aviation training. Claudio Manno, TSA's Assistant Undersecretary for Intelligence, told the Joint Inquiry that the FAA saw the Phoenix memorandum for the "first time" when Joint Inquiry staff brought the matter up. Mr. Manno testified that, had he been made aware of the document, he would have done "a number of things that were done later" to advance the post-September 11 investigation.

B. Information Sharing between Intelligence Agencies and State and Local Officials

Although federal officials emphasized the importance of state and local perspectives, the Joint Inquiry heard witnesses complain that the federal government does not systematically involve state and local agencies in counterterrorism programs. Governor Gilmore, Chairman of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, testified:

> [T]o the extent that there has been intelligence sharing, it has been ad hoc. It has been without a real systematic approach. And what would you expect? With the Intelligence Community, it is within the culture if not within the statute that you don't share information. If you do [share information], you are even subject to criminal penalties. . . .

Some progress was made on information sharing with state and local officials after the FBI organized Joint Terrorism Task Forces in its field offices. Starting with the first JTTF New York City in 1980, the FBI made a concerted effort to expand the program. As Director Freeh noted, "We doubled and tripled the number of Joint Terrorism Task Forces around the United States so we could multiply our forces and coordinate intelligence and counterterrorism [page 380] operations with FBI's federal, state, and local law enforcement partners." As of September 11, thirty-five FBI field offices had JTTFs; now all fifty-six offices do.

JTTFs are designed to combine federal and local law enforcement and intelligence capabilities into a cohesive unit to address complex international and domestic terrorism investigations. JTTFs might include federal participants from CIA, INS, the Marshals Service, the Secret Service, TSA, Customs, the Bureau of Alcohol, Tobacco, and Firearms, the State Department, U.S. Postal Inspection Service, the IRS, Park Police, and other agencies.

According to FBI representatives, JTTFs have improved communication among these agencies and enabled the FBI to leverage their capabilities in counterterrorism investigations. For example, INS personnel assigned to the Minneapolis JTTF were able to determine quickly that Zacarias Moussaoui's authority to stay in the United States had expired, leading to his arrest and detention.

JTTFs have not solved the information concerns of all state and local officials. Baltimore Police Commissioner Edward Norris told the Joint Inquiry that serious gaps remain:

> I would like to know exactly what everyone else knows in my city. Whatever Federal agencies are working on in my city . . ., I should know exactly what's happening. . . . [W]e know for a fact [that] terrorists are living in our cities. We all know they're here; we just don't know who they are, we being the urban police departments in this country. I would like to know and I would like to have a briefing . . . at least every month. I would like to know what's happening, because I get briefings from my intelligence division every day, so I know who we're working on and I know what we're looking at. . . . If I had access in a full briefing from whatever agency investigating within my city, it would make my life a whole lot more efficient and comfortable. I would like to know what is happening, but currently do not.

C. Additional Information Sharing Problems

Detailing employees from one agency to another is often praised as a form of information sharing, but the Joint Inquiry heard that there are several limits to the practice. The Departments of State, Transportation, Treasury, and Energy and the INS, Customs, and other organizations detail personnel to the CIA's Counterterrorist Center, the FBI, and, to a much lesser extent, NSA. [Page 381]

Intelligence Community agencies also send detailees to non-intelligence and law-enforcement agencies. Numerous task forces and cooperative agreements exist between the FBI and border-security and intelligence agencies. Task forces are also primary vehicles for involving state and local agencies in counterterrorism efforts.

The Joint Inquiry was told repeatedly that host agencies restrict access to information and limit databases detailees can query on security and policy grounds. Detailees often learn about intelligence only after host agency employees make ad hoc judgments to share information.

Representatives of detailing agencies also told the Joint Inquiry that host agency employees often do not understand issues of interest to other agencies and consequently provide detailees with information without context.

Access to databases is also impaired. This is because there is no single architecture in the Intelligence Community that bridges all federal, state, and local government databases.

Cultural concerns are another problem. Former DIA Director Admiral Thomas Wilson explained to the Joint Inquiry that "information sharing" implies that one "owns the information." According to Admiral Wilson, agencies must shed the belief that they own information, which, in fact, belongs to the government.

D. The Wall: Barriers between Law Enforcement and Intelligence

Legal and other considerations have substantially influenced the degree to which intelligence agencies share information with law enforcement agencies. These concerns also affected how information was shared between FBI intelligence components and FBI criminal investigators and Department of Justice prosecutors. In interviews and at hearings, the Joint Inquiry has been told repeatedly that a phenomenon known as the "Wall" significantly hampered the free flow of information between the intelligence and law-enforcement entities. Michael Rolince, former Chief of the FBI's International Terrorism Operations Section, testified:

> [Page 382] In terrorism cases this became so complex and convoluted that in some FBI field offices FBI agents perceived walls where none actually existed. In fact, one New York supervisor commented that "so many walls had created a maze" which made it very difficult for the criminal investigators.

The "Wall" is not a single barrier, but a series of restrictions between and within agencies constructed over sixty years as a result of legal, policy, institutional, and personal factors. These walls separate foreign from domestic activities, foreign intelligence from law-enforcement operations, the FBI from the CIA, communications intelligence from other types of intelligence, the Intelligence Community from other federal agencies, and national-security information from other forms of evidence.

Following World War II, the National Security Act of 1947 created the Central Intelligence Agency, our first peacetime civilian intelligence organization. Two fundamental considerations shaped that Act: the United States would not establish an organization that coupled foreign and domestic intelligence functions, and the FBI's domestic jurisdiction would be preserved. To satisfy these aims, the Act provided that the CIA would not have police, subpoena, or law enforcement powers and would not perform internal security functions.

Generations of intelligence professionals have been trained in the belief that the CIA should not play an internal security role. They also learned that sensitive information should be disclosed only to those with a demonstrable "need to know" the information within the rigidities of a national security classification system. In addition, law enforcement personnel have long recognized that confidentiality, protection of witnesses, and secrecy of grand jury information are essential to the successful investigation and prosecution of crimes. Thus, in the law-enforcement and foreign intelligence professions, security practices and strict limits on sharing information have become second nature.

The division between foreign intelligence and law enforcement is illustrated in the different procedures developed for law-enforcement and foreign-intelligence electronic surveillance and searches.

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The Fourth Amendment to the Constitution requires a judicial warrant for most physical searches for law enforcement purposes. In 1967, the Supreme Court held in *Katz v. United States*, 389 U.S. 347, that the Constitution requires that law enforcement officers engaged in electronic surveillance in criminal investigations also obtain a warrant.

The 1967 decision stated that it was not addressing the question of whether electronic surveillance for foreign intelligence required a warrant. However, in 1972, the Court held that a domestic group could not be subjected to warrantless electronic surveillance, even if authorized by the President or Attorney General, unless a connection was established between the group and a foreign power. The government's argument that surveillance was necessary to collect intelligence about the group as part of an "internal security" or "domestic security" investigation was not sufficient to override the Constitutional warrant requirement. The Court explicitly did not address the President's surveillance power with respect to foreign powers.

A few years later, Congress conducted extensive investigations into the activities of U.S. intelligence agencies, including warrantless electronic surveillance of citizens who were not agents of a foreign power and warrantless physical searches purportedly to identify subversives and protect intelligence sources and methods. These investigations led to the enactment of the Foreign Intelligence Surveillance Act of 1978 (FISA).

FISA established a special court in response to the argument that the judiciary was not equipped to review requests for foreign intelligence surveillances. Recognizing that intelligence and law enforcement interests would coincide in many cases where foreign intelligence surveillance is appropriate, such as espionage and terrorism investigations, the Act permits information produced by surveillance to be shared with law enforcement. However, to ensure that the division between foreign-intelligence and law-enforcement surveillance was maintained, the Act required a certification that "the purpose" of a proposed FISA surveillance was collection of foreign-intelligence information.

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In the early 1980s, the law enforcement and intelligence communities often worked together often in counterintelligence and counternarcotics investigations. Law enforcement agencies became more acutely aware in the course of this collaboration of the evidentiary complications that could arise as a result of using intelligence information in law enforcement efforts. For example, defense attorneys seeking discovery of investigative information relating to the guilt or innocence of their clients could move to have charges dismissed, if the government withheld information on the basis of national security. Thus, increased interaction between law enforcement and intelligence agencies required that procedures be devised to disseminate intelligence for law enforcement use while protecting intelligence sources and methods. For example, intelligence agencies provided information to law enforcement organizations "for lead purposes only," so as to allow those organizations to act on the information without its becoming entwined in criminal prosecutions.

Personnel within the Justice Department and United States Attorneys' Offices were given responsibility for insulating law enforcement personnel from intelligence information while finding ways for them to benefit from it. These arrangements came to be known as "walls."

To avoid court rulings that FISA surveillances were illegal because foreign intelligence was not their "primary purpose," Department of Justice lawyers began to limit contacts between FBI personnel involved in these activities and DOJ personnel involved in criminal investigations. One result of this approach was that the then Counsel for Intelligence Policy at DOJ, the official

most responsible for dealing with the FISA Court, was recused from handling FISA applications on al-Qa'ida because she had worked with prosecutors on the embassy bombing prosecution.

The Attorney General issued procedures in 1995 regulating FBI foreign intelligence investigations in which FISA was used and potential criminal activity was discovered. These procedures required notice and coordination among the FBI, DOJ's Criminal Division, and its Office of Intelligence Policy and Review (OIPR). In November 2001, the FISA Court adopted these procedures.

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The wall in FISA matters became thicker and higher over time, as the FISA Court explained in a May 2002 opinion rejecting procedural changes proposed by the Attorney General:

> [T]o preserve . . . the appearance and the fact that FISA [was] not being used *sub rosa* for criminal investigations, the Court routinely approved the use of information screening "walls" proposed by the government in its applications. Under the normal "wall" procedures, where there were separate intelligence and criminal investigations, or a single counter-espionage investigation with overlapping intelligence and criminal interests, FBI criminal investigators and [DOJ] prosecutors were not allowed to review all of the raw FISA [information] lest they become *de facto* partners in the FISA [operations]. Instead, a screening mechanism, or person, usually the chief legal counsel in an FBI field office, or an assistant U.S. attorney not involved in the overlapping criminal investigation, would review all of the raw [information] and pass on only that information which might be relevant evidence. In unusual cases . . . , [DOJ] lawyers in OIPR acted as the "wall." In significant cases, . . . such as the bombings of the U.S. embassies in Africa, . . . where criminal investigations of FISA targets were being conducted concurrently, and prosecution was likely, this Court became the "wall" so that FISA information could not be disseminated to criminal prosecutors without the Court's approval.

The thicket of procedures, reviews, and certifications regarding FISA information and contact between foreign-intelligence and criminal investigators led to confusion and error. An FBI attorney noted in an interview that, as detail was added to certain FISA applications, the Court began to expect that level of detail in all applications. Thus, an application to renew a surveillance of an intelligence officer of a foreign government that might have originally required two paragraphs in support grew to many pages, increasing the possibility of error in details.

In March 2000, the Department of Justice discovered substantive errors in factual applications presented to the FISA Court. By September 2000, the Department identified errors in

about seventy-five FISA matters, and in March 2001 notified the FISA Court of additional errors. In response, the Court required that all DOJ personnel involved in FISA matters certify that they understood that FISA information could not be shared with criminal prosecutors without the Court's approval and an FBI agent involved with the erroneous filings was barred from the Court. While the Department attempted to correct the process that had led to erroneous [page 386] filings, a large number of FISA surveillances, including many related to international terrorism, expired in the spring and summer of 2001.

[The consequences of the FISA Court's approach to the Wall between intelligence gathering and law enforcement before September 11 were extensive. FBI personnel involved in FISA matters feared the fate of the agent who had been barred and began to avoid even the most pedestrian contact with personnel in criminal components of the Bureau or DOJ because it could result in intensive scrutiny by OIPR and the FISA Court. In addition, because NSA was not certain that it could identify reporting that came from FISA derived information, it began to indicate on all reports of terrorism-related information that the content could not be shared with law enforcement personnel without FISA Court approval].

The various walls have had other consequences of direct relevance to the Joint Inquiry. For example, a CIA employee spoke to two FBI employees in January 2000 about the activities of future hijacker Khalid al-Mihdhar in Malaysia, but did not tell them that he had a U.S. visa. The CIA officer stated in an e-mail at the time that the FBI would be brought "into the loop," only after "something concrete" was developed "leading us to the criminal arena or to known FBI cases." Perhaps reflecting the deadening effect of the long standing wall between CIA and FBI, the FBI agents reportedly thanked the CIA employee and "stated that this was a fine approach," although the FISA wall did not apply in this case.

Even in late August 2001, when the CIA told the FBI, State, INS, and Customs that Khalid al-Mihdhar, Nawaf al-Hazmi, and two other "Bin Laden-related individuals" were in the United States, FBI Headquarters refused to accede to the New York field office recommendation that a criminal investigation be opened, which might allow greater resources to be dedicated to the search for the future hijackers than would be available in an intelligence investigation. This was based on Headquarters' reluctance to utilize intelligence information to draw the connections

between al-Mihdhar and the *USS Cole* bombing necessary to open a criminal investigation. FBI attorneys took the position that criminal investigators "CAN NOT" (emphasis original) be involved and that criminal information discovered in the intelligence case would be "passed over the wall" according to proper procedures. An agent in the FBI's New York field office responded by e-mail, [page 387] "Whatever has happened to this, someday someone will die and, wall or not, the public will not understand why we were not more effective in throwing every resource we had at certain problems." Again, FBI Headquarters applied FISA "walls" to a non-FISA case.

The USA PATRIOT Act, enacted in response to September 11, provided unambiguous authority for the Attorney General and other law enforcement officials to disclose to the Director of Central Intelligence foreign intelligence collected in the course of a criminal investigation. The Act also requires that intelligence be "a significant purpose" of a FISA search rather than "the purpose." These provisions were intended to reduce, if not remove restrictions that had grown up around FISA operations. The Foreign Intelligence Surveillance Review Court, in its first opinion since being established in 1979, has affirmed that the Act permits the free flow of intelligence to prosecutors, who may direct and control FISA surveillances.

XI. Technology Gaps

Technology is critical to the Intelligence Community's efforts to collect, analyze, and disseminate information on terrorist identities, locations, capabilities, plans, and intentions. The Joint Inquiry examined a number of issues in order to assess how well-postured the Community was in regard to its use of technology as well as its understanding of the use of technology by terrorists. The NSA, which, of all the intelligence agencies, relies the most on technical collection, received most of the attention.

A. Technology Gaps at NSA

Al-Qa'ida members employed a variety of communications technologies, including modern ones such as [————————————————————], in the conduct of their activities. In his testimony, NSA Director Lt. Gen. Hayden lamented the fact that terrorists have access to the three-trillion-dollar-a-year communications industry. The Joint

Inquiry attempted to examine NSA's current and planned capabilities to exploit these types of modern communications as well as the tools being used and developed to help linguists and analysts process and share the volumes of information collected. In addition, the Joint Inquiry [page 388] examined the health of the technical collection platforms from which the majority of counterterrorism intelligence information is derived.

The assessment presented below draws on testimony, interviews, and some NSA documentation.

[————————————————————]

[————————————————————

———————————————

[Page 390] [——].

F. Selection and Filtering for [————————————————————]Communications

Much of NSA's pre-September 11 success against terrorist targets was due to the ability to [————————————————————————————————] based on [————————————] interest rather than randomly choosing among millions of communications. With the proliferation of multimedia communications, even better selection and filtering techniques will be required.

One area of increased attention is [——] an area in which NSA has made only limited progress. [————————————————————————————————]. Unfortunately, NSA's selection capabilities suffer from a critical deficiency, [——] . The solution to this deficiency is well understood and estimated to cost less than $1 million to implement. However, the Joint Inquiry learned in interviews that even though [————————————] have been available for many years, and even though NSA has had recent significant funding increases, the program manager is still "scrounging" for funds to pay for this upgrade that would not be completed until 2004.

G. Analyst Tools

NSA often did not provide analysts with sufficient tools to exploit the data collected. For example, NSA in 1998 did not have the capability to [——], NSA's Analysis and Production Chief, noted, "At that time the systems that were in place were high tailored, not integratable. The plug and play was only beginning to come into play at that point in time. So a tailored solution that you might be able to architect at home wasn't necessarily one that you could deploy across [————————————————] or within a CT shop." [————] noted, however, that this capability now existed.

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However, field operators still do not have such tools, even though they were available at NSA Headquarters after September 11. During a visit to the [————————————————————————],

Joint Inquiry personnel found [———] linguists frustrated with Headquarters support for language tools. In fact, one of their primary concerns was the inability to display [———————————]. They noted that they could purchase software on the local economy that can display [———————————] but are prohibited from doing so because the software is not an "approved application" for their computer platform. "When they officially requested such a capability through official channels, they were told that something could be available in 18 months." They noted that some computers they still use are 1993 vintage UNIX machines that cannot even display ordinary graphical user interfaces correctly due to color graphics limitations.

H. Collection Platforms

NSA collects signals intelligence using a variety of methods or platforms. Often these platforms, which have a sizable infrastructure investment, serve a myriad of intelligence missions. In identifying these critical platforms, the Joint Inquiry examined statistics on counterterrorism-related reporting. The following chart shows the source of counterterrorism reports per technical collection platform both pre- and post-September 11:

Collection Platform	All Counterterrorism Reports 10 May 01 - 10 Sep 01	All Counterterrorism Reports 11 Sep 01 - 11 Jan 02	Percent Increase
[———————————]	[———————]	[———————]	[———]

NSA spending increases after September 11, however, are not focused on several of the most productive sources of counterterrorism information. [———————————] [Page 392]

[———————————————

officials throughout the policy and Intelligence Community told the Joint Inquiry that [page 393] Signals Intelligence (SIGINT) was a valuable source of information on al-Qa'ida. Exploitation of terrorist communications, however, was uneven at best and suffered from insufficient investment. Al-Qa'ida was only one of several high priority targets and a difficult one].

A. NSA's Organizational Structure for Collecting Terrorist Communications

Within the NSA, the Signals Directorate, which was created in February 2001 by combining the Operations and Technology Directorates, has the primary SIGINT mission. Within the Signals Directorate, the Counterterrorism Product Line has the lead for counterterrorism reporting. [——]:

- [——];
- [——];
- [——];
- [——];
- [——];
- [——].

B. SIGINT and the September 11 Attacks

Prior to 11 September 2001, NSA had no specific information indicating the date, time, place, or participants in an attack on the United States. Numerous NSA personnel, including

Lt. [page 394] General Hayden, the Director of the NSA (DIRNSA), repeatedly related this conclusion to the Joint Inquiry.

[NSA had intercepts on September 10, 2001 that, in retrospect, appear to relate to the September 11 attacks. These intercepts were processed on September 11 (after the terrorist attacks) and reported early on September 12, 2001. Although each of the products referred to something occurring the following day, neither intercept had specifics on the attack, location, or targets. This wording was similar to other non-specific threats occasionally reported by NSA over the past several years].

In an effort to place the September 10 messages in perspective, General Hayden testified, "I should also note that [over a period of time] earlier that summer we had intercepted and reported over 30 such imminent attack messages and that since September 11 [NSA continues to report similar activities]."

In fact, following September 11, there was a flurry of similar [———] intercepts that were not associated with any terrorist attacks:

- [——];
- [————————————————————————————————];
- [——]; and
- [——].

[Page 395]

C. A Chronological Review of NSA Collection Efforts Against al-Qa'ida

[In the years before the September 11 attacks, NSA steadily increased its collection on al-Qa'ida. Initial Intelligence Community efforts focused on Bin Ladin himself as a terrorist financier. As the 1990s wore on, this effort expanded to collection on Bin Ladin's associates and the al-Qa'ida organization. [———————————————

[Before Bin Ladin issued his February 1998 anti-American *fatwa*, [———————————————————————————]. Following the *fatwa*, the Director of NSA appealed to [ ] partners, few of which were focused on counterterrorism at the time, for counterterrorism assistance. [———].

[Following the August 1998 East Africa Embassy bombings, NSA instituted a much higher operations tempo, which never really subsided. After the bombings, at the request of FBI's New York Field Office, NSA provided all reports that appeared related to the attacks. This information was useful to the FBI].

[In the fall of 1998, NSA lost the ability to listen to Bin Ladin on his satellite phone. This loss was probably the result of, among other things, a media leak. [———].

[———].

In February 1999, the Department of State demarched the Taliban, [———].

[———————————————

———————————————

a. Difficulties of Gaining Actionable Intelligence on al-Qa'ida

[Several senior NSA officials, including the Deputy Director of NSA and Chief of the counterterrorism organization contended in interviews and testimony that information on terrorist plans and intentions was often not available [———————————————

b. Difficulties in Adjusting to Terrorist Targets

The communications sophistication of stateless terrorists in general and al-Qa'ida in particular clearly surprised NSA officials. The rise of al-Qa'ida seemingly paralleled in some respects what NSA's Director referred to as "the telecommunications and information revolution" of the past ten years. He noted that al-Qaida operatives are skilled users of the global telecommunications infrastructure, "al-Qa'ida is in many respects different from NSA's typical SIGINT targets of the past 50 years."

In spring 2001, NSA began to change direction: rather than analyzing *what was collected*, NSA would dissect its targets' communications practices to determine *what to collect*. This is commonly referred to at NSA as *hunting* rather than *gathering*. This procedure was in its infancy when the September 11 terrorist attacks occurred.

c. Problems Keeping Pace with [————————] Advances before September 11

[————————————

Hayden told the Joint Inquiry that he was severely criticized on several occasions for abandoning so-called legacy communication paths in favor of developing robust new capabilities.

[There is some apparent inconsistency concerning NSA's concentration. On at least one occasion, the Director of NSA asserted that it was not so much NSA's inability to collect some modern communications, but other factors. The bulk of the information available to the Joint Inquiry, however, suggests NSA was behind the curve in this area and only began to catch up after September 11, 2001].

E. Insufficient Resources for Counterterrorism at NSA

Although NSA has had difficulty in generating consistent, accurate personnel numbers for the Joint Inquiry, it appears from interviews and the limited information provided that personnel employed in the counterterrorism organization were largely static over several years, despite repeated efforts by local managers to increase the numbers of linguists and analysts. General Hayden testified that in hindsight he would have liked to have doubled his resources against al-Qa'ida.

NSA acknowledged it had insufficient numbers of linguists and analysts on the counterterrorism target. This acknowledgment seems to have come from leadership in retrospect, while those closer to the counterterrorism problem stated to the Joint Inquiry they had been requesting personnel increases for years, mostly to little or no avail.

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Declining overall resources made it difficult to dramatically expand counterterrorism coverage. As discussed in more detail in a separate chapter, for much of the 1990s NSA's budget and manpower were steadily reduced to a point that all collection efforts were impeded. Cuts were "salami-sliced" across the agency rather than specifically targeted, a tactic employed by NSA for many years to cope with declines while still trying to satisfy an increasing number of intelligence requirements, and competing priorities (especially force protection requirements) that drained scarce resources, such as Arabic linguists. Funds for [————————] collection, historically two of NSA's most lucrative reporting sources, were essentially put in a maintenance

mode, with investment focused on other collection sources that NSA felt needed to be developed to have a more balanced SIGINT collection system.

There was little significant, sustained reaction to the DCI's declaration of war on al-Qa'ida in 1998. Indeed, LTG Hayden (who became Director of NSA in 1999) noted that by 1998, NSA was already at a heightened counterterrorism posture and thus no additional wholesale shifts in resources were made at that time. LTG Minihan, the Director of NSA at the time of the DCI's declaration, told the Joint Inquiry that he felt the DCI was speaking for the CIA only. In his view, the DCI generally left Intelligence Community matters to the head of the Community Management Staff.

[Numerous individuals noted that counterterrorism was but one of several seemingly equally high priority targets levied on NSA prior to September 11. Although the Director of the Signals Directorate stated that in addition to al-Qa'ida, [————] was the only other Tier 0 (highest priority) target in the 1998-2001 timeframe, there did not seem to be an objective method for resource assignment within NSA, nor guidance from the DCI. The Director of NSA in his testimony referred to the PDD-35 requirements system as "cumbersome." The requirements system in place on the eve of September 11 consisted of some 1,500 standing requirements calling for some 200,000 detailed pieces of information – ad hoc requirements that were received telephonically or via e-mail, and requests for additional information. In response, NSA juggled resources to cope with competing requirements but did not make dramatic cuts in other priorities to dramatically expand counterterrorism coverage].

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The NSA Director also cautioned in his testimony, "If these hearings were about the war that had broken out in Korea or the crisis in the Taiwan Straits that had taken us by surprise or if we had been surprised by a conflict in South Asia or if we had lost an aircraft over Iraq or if American forces had suffered casualties in Bosnia or Kosovo, in any of these cases I would be here telling you that I had not put enough analysts or linguists against the problem. We needed more analysts and linguists across the agency, period."

F. Technical Collection at CIA

Most of the technical collection operations at the CIA have a human access element, and the primary offices with responsibility are in the Directorate of Operations. The Counterterrorist Center has a Technical Operations Branch that is responsible for orchestrating special technical collection operations for terrorist targets. Some of these operations are conducted in concert with NSA, [——].

[——

H. Technical Collection at FBI

The FBI performs considerable technical collection within the United States to support its own intelligence and criminal investigations. It also supports the collection efforts of Intelligence Community agencies, [———————————————————————————————]. These activities are conducted pursuant to the authority of the Foreign Intelligence Surveillance Act of 1978. [———].

FBI was conducting relatively few technical collection operations against al-Qa'ida before September 11. The intelligence produced was of relatively limited value because the targets did not appear to be involved in significant activity.

FBI officials indicated that after September 11 a joint program had begun with NSA [———————————————]. FBI is responsible for collecting the information. NSA receives the information and is responsible for reporting to the Intelligence Community and [page 405] intelligence customers. [———————]. FBI personnel maintain that collaboration [———————————————] can still be improved.

XIII. HUMINT Collection

Three agencies in the Intelligence Community have primary responsibility for HUMINT (intelligence from human sources) collection: the CIA, the FBI, and the DIA. Before September 11, none of these agencies had collected any information through HUMINT sources warning of the September 11 attacks on the Pentagon and the World Trade Center.

[The agencies' attempts to use human penetrations to gather intelligence on al-Qa'ida steadily grew throughout the 1990s, until by the end of the decade it was a top priority. The CIA met with the most success through its foreign liaison relationships and with volunteers. It made only limited progress with unilateral attempts to place human assets in al-Qa'ida's leadership. The DIA's Defense Humint Services (DHS) had some success against the Taliban, but little against al-Qa'ida. The FBI collected valuable information on Islamic radical activity in the United States, but the Bureau's focus was often overseas. In addition, the FBI often failed to coordinate its human collection].

The Joint Inquiry collected information about the agencies' pursuit of HUMINT through interviews and reviews of documents. The Joint Inquiry was frequently unable to catalog or audit the HUMINT sources from the information delivered by CIA because the documents were heavily redacted for source protection. This did decrease the Joint Inquiry's ability to judge the breadth and depth of the HUMINT program at CIA.

A. CIA Human Intelligence Collection

[The CIA has tried to collect on Bin Ladin and al-Qa'ida since the mid-1990s. Collecting human intelligence on al-Qa'ida became an increasingly important priority at the CIA, and in 1996, the Counterterrorist Center (CTC) set up a special Bin Ladin unit to increase its focus on [page 406] Bin Ladin. The CIA used the three traditional mechanisms for developing HUMINT or field intelligence: unilateral sources, volunteers, and liaison relationships].

The CIA made the penetration of al-Qa'ida a top priority. The DCI characterized the counterterrorism effort against Bin Ladin and his organization to the Committees on June 18, 2002 in this way:

> We understood that our first priority was to try and stop the next attack that was going to occur and operate against these people around the world, and then penetrate a sanctuary through whatever means we could, to build the [capabilities] that would allow us to mount these kinds of operations. . . . As we race through [a] period of threat when we're disrupting specific attacks against embassies and overseas facilities and thousands of people would be dead, except for what we did, I don't remember anybody saying you guys are too timid, you're not working it hard enough or you haven't expended a level of effort.

[To improve collection on, and efforts to disrupt, al-Qa'ida, a special unit focused on Bin Ladin was created in early 1996. The Bin Ladin unit initially had fewer than 20 people, and included operations officers, analysts who acted as targeteers, and desk officers who directed field operations. At the start, it did not have any case officers of its own deployed to the field. To conduct operations overseas for intelligence collection or disruption, the unit had to work through the Directorate of Operations (DO) area divisions and request the use of their operations officers to pursue al-Qa'ida related leads. With the passage of time and the increased priority of al-Qa'ida, more people were added to the Bin Ladin unit and more case officers were assigned to the field either permanently or temporarily. The area divisions also increased their case officers' efforts against the target].

However, Joint Inquiry interviews indicate that even into 2001, the Bin Ladin unit knew it needed more people – particularly experienced Headquarters desk officers and targeters – to effectively meet the HUMINT challenge. In early Spring 2001 briefing to the DCI, CTC [page 407] requested hiring a small group of contractors not involved in day-to-day crises to digest vast quantities of information and develop targeting strategies. The briefing emphasized that the unit needed people, not money.

The penetration of al-Qa'ida by an Intelligence Community human asset is an exceptionally difficult task. Intelligence Community officials in several agencies told the Joint Inquiry that members of Usama Bin Ladin's inner circle have close bonds established by kinship, wartime experience, and long-term association. Information about major terrorist plots was not widely shared within al-Qa'ida, and many of Bin Ladin's closest associates lived in war-torn Afghanistan. The United States had no official presence in that country and did not formally recognize the Taliban regime, which viewed foreigners with suspicion. Pakistan is the principal access point to southern Afghanistan, where al-Qa'ida was particularly active, but U.S.-Pakistani relations were strained by Pakistani nuclear tests in 1998 and a military coup in 1999. This was an exceedingly difficult operational environment in which to conduct clandestine operations.

[Nevertheless, CIA officials recognized the imperative of penetrating al-Qa'ida, particularly at the leadership level. A CTC presentation made to the CIA senior leadership on December 2, 1999 noted:

- Without penetrations of [the] UBL organization… [———————————————].

- While we need to disrupt operations…we need to also recruit sources inside UBL's organization.

- Realize that recruiting terrorist sources is difficult…but we must make an attempt].

[On the next day, the CTC briefed the National Security Council Small Group about the CIA's lack of sources and the importance of recruitment:

> We will continue with disruptions of operations and renditions…but with an increased emphasis on recruiting sources; at this time, we have no penetrations inside UBL's leadership].

[Page 408]

[Because this target was such a high priority, the CIA tried many unilateral avenues to obtain access to Bin Ladin and his inner circle. Interviews of CIA officials and documents provided to the Joint Inquiry indicate the CIA tried to [———] According to documents reviewed by the Joint Inquiry Staff, [———]: "[———————————————————————————————]." Despite these creative attempts, former CTC officers told the Joint Inquiry that before September 11 the CIA had no penetrations of al-Qa'ida's leadership, and the Agency never got actionable intelligence [———————————————].

In interviews with current and former CTC officers, the Joint Inquiry learned that [———

———————————————

additional capabilities that made them particularly effective against the al-Qa'ida target. The DCI, the senior leadership of the CTC, and the leadership of the Directorate of Operations were actively engaged in building and maintaining these liaison relationships.

Developing relationships with liaison services paid off handsomely when there was some actionable intelligence about a terrorist or a cell. For example, in July 2001, a Bin Ladin operative was arrested in the [————————————————————————————————————]. Because of this arrest, a plot to bomb an American Embassy in Europe was thwarted.

[Page 410]

[The liaison relationship worked extremely well with the [——], as well as with other services in the [————————]. Liaison sources often provided valuable information about the al-Qa'ida network, but the CIA could not rely on them to provide access to Bin Ladin's leadership. Moreover, in other parts of the world, abdicating collection to foreign partners meant the CIA obtained precious little information. According to one U.S. Government official, if liaison services did not want to help, for example in certain Western countries, there was little that could be done, by CIA].

B. DIA Human Intelligence Collection

[DIA's Defense HUMINT Service also plays a role in clandestine collection, though on a much smaller scale than CIA. According to General Dayton, the Director of DHS, after the Embassy bombings DHS "got excited" about Bin Ladin and al Qa'ida. They searched their old agent files and reestablished contact with [——] sources that could help them with terrorist targets. [————————] former highly placed agents were reactivated. Prior to September 11, at any one time, DHS had [————————————] active. Based on those sources they produced several hundred intelligence reports from fall 1998 to September 2001.

Most of the DHS sources were focused on [————————————] and had little direct reporting capability against [————————————]. DHS characterized its [————] sources as well placed and extremely useful in the post-September 11 air campaign targeting effort. [————————————————————————————————————

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C. FBI Human Intelligence Collection

The FBI attempted to develop specific intelligence that could be acted upon before September 11 by penetrating terrorist organizations operating in the United States. Before September 11, the FBI had 70 full field investigations of individuals with al-Qa'ida ties. [Page 411] However, Bureau and Department of Justice policy and practice may have hampered the FBI's coverage of the radical fundamentalist community in this country. Much of the FBI's effort against al-Qa'ida was actually expended overseas, with the investigations of the terrorist attacks against the US Embassies in Africa in 1998 and the *USS Cole* in 2000.

Recruiting sources in fundamentalist communities within the United States is difficult for many of the reasons noted above with regard to the penetration of al-Qa'ida in general. However, even those FBI agents who were skilled at developing such sources faced a number of difficulties that may have hampered the Bureau's ability to gather intelligence on terrorist activities in the United States. According to several agents, for example, FBI Headquarters and field managers were often unwilling to approve potentially controversial activity involving human sources that could provide counterterrorism intelligence.

The 1996 Antiterrorism and Effective Death Penalty Act, which specifically outlawed providing material support to terrorism, posed a particular problem. If an FBI source was involved in illegal funding or in terrorist training, the agent responsible for the source had to obtain approval from Headquarters and the Department of Justice to allow the source to engage in the illegal activity. This reportedly was a difficult process that sometimes took as long as six months. Because terrorist sources frequently engaged in activity that violated the 1996 Act, the cumbersome approval process negatively affected the Bureau's ability to operate more sources successfully.

Sending sources recruited in the United States overseas proved particularly difficult. Some FBI agents also saw the requirement that the Director of Central Intelligence approve such

operations as a problem, claiming that the CIA took advantage of this requirement to prevent FBI sources from operating overseas. Another FBI agent stated that FBI Headquarters management did not readily approve overseas travel for sources because of its belief that the Bureau should focus on activity within the United States. When management did approve such operations, it often declined to allow the responsible agents to accompany the sources while traveling overseas, a decision some agents believe significantly diminished the quality of the operations.

[Page 412]

The Joint Inquiry was told by several officials that the FBI was not using its network of counterterrorism sources in the most effective and coordinated manner. The Bureau focused source reporting on cases and subjects within specific field offices and did not adequately use sources to support a national counterterrorism intelligence program. In 1999, the FBI received reporting that a terrorist organization was planning to send students to the United States for aviation training. In response, an operational unit at FBI Headquarters instructed twenty-four field offices to “task sources” for information. However, it appears that no FBI sources were asked about the matter. The problems experienced in Phoenix and Minneapolis – both of which are discussed in separate sections – further suggest that the FBI did not effectively task its sources in the United States to follow up on suspicious activity.

[This problem was painfully manifest in August 2001,when the FBI was made aware by CIA that terrorist suspects Nawaf al-Hazmi and Khalid al-Mihdhar were in the United States. Neither the FBI field offices that were involved in the search nor FBI Headquarters thought to ask FBI field offices to ask their sources whether they were aware of the whereabouts of the two individuals, who later took part in the September 11 attacks. A San Diego FBI field office agent who handled such sources, including the source who had numerous contacts with Nawaf al-Hazmi and Khalid al-Mihdhar, insisted to the Joint Inquiry that he would have been able to find them through his sources].

Finally, that same agent testified that he had "never" discussed any FBI interest in Bin Ladin or al-Qa'ida with that source prior to September 11, "because that was not an issue in terms of my assignments. I was interested in Hamas, Hizbollah, Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, the whole different range.” He stated that “we knew [al-Qa’ida] was an important person or important organization. But we

didn't have any presence. We didn't have any cases and we didn't have any source information that indicated that these guys were here in San Diego at that time."

[Page 413]

XIV. Summary of Joint Inquiry Review of Anthrax Attacks

In October 2001, the Congress, the United States Postal Service (USPS), and elements of the domestic infrastructure were the targets of anthrax attacks that eventually killed five Americans. The Joint Inquiry requested that the General Accounting Office review those attacks, focusing on the difficulty of producing and spreading anthrax, mail as a delivery system, the status of USPS efforts to detect anthrax, the federal investigation into the attacks, and how the government is preparing for other incidents.

When the Joint Inquiry report was filed, the GAO investigation had been substantially completed, with an initial finding that no consensus exists among experts regarding the ease with which terrorists or a disgruntled scientist could effectively produce and disseminate anthrax on U.S. soil. According to the GAO, technical experts believe that it would be very difficult to overcome technical and operational challenges to produce and deliver biological warfare agents sufficient to cause mass casualties.

According to the experts the GAO interviewed, delivery of anthrax by mail is not as efficient a method of producing mass casualties as military technologies. However, in the public's mind and in terms of economic damage, anthrax powder in the mail represents a potentially significant problem. The USPS effort to defend against biological agents illustrates a key aspect of homeland defense: the distinction between reactive and proactive operational environments. Whereas the nation's posture had been to prevent attacks against military facilities, the anthrax attacks targeted civilian facilities that are unprepared to react.

According to the GAO, the FBI is aware of numerous anthrax incidents throughout the United States, which were random in nature and determined to be hoaxes. Because this was the first time the FBI responded to an actual attack, however, there was some initial confusion about the investigative roles and responsibilities of various agencies. The Bureau has recognized the

need to involve subject-matter experts and, as a result, its investigative teams include scientists, criminal investigators, hazardous-material experts, investigators from other federal agencies, and federal laboratories.

[Page 414]

As a result of the anthrax attacks, the FBI and other investigative agencies have increased attention on chemical and biological threats. These agencies have reached agreements delineating roles and responsibilities, increased liaison with public health officials, developed a Center for Disease Control and FBI handbook for conducting investigations, and identified state and local officials who need security clearances for access to classified information.

To date, no connection has been established between the anthrax attacks and the terrorist attacks of September 11.

A copy of the GAO report can be found in the Appendix to this volume.

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PART FOUR—FINDING, DISCUSSION AND NARRATIVE REGARDING CERTAIN SENSITIVE NATIONAL SECURITY MATTERS

20. Finding: [Through its investigation, the Joint Inquiry developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States. The Joint Inquiry's review confirmed that the Intelligence Community also has information, much of which has yet to be independently verified, concerning these potential sources of support. In their testimony, neither CIA nor FBI officials were able to address definitively the extent of such support for the hijackers globally or within the United States or the extent to which such support, if it exists, is knowing or inadvertent in nature. Only recently, and at least in part due to the Joint Inquiry's focus on this issue, did the FBI and CIA strengthen their efforts to address these issues. In the view of the Joint Inquiry, this gap in U.S. intelligence coverage is unacceptable, given the magnitude and immediacy of the potential risk to U.S. national security. The Intelligence Community needs to address this area of concern as aggressively and as quickly as possible].

Discussion: [The Joint Inquiry reviewed information in FBI and CIA documents suggesting specific potential sources of foreign support for the September 11 hijackers. While the Joint Inquiry uncovered this material during the course of its review of FBI and CIA documents, it did not attempt to investigate and assess the accuracy and significance of this information independently, recognizing that such a task would be beyond the scope of the Joint [page 416] Inquiry. Instead, the Joint Inquiry referred a detailed compilation of information it had uncovered in documents and interviews to the FBI and CIA for further investigation by the Intelligence Community and, if appropriate, law enforcement agencies. A detailed summary of the available information pertaining to this issue is included in the classified version of the Joint Inquiry final report].

[It should be clear that this Joint Inquiry has made no final determinations as to the reliability or sufficiency of the information regarding these issues that was found contained in FBI and CIA documents. It was not the task of this Joint Inquiry to conduct the kind of extensive investigation that would be required to determine the true significance of such alleged support to the hijackers. On the one hand, it is possible that these kinds of connections could suggest, as indicated in a CIA memorandum, "incontrovertible evidence that there is support for these terrorists [————————————]." On the other hand, it is also possible that further

investigation of these allegations could reveal legitimate, and innocent, explanations for these associations].

[Given the serious national security implications of this information, however, the leadership of the Joint Inquiry is referring the Joint Inquiry Staff's compilation of relevant information to both the FBI and the CIA for investigative review and appropriate investigative and intelligence action].

[Page 416]

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- [redacted]; and

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[redacted], including:

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- [redacted]

[page 419] [redacted];

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[Page 422]

- [———]; and

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[redacted]:

- [redacted];
- [redacted];
- [redacted];
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[redacted].

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[Page 425]

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The Joint Inquiry also found, [———————————————————————————————————]:

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[redacted].

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[redacted].

[redacted].

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[page 432] [redacted]

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[———————————————

[redacted].

[redacted].

[Page 435]

[redacted].

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[redacted].

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[redacted].

[redacted]:

[redacted].

Finally, [redacted][page 437] [redacted].

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[redacted].

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[Page 441]

[redacted]:

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[Page 443]

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GLOSSARY
OF
TERMS AND KEY NAMES

[Page 444]

GLOSSARY
OF
TERMS AND ACRONYMS

ACS	FBI Automated Case System
Actionable Intelligence	Intelligence information that is directly useful to customers for immediate exploitation without having to go through the full intelligence production process; it may address strategic or tactical needs, close support of US negotiating teams, or action elements dealing with such matters as international terrorism or narcotics.
AIG	Assessments and Information Group – Counterterrorist Center's analytic arm pre-September 11. After September 11th this office became the Office of Terrorism Analysis.
Agent	(1) A person who engages in clandestine intelligence activity under the direction of an intelligence organization but who is not an office, employee, or co-opted worker of that organization. (2) An individual who acts under the direction of an intelligence agency or security service to obtain, or assist in obtaining, information for intelligence or counterintelligence purposes. (3) One who is authorized or instructed to obtain or to assist in obtaining information for intelligence or counterintelligence purposes.
Analysis	A process in the production step of the intelligence cycle in which intelligence information is subjected to systematic examination in order to identify significant facts and derive conclusions therefrom.
Asset	(1) Any resource – a person, group, relationship, instrument installation, supply – at the disposition of an intelligence agency for use in an operational or support role. (2) A person who contributes to a clandestine mission but is not a fully controlled agent.

[————————————————————————————]

BW	Biological Warfare
CBRN	Chemical, Biological, Radiological, Nuclear
CDC	FBI Chief Division Counsel (Chief Field Office Counsel)

CIA	Central Intelligence Agency. An Intelligence Community agency established under the National Security Council for the purpose of coordinating the intelligence activities of several US departments and agencies in the interest of national security. The CIA collects, [page 445] produces, and disseminates foreign intelligence and counterintelligence; conducts counterintelligence activities abroad; collects, produces, and disseminates intelligence on foreign aspects of narcotics production and trafficking; conducts special activities approved by the President; and conducts research, development, and procurement of technical systems and devices.
CIR	Central Intelligence Report– A specific form of communicating intelligence from the CIA to other agencies.
Clandestine Operation	A preplanned secret intelligence collection activity or covert political, economic, propaganda, or paramilitary action conducted so as to assure the secrecy of the operation; encompasses both clandestine collection and covert action.
Classification	The determination that official information requires, in the interest of national security, a specific degree of protection against unauthorized disclosure, coupled with a designation signifying that such a determination has been made; the designation is normally termed a security classification and includes Confidential, Secret, and Top Secret.
Compartmentation	(1) Formal system of restricted access to intelligence activities, such systems established by and/or managed under the cognizance of the DCI to protect the sensitive aspects of sources, methods, and analytical procedures of foreign intelligence information, limited to individuals with a specific need for such information and who are therefore given special security clearances and indoctrination in order to have access to it. (2) Establishment and management of an intelligence organization so that information about the personnel, organization, or activities of one component is made available to any other component or individual only to the extent required for the performance of assigned duties.
Counterintelligence	Information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations, persons, or terrorist activities, but not including personnel, physical, document, or communications security programs.
Counterterrorism	Offensive measures taken to prevent, deter, and respond to a

	terrorist act or the documented threat of such an act.
Covert Action	(1) An operation designed to influence governments, events, organizations, or persons in support of foreign policy in a manner that is not necessarily attributable to the sponsoring power; it may [page 446] include political, economic, propaganda, or paramilitary activities. (2) Operations that are so planned and executed as to conceal the identity of, or permit plausible deniability by, the sponsor.
Covert Operation	(Preferred term - Clandestine operation). A covert operation encompassing covert action and clandestine collection.
[———————————————————]	
CSG	Counterterrorism Security Group (also known as the Coordinating Subgroup)
CTAU	Counterterrorist Action Unit
CTC	DCI's Counterterrorist Center at the CIA
[———————————————————]	
CTD	FBI Counterterrorism Division
DCI	Director of Central Intelligence- (1) Primary advisor to the President and National Security Council on national foreign intelligence, appointed by the President with the consent of the Senate. (2) Head of the Intelligence Community and responsible for the development and execution of the National Foreign Intelligence Program. (3) Director of the Central Intelligence Agency.
DHS	DIA's Defense Human Intelligence (HUMINT) Service
DHS	Department of Homeland Security
DIA	The Defense Intelligence Agency is an agency of the Intelligence Community responsible for satisfying the foreign military and military-related intelligence requirements of the Secretary of Defense, the Joint Chiefs of Staff, the Unified and Specified Commands, other Defense components, and, as appropriate, non-defense agencies. It is a provider of military intelligence for national foreign intelligence and counterintelligence products and

	is responsible for coordinating the intelligence activities of the military services and managing the Defense Attaché System.
Dissemination	The timely distribution of intelligence products (in oral, written, or [page 447] graphic form) to departmental and agency intelligence consumers in a suitable form.
DNI	Director of National Intelligence
Domestic Collection	The acquisition of foreign intelligence information within the United States from governmental or nongovernmental organizations or individuals who are witting sources and choose to cooperate by sharing such information.

[———————————————————————]

EC	FBI Electronic Communication
Estimate	(1) An analysis of a foreign situation, development, or trend that identifies its major elements, interprets the significance, and appraises the future possibilities and the prospective results of the various actions that might be taken. (2) An appraisal of the capabilities, vulnerabilities, and potential courses of action of a foreign nation or combination of nations in consequence of a specific national plan, policy, decision, or contemplated course of action. (3) An analysis of an actual or contemplated clandestine operation in relation to the situation in which it is or would be conducted in order to identify and appraise such factors as available and needed assets, and potential obstacles, accomplishments, and consequences.
FAA	Federal Aviation Administration
Fatwa	Religious decree
FBI	Federal Bureau of Investigation-The FBI is within the Department of Justice. It is the principal law enforcement investigative arm of the US government and the lead agency responsible for counterterrorism in the United States.
FinCEN	Financial Crimes Enforcement Network of the Treasury Department
Finding	A determination made by the President stating that a particular intelligence operation is important to the national security of the

	United States, in compliance with Section 503 (50 U.S.C. 413b) of the National Security Act, as amended.
[Page 448]	
Finished Intelligence	(1) The product resulting from the collection, processing, integration, analysis, evaluation, and interpretation of available information concerning foreign countries or areas. (2) The final result of the production step of the intelligence cycle; the intelligence product.
FISA Court	Court that reviews, for sufficiency, applications for orders issued under the Foreign Intelligence Surveillance Act.
FISA Order	Order authorized under the Foreign Intelligence Surveillance Act to conduct electronic or physical searches within the US for foreign intelligence purposes.
Foreign intelligence service	An organization of a foreign government that engages in intelligence activities.
Foreign Liaison	Efforts to work with foreign government intelligence services, including law enforcement agencies that gather or carry out intelligence-related activities. Examples of foreign liaison include sharing information, joint collection efforts, and the arrest of suspected terrorists by foreign governments using US-supplied information. Every major US intelligence agency has some form of liaison relationship with foreign governments.
[———————————————————————————————]	
	[————————].
HPSCI	House Permanent Select Committee on Intelligence- A permanent select committee of the House of Representatives established by House Rule XLVIII, whose function is to monitor and provide oversight for the Intelligence Community and intelligence-related activities of all other government organizations. The committee is also responsible for legislation pertaining to intelligence agencies and activities, including authorizing appropriations for such activities.
IC	Intelligence Community-The aggregate of the following executive branch organizations and agencies involved in intelligence activities: the Central Intelligence Agency; the National Security Agency; the Defense Intelligence agency; offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs; the Bureau of Intelligence and Research of the Department of State;

	intelligence elements of the military services, the Federal Bureau of Investigation, the Department of Treasury, and the Department [page 449] of Energy; and staff elements of the Office of the Director of Central Intelligence.[1]
IICT	Interagency Intelligence Committee on Terrorism
[———————————————————]	
Intelligence	(1) A body of evidence and the conclusions drawn therefrom acquired and furnished in response to the known or perceived requirements of customers; it is often derived from information that is concealed or not intended to be available for use by the acquirer. (2) A term used to refer collectively to the functions, activities, or organizations that are involved in the process of planning, gathering, and analyzing information of potential value to decision-makers and to the production of intelligence as defined above. (3) The product resulting from the collection, collation, evaluation, analysis, integration, and interpretation of all collected information.
Intelligence assessment	A category of intelligence production that encompasses most analytical studies dealing with subjects of policy significance, thorough in its treatment of subject matter – as distinct from building-block papers, research projects, and reference aids, but unlike estimative intelligence need not attempt to project future developments and their implications; usually coordinated within the producing organization, but may not be coordinated with other intelligence agencies.
Intelligence report	(1) A product of the production step of the intelligence cycle; (2) Military Usage-A specific report of information, usually on a single item, made at any level of command in tactical operations and disseminated as rapidly as possible in keeping with the timeliness of the information.
Intelligence requirement	Any subject, general or specific, upon which there is a need for the collection of intelligence information or the production of intelligence.
International terrorism	Terrorist acts that transcend national boundaries in their conduct or purpose, the nationalities of the victims, or the resolution of the incident. Such an act is usually designed to attract wide publicity

[1] Pursuant to Title I, Section 105, of the Intelligence Authorization Act for Fiscal Year 2002, the United States Coast Guard has been included as an element of the Intelligence Community.

	[page 450] to focus attention on the existence, cause, or demands of the perpetrators.
IOS	FBI's Intelligence Operations Specialists- Specialists conduct case specific (tactical) research.
IRS	FBI's Intelligence Research Specialist- Specialists conduct long term (strategic) research.
[———————————————————————————].	
JITF-CT	DIA's Joint Intelligence Task Force – Combating Terrorism
JSOC	Military's Joint Special Operations Command
JTTF	FBI's Joint Terrorism Task Force
LEGAT	FBI's Legal Attaché in foreign countries
Manila (Bojinka) Plot	A Ramzi Yousef plot to blow up 12 airliners over the Pacific Ocean and to crash a plane into the CIA Headquarters (1995)
MI-5	Britain's internal security service (BSS).
[———————————————————————————————————]	
	[———————————————]
NGO	Non-Governmental Organization
NIC	National Intelligence Council, comprised of the National Intelligence Officers (NIOs), their staff, and an analytic group. The NIOs support the DCI by producing national intelligence estimates and other interagency assessments and by advising him on the intelligence needs of policymakers.
NID	National Intelligence Daily – An Intelligence Community produced digest of current intelligence drafted six times a week for senior government officials. (Replaced by the SEIB)
NIE	National Intelligence Estimate: (1) A thorough assessment of a situation in a foreign environment relevant to the formulation of foreign, economic, and national security policy, that projects probable future courses of action and developments, and is structured to illuminate differences of view within the Intelligence Community; it is issued by the DCI with the advice of the National Foreign Intelligence Board; (2) a strategic estimate of capabilities,

	[page 451] vulnerabilities, produced at the national level as a composite of the views of the Intelligence Community.
NIMA	National Imagery and Mapping Agency, an Intelligence Community agency.
NIO	The senior staff officer of the DCI for an assigned area of functional or geographic responsibility. The NIO manages estimative and interagency intelligence production on behalf of the DCI; he is the principal point of contact between the DCI and intelligence consumers below the cabinet level and is a primary source of national-level substantive guidance to intelligence Community planners, collectors, and resource managers.
NFIP	National Foreign Intelligence Program
NRO	National Reconnaissance Office, an Intelligence Community agency.
NSA	National Security Agency, the Intelligence Community agency responsible for centralized coordination, direction, and performance of highly specialized technical functions in support of US Government activities to protect US communications and produce foreign intelligence information. It coordinates, directs, and performs all cryptologic functions for the US Government; collects, processes, and disseminates SIGINT information for DoD, national foreign intelligence, and counterintelligence purposes; and is the national executive agent for classified communications and computer security.
NSD	National Security Directive
NSC	National Security Council
NSLU	FBI National Security Law Unit
OIPR	Office of Intelligence Policy Review, Department of Justice
OMB	Office of Management and Budget
PDB	President’s Daily Brief (Prepared by CIA for President and very small number of other senior officials)
PDD	Presidential Decision Directive

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PENTTBOMB	FBI investigation of September 11 WTC & Pentagon attacks
PFIAB	President's Foreign Intelligence Advisory Board-A body consisting of senior non-government members appointed by, and reporting directly to, the President, empowered to assess the quality, quantity, and adequacy of intelligence collection, of analysis and estimates, or counterintelligence, and other intelligence activities with a view toward increasing the effectiveness of the national intelligence effort; specific duties and responsibilities are outlined in Executive Order 12331.
Phoenix EC	Electronic communication of July 2001 from the FBI's Phoenix field office to FBI Headquarters expressing concern about an increase in the number of Middle Eastern men enrolled in civil aviation training (also referred to as the Phoenix Memo).
Raw Intelligence	A colloquial term meaning collected intelligence information that has not yet been converted into finished intelligence.
RFU	FBI's Radical Fundamentalist Unit
SA	Special Agent
SAC	Special Agent in Charge
SEIB	Senior Executive Intelligence Brief (CIA intelligence summary for senior USG officials; replaced the NID, see above.)
SIGINT	Signals intelligence-Intelligence information derived from signals intercept comprising, either individually or in combination, all communications intelligence, electronic intelligence, and foreign instrument signals intelligence, however, transmitted.
SIOC	FBI's Strategic Information Operations Center
SOIC	Senior Officials of the Intelligence Community-The heads of the organizations comprising the Intelligence Community or their designated representatives.
SRTD	Signals Research and Target Development, a NSA function
SSA	Supervisory Special Agent
SSCI	Senate Select Committee on Intelligence- A select committee of the Senate established by Senate Resolution 400, 94th Congress, 2nd Session (1976), whose function is to monitor and provide oversight

	[page 453] over the Intelligence Community and intelligence-related activities of all other government organizations; the Committee is also responsible for legislation pertaining to intelligence agencies and activities, including authorizing appropriations for such activities.
Strategic intelligence	Intelligence required for the formulation of policy and military plans at national and international levels; it differs primarily from tactical intelligence in level of use, but may also vary in scope and detail.
Tactical intelligence	Intelligence produced in support of military, intelligence, or other operations, or that relates to the specific time, date, nature, and other details of events.
Title III Order	Order issued by a court pursuant to the provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351 (June 19, 1968), as amended, authorizing the interception of oral, wire, and/or electronic communication.
UAV	Unmanned Aerial Vehicle
UBLU	FBI's Usama bin Ladin Unit
USSID	United States Signals Intelligence Directive
Volunteer	Persons who, on their own initiative, make contact with a government representative and volunteer information and/or request political asylum.
WTC	World Trade Center

[Page 454]

KEY NAMES

Mohamed Yousef Mohamed Alqusaidi	Marwan al-Shehhi's brother
Muhammed Atif	Bin Ladin's lieutenant
[———————————————————————————————]	
[———————]	
[———————————————————]	
Usama Bin Ladin	Leader of al-Qa'ida and promoter of terrorist attacks against US
Imad Mugniyah	Hizbollah Leader
Khalid Shaykh Mohammad	Bin Ladin Lieutenant; believed to be the mastermind of the September 11th attacks (AKA Mukhtar or "the Brain")
Mohamed al-Owhali	Passenger in truck bomb that jumped out of the bomb laden vehicle before it crashed into the American embassy in Kenya
Al-Qa'ida	Terrorist organization led by Usama bin Ladin. Translates as "the Base"
Omar Abd al-Rahman	Blind Sheikh
Ahmed Ressam	Convicted terrorist who tried to cross into the United States from Canada with explosives intending to target Los Angeles International Airport in December 1999
Ramzi Yousef	Organizer of the 1993 bombing of the World Trade Center
Ayman Zawarhari	Bin Ladin lieutenant
Abu Zubaydah	Bin Ladin Lieutenant captured in March 2002

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SEPTEMBER 11, 2001 HIJACKERS

American Airlines Flight 11 hit the North Tower of the World Trade Center at 8:45 a.m.

Mohamed Atta	[Mo-Ha-mahd A-tta]	Pilot
Abd Al-Aziz Al-Omari	[Abd al-A-ziz Al-OMA-ree]	
Satam Al-Suqami	[Sa-TOM Ah-Suq-AMI]	
Wail Al-Shehri	[Wa-EEL Ah-SHEH-ree]	
Walid Al-Shehri	[Wa-LEED SHEH-ree]	

United Airlines Flight 175 hit the South Tower of the World Trade Center at 9:05 a.m.

Marwan Al-Shehhi	[Mar-WAHN Ah-SHEH-hee]	Pilot
Ahmed Al-Ghamdi	[Ah-MED al-GAM-dee]	
Hamza Al-Ghamdi	[HAM-za al-GAM-dee]	
Fayez Ahmed	[FA-yez AH-med]	
Mohand Al-Shehri	[MO-hahnd ah-SHEH-ree]	

American Airlines Flight 77 hit the Pentagon at 9:39 a.m.

Hani Hanjour	[Ha-NEE HAN-joor]	Pilot
Khalid Al-Mihdhar	[Kah-LEED al-MID-har]	
Majid Moqed	[MAH-jid MOE-Ked]	
Nawaf Al-Hazmi	[Now-Woff al-HAS-me]	
Salim Al-Hazmi	[Sa-LEEM al-HAS-me]	

United Airlines Flight 93 crashed in Pennsylvania at 10:10 a.m.

Ziad Jarrah	[Zee-YAHD Jara]	Pilot
Ahmad Al-Nami	[AH-med Ah-Nah-mee]	
Ahmad Al-Haznawi	[AH-med al-Has-NOW-wee]	
Saled Al-Ghamdi	[Sah-EED al-GAM-dee]	

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OF

MEMBERS OF
THE JOINT INQUIRY

On December 10, 2002, the Report of the Joint Inquiry was voted on and approved by the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. The following additional views were submitted by individual members of those committees.

September 11 and the Imperative of Reform in the U.S. Intelligence Community

Additional Views of Senator Richard C. Shelby
Vice Chairman, Senate Select Committee on Intelligence

December 10, 2002

> "In actual practice, the successful end to the Cold War and the lack of any national intelligence disasters since then seem to militate in favor of keeping the existing structure until some crisis proves it to be in dire need of repair. . . . Thus we are likely to live with a decentralized intelligence system – and the impulse toward centralization – until a crisis re-aligns the political and bureaucratic players or compels them to cooperate in new ways."
>
> — Deputy Chief, CIA History Staff
> publication dated 2001[1]

Our country's Intelligence Community was born because of the devastating surprise attack the United States suffered at Japanese hands at Pearl Harbor on December 7, 1941. In the wake of that disaster, America's political leaders concluded "that the surprise attack could have been blunted if the various commanders and departments had coordinated their actions and shared their intelligence." This was the inspiration behind the National Security Act of 1947,

[1] *Central Intelligence: Origin and Evolution* (Langley, Virginia: CIA History Staff, CIA Center for the Study of Intelligence, 2001), from the Historical Perspective by Dr. Michael Warner [hereinafter "Warner"], at 2 & 18.

which "attempted to implement the principles of unity of command and unity of intelligence."[2]

Sixty years later, on September 11, 2001, we suffered another devastating surprise attack, this time by international terrorists bent upon slaughtering Americans in the name of their God. This second attack is the subject of the findings and recommendations of the unprecedented Joint Inquiry conducted by the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI). In this document, I offer my own assessments and suggestions, based upon my four and a half years as Chairman of the SSCI and one and a half years as its Vice Chairman. These additional views are intended to complement and expand upon the findings and recommendations of the Joint Inquiry.

Long before the September 11 attacks, I made no secret of my feelings of disappointment in the U.S. Intelligence Community for its performance in a string of smaller-scale intelligence failures during the last decade. Since September 11 I have similarly hid from no one my belief that the Intelligence Community does not have the decisive and innovative leadership it needs to reform itself and to adapt to the formidable challenges of the 21st Century.

In the following pages, I offer my suggestions about where our Intelligence Community should go from here. These views represent the distilled wisdom of my eight years on the SSCI, of innumerable hearings, briefings, and visits to sensitive sites and facilities, and of thousands of man-hours of diligent work by intelligence oversight professionals on the SSCI staff over several years. Most of all, these Additional Views represent the conclusions I have reached as a result of the work of our Joint Inquiry Staff and the many private and public committee hearings we have had into the intelligence failures that led up to September 11.

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[2] Warner, *supra*, at 1.

I hope that the American public servants who inherit responsibility for these matters during the 108th Congress and the second half of President Bush's first term will carefully consider my arguments herein. Thousands of Americans have already been killed by the enemy in the war declared against us by international terrorists, and though we have enjoyed some signal successes since our counteroffensive began in late September 2001, our Intelligence Community remains poorly prepared for the range of challenges it will confront in the years ahead.

Too much has happened for us to be able to conclude that the American people and our national security interests can be protected simply by throwing more resources at agencies still fundamentally wedded to the pre-September 11 *status quo*. I salute the brave and resourceful Americans – both in and out of uniform – who are even at this moment taking the fight to the enemy in locations around the world. These patriots, however, deserve better than our government's recommitment to the bureaucratic recipes that helped leave us less prepared for this crisis than we should have been.

I hope that the Joint Inquiry's report – and these Additional Views thereto – will help spur the kind of broad-ranging debate in Congress, within the Administration, and among the American public that our present circumstances deserve. The road to real intelligence reform is littered with the carcasses of forgotten studies and ignored reports. We cannot afford to let the results of this unprecedented Joint Inquiry be forgotten as well. The American people will not forgive us if we fail to make the changes necessary to ensure that they are better protected in the future.

Executive Summary

Community Structure and Organization. With respect to the structure and organization of the U.S. Intelligence Community (IC), the story of counterterrorism (CT) intelligence work before September 11 illustrates not only the unwillingness of the Director of Central Intelligence (DCI) fully to exercise the powers he had to direct resources and attention to CT, but also the institutional weakness of the DCI's office within the Community. Caught ambiguously between its responsibilities for providing national-level intelligence and providing support to the Department of Defense to which most IC agencies owe their primary allegiance, the Community proved relatively unresponsive to the DCI's at least partly rhetorical 1998 declaration of "war" against Al-Qa'ida. The fragmented nature of the DCI's authority has exacerbated the centrifugal tendencies of bureaucratic politics and has helped ensure that the IC responds too slowly and too disjointedly to shifting threats. Ten years after the end of the Cold War, the Community still faces inordinate difficulty responding to evolving national security threats.

To help alleviate these problems, the office of the DCI should be given more management and budgetary authority over IC organs and be separated from the job of the CIA Director, as the Joint Inquiry suggests in urging that we consider reinventing the DCI as the "Director of National Intelligence." Moreover, the DCI (or DNI, as the case may be) should be compelled actually to use these powers in order to effect real IC coordination and management. An Intelligence Community finally

capable of being coherently managed as a Community would be able to reform and improve itself in numerous ways that prove frustratingly elusive today – ultimately providing both its national-level civilian and its military customers with better support. Congress should give serious consideration, in its intelligence reform efforts, to developing an approach loosely analogous to that adopted by the Goldwater-Nichols Act in reforming the military command structure in order to overcome entrenched bureaucratic interests and forge a much more effective "joint" whole out of a motley and disputatious collection of parts.

Most importantly, Congress and the Administration should focus upon ensuring an organizational structure that will not only help the IC respond to current threats but will enable our intelligence bureaucracies to change themselves as threats evolve in the future. We must not only learn the lessons of the past but learn how to keep learning lessons as we change and adapt in the future. To this end, the IC should adopt uniform personnel and administrative standards in order to help ensure that its personnel and organizational units remain unique and valuable individual resources but also become administratively fungible assets, capable of being reorganized and redirected efficiently as circumstances demand. It will also be necessary to break the mindset within the IC that holds that only intelligence professionals actually employed by the traditional collection agencies can engage in collection or analysis of those agencies' signature types of intelligence. The traditional collection agencies' expertise in "their" areas should be used to enrich the Community's pool

of intelligence know-how rather than as barriers to entry wielded in defense of bureaucratic and financial "turf." Instead, the collection agencies should be charged with certifying – but not running or controlling – training curricula within other IC agencies that will produce competent specialists in the relevant fields.

Ultimately, Congress and the Administration re-examine the basic structure of the intelligence provisions of the National Security Act of 1947 in light of the circumstances and challenges our country faces today. Returning to these roots might suggest the need to separate our country's "central" intelligence analytical functions from the resource-hungry collection responsibilities that make agencies into self-interested bureaucratic "players."

Information-Sharing. Our Joint Inquiry has highlighted fundamental problems with information-sharing within the IC, depriving analysts of the information access they need in order to draw the inferences and develop the conclusions necessary to inform decision-making. The IC's abject failure to "connect the dots" before September 11, 2001 illustrates the need to wholly re-think the Community's approach to these issues.

The CIA's chronic failure, before September 11, to share with other agencies the names of known Al-Qa'ida terrorists who it knew to be in the country allowed at least two such terrorists the opportunity to live,

move, and prepare for the attacks without hindrance from the very federal officials whose job it is to find them. Sadly, the CIA seems to have concluded that the maintenance of its information monopoly was more important that stopping terrorists from entering or operating within the United States. Nor did the FBI fare much better, for even when notified in the so-called "Phoenix Memo" of the danger of Al-Qa'ida flight school training, its agents failed to understand or act upon this information in the broader context of information the FBI already possessed about terrorist efforts to target or use U.S. civil aviation. The CIA watchlisting and FBI Phoenix stories illustrate both the potential of sophisticated information-sharing and good information-empowered analysis and the perils of failing to share information promptly and efficiently between (and within) organizations. They demonstrate the need to ensure that intelligence analysis is conducted on a truly "all-source" basis by experts permitted to access all relevant information – no matter where in the IC it happens to reside.

The IC's methods of information-sharing before September 11 suffered from profound flaws, and in most respects still do. In order to overcome bureaucratic information-hoarding and empower analysts to do the work our national security requires them to do, we need to take decisive steps to reexamine the fundamental intellectual assumptions that have guided the IC's approach to managing national security information. As one witness told the Joint Inquiry, we may need "to create a new paradigm wherein 'ownership' of information belonged with the analysts

and not the collectors." In addition, the imbalance between analysis and collection makes clear that in addition to being empowered to conduct true "all-source" analysis, our analysts will also need to be supplied with powerful new tools if they are to provide analytical value-added to the huge volumes of information the IC brings in every day. Recent development and initiatives in comprehensive databasing and data-mining suggest that solutions to these challenges may be within our reach. The information-analysis organization within the new Department of Homeland Security als has great potential to contribute to effective CT information-sharing and analyst-empowerment within the U.S. Government – and Congress has given it the legal tools it needs to play this crucial catalytic role. Meanwhile, Congress should take decisive steps to help stem our contemporary culture of endemic "leaking" of national security information to the media, so as better to ensure that our analysts remain better informed about terrorists than the terrorists do about them.

Intelligence-Law Enforcement Coordination. The September 11 story also illustrates the tremendous problems of coordination between U.S. law enforcement and intelligence entities that developed out of a long series of misunderstandings, timorous lawyering, and mistaken assumptions. Congress and the Administration have made progress since September 11 in breaking down some of the mythologies that impeded coordination. Thanks to Congress' passage of the USA PATRIOT Act of 2001 and the Justice Department's success in appellate litigation to compel the Foreign Intelligence Surveillance Court to implement these

changes, for instance, the legally fallacious "Wall" previously assumed to exist between intelligence and law enforcement work has been breached and years of coordination-impeding Justice Department legal reticence has been overcome.

With luck, we will never again see the kind of decision-making exhibited when the CIA refused to share information with FBI criminal investigators about two known Al-Qa'ida terrorists (and soon-to-be suicide hijackers) in the United States, and when the FBI – only days before the September 11 attacks – deliberately restricted many of its agents from participating in the effort to track down these terrorists on the theory that this was work in which criminal investigators should play no role. Hopefully we will also no longer see the kind of fundamental legal misunderstanding displayed by FBI lawyers in the Moussaoui case, in which investigators in Minneapolis were led on a three-week wild goose chase by a faulty analysis of the Foreign Intelligence Surveillance Act (FISA). It will take sustained Congressional oversight in order to ensure compliance with the information-sharing authorities and mandates of the USA PATRIOT Act, but it is imperative that we ensure that such problems do not recur. To help achieve this, Congress should modify the Act's "sunset" provisions and should approve legislation proposed by Senators Kyl and Schumer to modify FISA's "foreign power" standard.

Domestic Intelligence. The story of September 11 is also replete with the FBI's problems of internal counterterrorism and

counterintelligence (CI) coordination, information-sharing, and basic institutional competence. The FBI was unaware of what information it possessed relevant to internal terrorist threats, unwilling to devote serious time, attention, or resources to basic intelligence analytical work, and too organizationally fragmented and technologically impoverished to fix these shortfalls even had it understood them and really wished to do so. These problems persisted, moreover, through a major FBI reorganization ostensibly designed to address these problems, which had been well known for years.

The FBI's problems in these respects suggests that the Bureau's organizational and institutional culture is terribly flawed, and indeed that the Bureau – as a law enforcement organization – is fundamentally incapable, in its present form, of providing Americans with the security they require against foreign terrorist and intelligence threats. Modern intelligence work increasingly focuses upon shadowy transnational targets, such as international terrorist organizations, that lack easily-identifiable geographic loci, organizational structures, behavioral patterns, or other information "signatures." Against such targets, intelligence collection and analysis requires an approach to acquiring, managing, and understanding information quite different from that which prevails in the law enforcement community. The United States already has a domestic intelligence agency in the form of the FBI, but this agency is presently unequal to the challenge, and provides neither first-rate CT and CI competence nor the degree of civil liberty protections that would obtain

were domestic intelligence collectors deprived of their badges, guns, and arrest powers and devoted wholly to CI and CT tasks.

This pattern of dysfunction compels us to consider radical reform at the FBI. A very strong argument can be made for removing the CI and CT portfolios from the Bureau, placing them in a stand-alone member of the Intelligence Community that would be responsible for domestic intelligence collection and analysis but would have no law enforcement powers or responsibilities. Alternatively, it might be sufficient to separate the CI and CT functions of the FBI into a semi-autonomous organization that reports to the FBI director for purposes of overall coordination and accountability, but which would in every other respect be wholly separate from the "criminal" components of the FBI. A third approach might be to move the FBI's CI and CT functions to the new Department of Homeland Security, thereby adding a domestic collection element to that organization's soon-to-be-created Undersecretariat for Information Analysis and Infrastructure Protection. Some kind of radical reform of the FBI is long overdue, and should be a major item on the "intelligence reform" agenda for the 108th Congress. The Bush Administration and the 108th Congress should make it a high priority to resolve these issues, and to put the domestic components of our Intelligence Community on a footing that will enable them to meet the challenges of the 21st century.

Human Intelligence. The status quo of IC approaches to human intelligence (HUMINT) was tested against the Al-Qa'ida threat and found

wanting. The CIA's Directorate of Operations (DO) has been too reluctant to develop non-traditional HUMINT platforms, and has stuck too much and for too long with the comparatively easy work of operating under diplomatic cover from U.S. embassies. This approach is patently unsuited to HUMINT collection against nontraditional threats such as terrorism or proliferation targets, and the CIA must move emphatically to develop an entirely new collection paradigm involving greater use of non-official cover (NOC) officers. Among other things, this will necessitate greater efforts to hire HUMINT collectors from ethnically and culturally diverse backgrounds, though without a fundamental shift in the CIA's HUMINT paradigm diversity for diversity's sake will be of little help. The CIA should also spend more time developing its own sources, and less time relying upon the political munificence of foreign liaison services.

Covert Action. The CIA's decidedly mixed record of success in offensive operations against Al-Qa'ida before September 11 illustrates the need for the President to convey legal authorities with absolute clarity. If we are not to continue to encourage the kind of risk-averse decision-making that inevitably follows from command-level indecision, our intelligence operators risking their lives in the field need to know that their own government will make clear to them what their job is and protect them when they do it. Congress should bear this in mind when conducting its legitimate oversight of covert action programs in the future, even as it

struggles to cope with the oversight challenges posed by the potential for the Defense Department to take a greater role in such activities.

Accountability. The story of September 11 is one replete with failures: to share information, to coordinate with other agencies; to understand the law, follow existing rules and procedures, and use available legal authorities in order to accomplish vital goals; to devote or redirect sufficient resources and personnel to counterterrorism work; to communicate priorities clearly and effectively to IC components; to take seriously the crucial work of strategic counterterrorism analysis; and most importantly, to rise above parochial bureaucratic interests in the name of protecting the American people from terrorist attack.

The DCI has declared us to be at "war" against Al-Qa'ida since 1998, and as the President has declared, we have really been so since at least September 11. Some have suggested that this means that we should postpone holding anyone accountable within the Intelligence Community until this war is over and the threat recedes. I respectfully disagree.

The threat we face today is in no danger of subsiding any time soon, and the problems our Intelligence Community faces are not ones wisely left unaddressed any longer. Precisely *because* we face a grave and ongoing threat, we must begin reforming the Community immediately. Otherwise we will be unable to meet this threat. The metaphor of "war" is instructive, for wise generals do not hesitate to hold their subordinates

accountable while the battle still rages, disciplining or cashiering those who fail to do their duty. So also do wise Presidents dispose of their faltering generals under fire. Indeed, failures in wartime are traditionally considered less excusable, and are punished more severely, than failures in times of peace.

Nor should we forget that accountability has two sides. It is also a core responsibility of all good leaders to reward those who perform well, and promote them to positions of ever greater responsibility. In urging the Intelligence Community to hold its employees accountable, the IC must therefore both discipline those who fall down on the job and reward those who have excelled.

For these reasons, it is disappointing to me that despite the Joint Inquiry's explicit mandate to "lay a basis for assessing the accountability of institutions and officials of government" and despite its extensive findings documenting recurring and widespread Community shortcomings in the months and years leading up to September 11, the Joint Inquiry has not seen fit to identify *any* of the individuals whose decisions left us so unprepared. I urge President Bush to examine the Joint Inquiry's findings in order to determine the extent to which he has been well served by his "generals" in the Intelligence Community.

Some have argued that we should avoid this issue of accountability lest we encourage the development of yet more risk-aversion within the

Community. I do not believe this is the case. The failings leading up to September 11 were not ones of impetuousness, the punishment for which might indeed discourage the risk-taking inherent in and necessary to good intelligence work. The failures of September 11 were generally ones not of reckless *commission* but rather of nervous *omission*. They were failures to take the necessary steps to rise above petty parochial interests and concerns in the service of the common good. These are not failings that will be exacerbated by accountability. Quite the contrary. And, more importantly, it is clear that without real accountability, these many problems will simply remain unaddressed – leaving us needlessly vulnerable in the future.

I advocate no crusade to hold low-level employees accountable for the failures of September 11. There clearly were some individual failings, but for the most part our hard-working and dedicated intelligence professionals did very well, given the limited tools and resources they received and the constricting institutional culture and policy guidance they faced. The IC's rank-and-file deserve no discredit for resource decisions and for creating these policies.

Ultimately, as the findings of the Joint Inquiry make clear – though they stop short of actually saying so – accountability must begin with those whose job it was to steer the IC and its constituent agencies through these shoals, and to ensure that all of them cooperated to the best of their abilities in protecting our national security. Responsibility must lie with

the leaders who took so little action for so long, to address problems so well known. In this context, we must not be afraid publicly to name names. The U.S. Intelligence Community would have been far better prepared for September 11 but for the failure of successive agency leaders to work wholeheartedly to overcome the institutional and cultural obstacles to inter-agency cooperation and coordination that bedeviled counterterrorism efforts before the attacks: DCIs George Tenet and John Deutch, FBI Director Louis Freeh, and NSA Directors Michael Hayden and Kenneth Minnihan, and NSA Deputy Director Barbara McNamara. These individuals are not responsible for the disaster of September 11, of course, for that infamy belongs to Al-Qa'ida's 19 suicide hijackers and the terrorist infrastructure that supported them. As the leaders of the United States Intelligence Community, however, these officials failed in significant ways to ensure that this country was as prepared as it could have been.

I. *Intelligence Community Structure*

A. *The DCI's Problematic "War" of 1998*

The Director of Central Intelligence (DCI) testified before Congress in February 2001 that he considered Usama bin Laden and Al-Qa'ida to be *the most important national security*

threat faced by the United States.[3] In December 1998, in fact – in the wake of the terrorist bombings of the U.S. embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya – he had proclaimed that "[w]e are at war" with Al-Qa'ida.[4] The story of this "war," however, underlines the problematic nature of the U.S. Intelligence Community's management structure.

As the Joint Inquiry Staff (JIS) has noted in its presentations to the Committees, "[d]espite the DCI's declaration of war in 1998, there was no massive shift in budget or reassignment of personnel to counterterrorism until after September 11, 2001."[5] Indeed, the amount of money and other resources devoted to counterterrorism (CT) work after the DCI's "declaration of war" in 1998 barely changed at all. The budget requests sent to Congress relating to the CIA's Counterterrorism Center (CTC), for instance, rose only marginally – in the low single-digit percentages each year into Fiscal Year 2001 – and at rates of increase essentially unchanged from their slow growth before the "war." (These requests, incidentally, were met or exceeded by Congress, even to the point that the CIA ended Fiscal Year 2001 with millions of dollars in counterterrorism money left *unspent*.[6])

In his 1998 "declaration of war," the DCI had declared to his deputies at the CIA that "I

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3 Senate Select Committee on Intelligence, hearing into "Worldwide Threats to National Security" (February 7, 2001) (remarks of George Tenet, declaring that "Osama bin Laden and his global network of lieutenants and associates remain the most immediate and serious threat.")

4 JIS, written statement submitted to joint SSCI/HPSCI hearing (September 18, 2001), at 9.

5 JIS, written statement submitted to joint SSCI/HPSCI hearing (September 18, 2001), at 10.

6 The detailed figures remain classified.

want no resources or people spared in this effort, either inside the CIA or the Community."[7] CIA officials also told the HPSCI on March 4, 1999 – in a written response to questions about the CIA's proposed budget for Fiscal Year 2000 – that "the Agency as a whole is well positioned" to work against Al-Qa'ida targets, and that they were "confident that funding could be redirected internally, if needed, in a crisis."[8]

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[7] JIS, written statement submitted to joint SSCI/HPSCI hearing (September 18, 2001), at 9.

[8] Central Intelligence Agency, response to "HPSCI Questions for the Record" (March 4, 1999) (declassified portion).

Shortly thereafter, however, a study conducted within the CTC found that it was unable to carry out more ambitious plans against Al-Qa'da for lack of money and personnel,[9] and CIA officials reported being "seriously overwhelmed by the volume of information and workload" before September 11, 2001.[10] According to former CTC chief Cofer Black, "before September 11, we did not have enough people, money, or sufficiently flexible rules of engagement."[11] The troops fighting the DCI's "war," in short, didn't have the support they needed. (Even when the DCI requested additional counterterrorism money from Congress, it almost invariably did so in the form of supplemental appropriations requests – thus denying Community managers the ability to prepare long-term plans and programs because these increases were not made a part of the Community's *recurring* budgeting process.)

Under the National Security Act of 1947, the DCI has considerable budgetary power over the U.S. Intelligence Community. His consent is needed before agency budget requests can be folded into the National Foreign Intelligence Program (NFIP) budget proposal, and he has authority over reprogramming both money and personnel between agencies.[12] Simultaneously serving as Director of the CIA, the DCI also has essentially complete authority over *that*

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9 This was the conclusion presented to an internal CIA conference on September 16, 1999. Further information about this internal study, however, has not been declassified.

10 JIS, written statement submitted to joint SSCI/HPSCI hearing (September 18, 2001), at 13.

11 Cofer Black, written statement submitted to joint SSCI/HPSCI hearing (September 26, 2001), at 10.

12 *See* 50 U.S.C. § 403-4(b), (c), and (d).

organization, both with respect to budget requests and day-to-day management. If a DCI were willing actually to *use* the full range of powers available to him, these statutory levers would give him considerable influence over the Community. One of the great unanswered questions of our September 11 inquiry, therefore, is how the DCI could have considered himself to be "at war" against this country's most important foreign threat without bothering to use the full range of authorities at his disposal in this fight.

Unfortunately, part of the reason for this failure is the current DCI's longstanding determination – which he expressed quite frankly to some of us at a SSCI off-site meeting – that he does not really *consider* himself to be DCI. His principal interest and focus in office, he has told us, revolves around his role as head of the CIA, rather than his role as head of the Community as a whole. (The DCI has also publicly supported the creation of an Undersecretary of Defense for Intelligence [USDI], which seems likely only to reduce his influence over the Defense components of the U.S. Intelligence Community.) Part of the reason may also lie in the merely rhetorical nature of the DCI's 1998 proclamation: since September 11 the DCI has pointed to his "declaration of war" as a token of his pre-September 11 seriousness of purpose against Al-Qa'ida, but it does not appear to have been circulated or known outside a small circle of intimates before that date. And part of the reason that more was not done may also lie at higher levels of political authority. The nature of the "war" contemplated in 1998 certainly pales in comparison to the use of that term after September 11, and officials have suggested in the press that they undertook, as much as was politically possible at the time.[13]

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[13] *See, e.g.*, Barton Gellman, "Broad Effort Launched After '98 Attacks," *Washington Post* (December 19, 2001), at A1 (quoting former Assistant Secretary of State for South Asian Affairs Karl Inderfurth that "Until September 11th, there was certainly not any groundswell of support to mount a major attack on the Taliban."); Bob Drogin, "U.S. Had Plan for Covert Afghan Options Before 9/11," *Los Angeles Times* (May 18, 2002), at A14 (quoting former Clinton Administration State Department official that invasion of Afghanistan was "really not an option" before

That said, there can be no gainsaying that even if the DCI *had* really meant to "declare war" against Al-Qa'ida in 1998, the fragmented structure of the Intelligence Community and his tenuous authority over its component agencies would have greatly handicapped any effort to conduct an effective counterterrorist campaign from the DCI's office. His existing budget and reprogramming authorities under Section 104 of the National Security Act, for instance, extends by its terms only to the NFIP budget – and not to the Joint Military Intelligence Program (JMIP) and the Tactical Intelligence and Related Accounts (TIARA) budgets.[14] For this reason, no serious plan to reform the U.S. Intelligence Community can ignore the problem of Community management and the weaknesses of the *office* of the DCI as the Community's nominal head.

2. *Reinvigorating the Office of the DCI?*

The most obvious problem with respect to the IC's ability to act as a coherent and effective whole is the fact that more than 80 percent of its budgets and personnel resources are controlled by the Department of Defense (DOD). The DCI may be the titular head of the Intelligence Community, but the National Security Agency (NSA), National Imagery and Mapping Agency (NIMA), National Reconnaissance Office (NRO), Defense Intelligence

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September 11).

[14] Section 104 only discusses the NFIP. *See* 50 U.S.C. §§ 403-4(b) (budget approval); 403-4(c) (reprogramming); & 403-4(d) (transfer of funds and/or personnel).

Agency (DIA), and military service intelligence arms are all DOD organizations and report first and foremost to the Secretary of Defense. (The heads of NSA and DIA, and the service intelligence agencies are active duty military officers, and the NRO Director is an Undersecretary of the Air Force.) Only the CIA itself – and a comparatively tiny "Community Management Staff" (CMS) – is unambiguously under the authority of the DCI.

The domination of the IC by the Department of Defense is perhaps the most fundamental bureaucratic fact of life for anyone who aspires to manage the Community as a whole. As one organizational history of the CIA has noted, "[t]he DCI never became the manager of the Intelligence Community," and decisions over the years to "us[e] declining resources first and foremost to support military operations effectively blunted the Congressional emphasis upon centralization by limiting the wherewithal that DCIs and agency heads could devote to national and strategic objectives."[15]

Nor is this arrangement entirely accidental. This awkward balance of authority between DCI and the Secretary of Defense reflects an inability finally to decide whether agencies such as NSA and NIMA are "really" national intelligence agencies that should report to the DCI or "combat support agencies" that should report to DOD. The U.S. military, of course, is an enormous – and, in wartime, perhaps the most important – consumer of certain sorts of intelligence product, particularly signals intelligence (SIGINT), photographic and other imagery (IMINT), and mapping products. Without immediate access to such support, our armed forces would have difficulty knowing where they are, where the enemy is, and what the enemy is doing. The reason that the military possesses integral service intelligence arms and cryptologic support

[15] Warner, *supra*, at 8 & 17.

components, in fact, is precisely because the imperatives of war planning and operational decision-making do not permit these functions to be entirely separated from the military chain of command. This attitude, however, also exists at the national level: DOD officials insist that organizations such as NSA and NIMA are, above all else, "combat support agencies." Implicitly, this means that in any unresolvable resource-allocation conflict between the Secretary of Defense and the DCI, the Secretary must prevail.

The difficulty lies in the fact that the DOD components of the Intelligence Community are also vital parts of the *national* intelligence system, and provide crucial intelligence products to national-level consumers, including the President. To the extent that DOD's domination of IC resources impedes the Community's ability to provide adequate national-level support – and to the extent that such high-level bureaucratic stand-offs hamper the IC's ability to reorient itself against dangerous emerging threats, or to *reform* itself in response to intelligence failures – we face grave challenges.

These problems have led many to suggest the need finally to empower the DCI to act as the *true* head of the U.S. Intelligence Community. At one pole, such suggestions have included proposals to give the DCI full budgetary and management authority over all IC components – effectively taking them out of DOD and establishing the DCI as something akin to a cabinet-level "Secretary of Intelligence." (Former National Security Advisor Brent Scowcroft has allegedly recommended something to this effect, but his report has never been released – supposedly due to Defense Department opposition.) At the other pole, some in Congress have suggested merely ending the "dual-hatted" nature of the DCI's office by separating the roles of DCI and CIA Director.

In my view, these two poles leave us with a Hobson's choice between the virtually unworkable and the clearly undesirable. Creating a *true* DCI would entail removing dozens of billions of dollars of annual budgets from the Defense Department, and depriving it of "ownership" over "its" "combat support organizations." In contemporary Washington bureaucratic politics, this would be a daunting challenge; DOD and its Congressional allies would make such centralization an uphill battle, to say the least.

Indeed, if anything, the trend in the post-September 11 world is *against* DCI centralization. DOD has asked for, and Congress has now established, a new Undersecretary of Defense for Intelligence (USDI) to oversee and coordinate DOD's intelligence components, creating what may well be, in effect, a Pentagon DCI – and one, moreover, likely to have at least as much influence over the agencies in question than the DCI himself. DOD's Joint Intelligence Task Force for Counterterrorism (JITF-CT) already reproduces at least some of the analytical functions of the CIA's CTC, DIA analysts already supply all-source analysis across a wide range of functional and regional specialties, and press accounts suggest that the Pentagon is increasingly interested in establishing its own parallel covert action capability using Special Operations Forces (SOF) troops.[16] DOD is, in short, creating a parallel universe of intelligence organs increasingly independent of the DCI. Particularly under a DCI who prizes his role as CIA Director above his Community responsibilities, the prospects for DCI centralization are grim indeed.

On the other hand, without more, proposals merely to separate the DCI's office from that of the CIA Director will likely only make the situation worse. At the moment, one of the few

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[16] Susan Schmidt & Thomas E. Ricks, "Pentagon Plans Shift in War on Terror; Special Operations Command's Role to Grow With Covert Approach," *Washington Post* (September 18, 2002), at A1.

sources of bureaucratic power the DCI enjoys is his "ownership" of what is, in theory at least, the nation's premier intelligence analysis organization – and its only specialist HUMINT collection agency – the CIA. Heading the CIA gives the DCI at least "a seat at the table" in national-level debates: a DCI *without* the limited but non-trivial bureaucratic clout of the CIA behind him would find himself even more marginalized and ineffective than the office is today.

My experience with the fragmented and disjointed Community management process have led me to conclude that the best answer is probably to give more management and budgetary authority over IC organs to an effective DCI focused upon issues of IC coordination and management – as the Joint Inquiry has suggested by urging that we consider the creation of a "Director of National Intelligence" with powerful new Community-management authority. Because he will need to use these new powers to arbitrate between and set policies for self-interested bureaucratic "players" within the Intelligence Community rather than *be* one of them, this augmented DCI (or DNI, as the case may be) should not simultaneously hold the position of CIA Director.

The "combat support" argument is, in my view, overblown. There is nothing to suggest that organizations like NSA and NIMA would *deny* crucial support to the Defense Department the moment that they were taken out of the DOD chain of command. Any lingering doubts about the effectiveness of the Pentagon's "combat support" from intelligence agencies could be allayed by improving the effectiveness and resources devoted to the services' organic intelligence and cryptologic components. (Civilian directors of NSA and NIMA – appointed with DCI and Secretary of Defense concurrance – could serve as Assistant DCIs for SIGINT and IMINT, respectively, serving alongside an Assistant DCI for Military Intelligence, a high-ranking military officer charged with ensuring that the IC is at all times aware of and responsive to

military needs.) Best of all, an Intelligence Community finally capable of being coherently managed *as a Community* would be able to reform and improve itself in numerous ways that prove frustratingly elusive today – ultimately providing both its national-level civilian *and* its warfighter customers with better support.

Congress took a remarkable step in reforming the basic structure of the military command system in 1986 with the passage of the Goldwater-Nichols legislation.[17] This landmark legislation – which reformed the roles of the Chiefs of Staff and created an entirely new system of regional unified commanders – tilted at what were thought to be bureaucratic windmills and ran into fearsome bureaucratic opposition, but it succeeded brilliantly and helped our armed forces find new strength and coherence in war-winning "joint" operations. The success of the Goldwater-Nichols reforms should be a lesson to Intelligence Community reformers today, for it teaches that it *is* possible sometimes to overcome entrenched bureaucratic interests and forge a much more effective whole out of a motley and disputatious collection of parts.

Unfortunately, Congress, the Administration, and the American public have yet to engage in much of a debate about these issues. Perhaps nothing can shock us into serious debates about the fundamental structure of our Intelligence Community if the horror of September 11 cannot, but I am hopeful that the SSCI and HPSCI will make these issues a centerpiece of their agenda for the 108th Congress. I urge them strongly to do so.

C. *An Agile and Responsive IC*

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[17] Public Law 99-433 (October 1, 1986).

As the 108th Congress takes up these reform challenges, I would like to offer some additional suggestions that I believe would help the IC both meet the challenges it faces today and be prepared for those it may face tomorrow. One of the roots of our problems in coping with threats such as that posed by Al-Qa'ida beginning in the 1990s is that the tools with which we have had to fight transnational terrorism were designed for another era. The U.S. Intelligence Community is hard-wired to fight the Cold War, engineered in order to do a superlative job of attacking the intelligence "targets" presented by a totalitarian superpower rival but nowhere near as agile and responsive to vague, shifting transnational threats as we have needed it to be.

The lesson of September 11, therefore, should be not simply that we need to reform ourselves so as to be able to address the terrorist threat but also that *we need an Intelligence Community agile enough to evolve as threats evolve, on a continuing basis.* Hard-wiring the IC in order to fight terrorists, I should emphasize, is precisely the *wrong* answer, because such an approach would surely leave us unprepared for the next major threat, whatever it turns out to be. Our task must be to ensure that whatever we do to "fix" the problems that helped leave us unprepared in the autumn of 2001, we make sure that the Intelligence Community can change, adapt, and move in unanticipated directions in the future. Otherwise the IC will face little but a future punctuated by more intelligence failures, more Congressional inquiries, and more Commissions.

This is perhaps the most powerful argument for strengthening the DCI's ability to lead the Intelligence Community *as a community*, insofar as it is notoriously difficult to reorient large bureaucracies under the best of circumstances, and virtually impossible to do so simply by *persuasion.* But there are additional steps that Congress and the Administration should consider in order to make the IC "quicker on its feet" in anticipating and preparing for – and, where that

fails, responding to – future threats.

Well short of putting the entire Community under a "Secretary for Intelligence," one way to greatly augment the ability of the Intelligence Community to adapt flexibly and effectively to future threats would be to increase the degree of uniformity in its personnel management system. A homogenized payment and benefits structure for the Community would not necessarily require putting the agencies themselves under the DCI's operational command. It would, however, enable the IC to move personnel and reorganize organizational structures on an *ad hoc* basis much more effectively in response to future developments.

Achieving such organizational flexibility – and the conceptual flexibility that must accompany it – will be essential if the Community is not simply to replace its dangerous and inflexible Cold War hard-wiring with an equally rigid and unadaptable CT paradigm. This is what might be called the "meta-lesson" of our current round of "lessons learned" studies of intelligence failures: we must not only learn the lessons of the past but learn *how* to *keep* learning lessons as we change and adapt in the future. Adopting uniform personnel standards would help the Community ensure that its personnel and organizational units remain unique and valuable individual resources but they would also become *administratively* fungible assets, capable of being reorganized and redirected efficiently as circumstances demand.

The CIA, to its credit, has experimented in recent years with approaches to organizing "virtual stations" – *ad hoc* issue-focused organizations mimicking the structure of an overseas Directorate of Operations outpost, but simply existing within CIA Headquarters. In the future, the IC as a whole will need to learn from (and improve upon) this concept, by developing ways to "swarm" personnel and resources from various portions of the Community upon issues of

particular importance as circumstances demand. At the same time, the IC will have to be willing to move personnel resources *out* of programs and organizations that no longer fulfil their missions, or whose targets have been superseded in priority lists by more important threats. We must, in short, be willing to build new structures and raze old ones in a continual process of "creative destruction" not unlike competitive corporate approaches used in the private sector.

Concomitant with this, it will also be necessary to break the artificial definitional monopoly within the IC that holds that only intelligence professionals actually employed by the traditional collection agencies can engage in collection or analysis of those agencies' signature types of intelligence. We should be open to unconventional HUMINT collection opportunities, for instance, and should not deny non-CIA analysts a chance to provide the analytical "value-added" that can be obtained by making them more aware than they are today of the origins of their information. And we should reject the self-satisfied assumptions of NSA managers that only NSA personnel can be trusted with analyzing "raw" SIGINT data. (Unfortunately, the Administration seems to be heading in precisely the wrong direction in this respect. If recent reports are to be believed, the President intends to ratify the information-monopolistic *status quo* by issuing an Executive Order to make Homeland Security intelligence analysts dependent upon the traditional IC collection bureaucracies to tell these analysts what information is relevant.[18])

The traditional collection agencies *do* have valuable expertise in "their" areas, but this expertise should be used to enrich the Community's pool of intelligence expertise rather than simply as barriers to entry wielded in defense of bureaucratic and financial "turf." Instead, the collection agencies should be charged with certifying – but not running or controlling – training

[18] *See, e.g.*, Dan Eggen & John Mintz, "Homeland Security Won't Have Diet of Raw Intelligence," *Washington Post* (December 6, 2002) at 43.

curricula within other IC agencies that will produce competent specialists in the relevant fields. A SIGINT analyst, for instance, should be properly trained to meet the relevant professional standards (*e.g.*, compliance with USSID 18), but there is no reason why he must receive his paycheck from NSA in order to make important contributions to the Community. Agencies such as CIA and NSA with special expertise in a particular "INT" should become jealous advocates and guardians of high professional standards within the Community as a whole, but they should no longer be permitted to use their expertise to maintain parochial information monopolies.

Fundamentally, Congress and the Administration should be willing, over the coming months, carefully to examine the basic structure of the intelligence provisions of the National Security Act of 1947 in light of the circumstances and challenges our country faces today. At a time in which the State Department and the military services provided the only thing resembling national-level information collection and analytical expertise in the entire U.S. Government, the Act set up a "central" intelligence agency to be an objective source of information and to stand above the bureaucratic political infighting of the day. It was to be what Colonel William ("Wild Bill") Donovan had called for in October 1946: "a centralized, impartial, independent agency that is qualified to meet the atomic age."[19] In 2002, however, the CIA no longer quite fulfils that function, now existing as one of many bureaucratic fiefdoms within a sprawling – and Defense-dominated – Intelligence Community.

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[19] Thomas F. Troy, *Donovan and the CIA: A History of the Establishment of the Central Intelligence Agency* (Langley, Virginia: CIA Center for the Study of Intelligence, 1981), *supra*, at 382 (quoting Donovan); *see also id.* at 408 (noting that "Congress wanted CIA . . . [to be] free from undue military influence as well as Department control."); *id.* at 410 (noting that Donovan "recognized that the appropriate status for intelligence was independence and that such independence required the establishment of an 'agency' free of any other department of government").

One possibility to which Congress and the Administration should give very careful consideration is whether we should return to the conceptual inspiration behind the intelligence-related provisions of the National Security Act of 1947: the need for a "central" national level knowledge-compiling entity standing above and independent from the disputatious bureaucracies. Returning to these roots might suggest the need to separate our country's "central" intelligence analytical functions from the resource-hungry collection responsibilities that make agencies into self-interested bureaucratic "players" – that is, to separate human intelligence (HUMINT) collection into a specialized service that would, along with other collection agencies, feed information into a national-level purely analytical organization built around the core of the CIA's Directorate of Intelligence. (The resulting pure-analysis organization would arguably be the sole institution that could appropriately be run *directly* by a new Director of National Intelligence, who would serve as the overall head of the IC and as the President's principal intelligence advisor.) Whether or not we determine that this is the right answer, however – and howsoever we determine that any such agency would interact with a more empowered DCI – our opportunity seriously to consider such changes is *now*.

II. *Information-Sharing*

Perhaps the most fundamental problem illustrated by the findings of the Joint Inquiry Staff (JIS) in connection with the intelligence failures leading up to September 11 relates to the problem of persuading U.S. Intelligence Community agencies to share information efficiently and effectively. This problem is inextricably tied up with the longstanding problem of ensuring quality intelligence analysis within the Community, for without *access* to a broad range of information upon which to draw inferences and base conclusions, even the best individual

analysts necessarily find themselves gravely handicapped.

There exists a fundamental tension in intelligence work between the need for security and the need for sharing information. Increasing the number of persons having access to a particular item of information inevitably leads to at least *some* increase in the likelihood of its compromise, either accidentally or deliberately (*e.g.*, in a "leak" to the press or to a foreign power through espionage). Agencies which possess sensitive information, therefore, tend to prefer to restrict others' access to "their" information. (This is particularly true in an Intelligence Community institutional culture in which knowledge literally *is* power – in which the bureaucratic importance of an agency depends upon the supposedly "unique" contributions to national security it can make by monopolizing control of "its" data-stream.)

On the other hand, *perfectly* secure information is perfectly *useless* information. Since the purpose of intelligence-gathering is to inform decision-making, restricting access inevitably degrades the value of having intelligence collectors in the first place. For good analysis to be possible, expert analysts must be able to perform what is called "all-source intelligence fusion" – drawing upon the available breadth of information in order to tease patterns of "signal" out of the mass of irrelevant and distracting "noise" that comprehensive collection invariably brings in. If good analysis is to form the basis for intelligent policy, moreover, information must be passed along to the policy community in order to inform their actions.

This tension between security and sharing has been part of the fabric of intelligence policy for years, perhaps manifesting itself most clearly in U.S.-British debates during the Second World War over when (or whether) to share high-grade communications intelligence with operational commanders who needed such information in order to win the war against Nazi

Germany.[20] Today, similar debates continue as it becomes clear that the sort of sophisticated pattern-analysis and semi- or fully-automated "data-mining" capabilities that will be necessary for intelligence analysis to keep up with complex transnational threats such as those presented by Usama bin Laden's Al-Qa'ida organization are not compatible with traditional notions of inter-Intelligence Community secrecy and restrictions upon access based upon an outsider's "need to know" as determined by the agency information-holders themselves.

A. *The Intelligence Community's Failure to "Connect the Dots" Prior to 9/11*

The most fundamental problem identified by the JIS is our Intelligence Community's inability to "connect the dots" available to it before September 11, 2001 about terrorists' interest in attacking symbolic American targets. Despite a climax of concern during the summer of 2001 about imminent attacks by Al-Qa'ida upon U.S. targets, the Intelligence Community (IC) failed to understand the various bits and pieces of information it possessed – about terrorists' interest in using aircraft as weapons,[21] about their efforts to train pilots at U.S. flight schools,[22] about the

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20 *See, e.g.*, F.W. Winterbotham, *The Ultra Secret* (New York: Harper & Row, 1974), at 86; John Winton, *ULTRA At Sea* (New York: Morrow & Co., 1988), at 148; Patrick Beesly, *Very Special Intelligence: The Story of the Admiralty's Operational Intelligence Centre, 1939-1945* (London: Greenhill, 2000), 89, 98-100, 189-90, & 279; David Kohnen, "F-21 and F-211: A Fresh Look into the 'Secret Room,'" in *New Interpretations in Naval History: Selected Papers from the Fourteenth Naval History Symposium* ed. Randy Carol Balano and Craig L. Symonds, (Annapolis, Md.,: Naval Institute Press, 2001), at 304 & 327-29.

21 For an account of information available to the Intelligence Community about terrorists' interest in using aircraft as weapons, *see* JIS, written statement presented to SSCI/HPSCI joint hearing (September 18, 2002), at 26-28.

22 For an account of information available about terrorists' interest in acquiring aviation training at U.S. flight schools, *see* JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 3.

presence in the U.S. of Al-Qa'ida terrorists Khalid al-Mihdhar and Nawaf al-Hazmi, and about Zacarias' Moussaoui's training at a U.S. flight school – as being in some fashion related to each other.

As the JIS concluded, the IC failed to "connect[] these individual warning flags to each other, to the 'drumbeat' of threat reporting that had just occurred, or to the urgency of the 'war' efforts against Usama bin Laden."[23] Having failed to make that connection, the IC was caught flat-footed when the attack finally came. Accordingly, no effort to "fix" the problems highlighted by September 11 should be taken seriously unless it attempts to address the pervasive problems of information-sharing that afflict our Intelligence Community.

(1) *Terrorist Names*

One of the serious problems identified by our Joint Inquiry is the pervasive refusal of the CIA, in the months and years before September 11, to share information about suspected terrorists with the very U.S. Government officials whose responsibility it is to keep them out of the United States: the State Department consular officials who issue visas and the INS officials who man immigration posts at every American port of entry.

As the JIS outlined in its testimony before one of our joint SSCI/HPSCI hearings, the so-called TIPOFF system provides the basic "watchlist" function by which consular and INS

[23] JIS, written statement presented to SSCI/HPSCI joint hearing (September 18, 2002), at 10.

officials check visa applicants or U.S. arrivals against lists of suspected terrorists and other undesirables. With respect to suspected terrorists, the TIPOFF database is populated principally through the submission of names from the CIA. Crucially, however, without CIA input, these officials cannot do their job – and even terrorists *known* to the CIA will be able freely to acquire visas and be granted entry if the CIA has neglected to share their names with TIPOFF.

Alarmingly, this is apparently precisely what happened for years, because CIA was unwilling to share more than a small fraction of its information about suspected terrorists with State and INS. Based upon clear internal guidance issued on December 11, 1999, the CIA was *required* to pass to the TIPOFF program the names of *all* persons it suspected of being terrorists.[24] Before September 11, however, the Agency did not consistently do this. Instead, it often provided the names of suspected terrorists to TIPOFF if the CIA already had information indicating that the terrorist planned to travel to the United States.[25] Because of the practical impossibility of knowing the personal travel plans, in advance, of every suspected terrorist in the world, this inevitably meant that the CIA withheld hundreds or perhaps thousands of names from the TIPOFF database – names of persons who were thus free to obtain U.S. visas and walk through INS booths without notice. Indeed, even though it signed an explicit Memorandum of

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[24] CIA Office of Congressional Affairs Liaison Officer Gary Dionne, unclassified telephonic communication to SSCI Minority Counsel Christopher Ford (December 9, 2002). The text of the December 11, 1999 guidance, however, is still classified.

[25] CIA officials have informed SSCI staff that this occurred because State Department officials felt overly burdened with having to process all the names. Their account, however, is not consistent with the State Department complaints about CIA practice recorded by the JIS. *See, e.g.*, JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 15. In any event, it is clear that the "rules of the road" involved the CIA passing comparatively few names in violation of its own rules: by no one's account were the 1999 guidelines actually consistently followed as written.

Understanding (MOU) in January 2001 with the FBI, NSA, and State Department on watchlist procedures, State Department officials have complained to the JIS that the CIA still did not share many of its terrorism-related Critical Intelligence Report (CIRs) with the TIPOFF program in the months leading up to the September 11 attacks.[26]

What's more, the CIA apparently did not take its watchlisting responsibilities very seriously even when it *did* see fit to pass some names to TIPOFF. According to the JIS, the CIA provided its employees no training in this regard.[27] Indeed, one CIA official from the Counterterrorism Center's special cell devoted to tracking Al-Qa'ida told the JIS that he didn't feel that his organization needed to worry about whether anyone watchlisted Al-Qa'ida terrorists.[28] The CIA, therefore, apparently neither trained nor encouraged its employees to follow its own rules on watchlisting – embodied in the December 1999 guidance – and they clearly did not do so.[29]

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[26] JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 15.

[27] JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 7-8.

[28] JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 8.

[29] Strangely, to judge from the testimony given in Joint Inquiry hearings by JIS representatives, the JIS does not seem ever to have discovered that the CIA had "hard" guidance in place requiring such watchlisting. The CIA, however, has now provided me with a copy of its classified December 1999 guidance.

Nor, despite repeated inquiries about watchlisting standards, did the CIA apparently ever disclose the existence of this guidance to the JIS. As the JIS has recounted, "[w]e were told that there was, at the time, no formal system in place at the CTC for watchlisting suspected terrorists."[30] This, however, was not true. As noted above, the CIA's December 1999 guidance specifically provided watchlisting standards – which were often ignored. By failing to provide this information to the JIS, the CIA thus managed to keep the fact that it violated its own rules out of the formal report of the Joint Inquiry.

[30] JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 7.

The magnitude of the CIA's watchlisting failures and the potential impact of this information-hoarding upon our country's preparedness for terrorist attack may be seen in the contrast between the CIA's pre-September 11 performance in this respect and its performance after the attacks. Within a month after September 11, the CIA provided more than 1,500 CIRs to TIPOFF that had it had previously withheld. The State Department reported a 455 percent increase in the number of names CIA provided during the months after the attacks – with the total provided rising from 1,761 during the three months before September 11 to 4,251 in the three months afterwards.[31] But for the shock of September 11, these *thousands* of potential terrorists would presumably still be free to obtain visas and enter the United States without anyone asking any questions, thanks to the CIA's apparent belief that only *it* can be trusted with its information. As it turns out, two of the September 11 hijackers did precisely this.

(2) *The al-Mihdhar and al-Hazmi Story*

What such watchlisting problems can mean in practice is illustrated by the failures of the CIA and FBI in dealing with Al-Qa'ida-affiliated terrorists Khalid al-Mihdhar and Nawaf al-Hazmi. Their story is ably recounted by in the body of the JIS report, but its highlights are worth repeating here. Al-Mihdhar and al-Hazmi attended a terrorist meeting in Kuala Lumpur, Malaysia, in early January 2000.[32] This meeting was known to – and surveiled by – the CIA, which already knew that al-Mihdhar possessed a multiple-entry visa permitting him to travel to the United States. The National Security Agency (NSA) also independently possessed information linking al-Hazmi to Al-Qa'ida. Neither the CIA nor NSA, however, saw fit to

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31 JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 15.

32 JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 5.

provide their names to the TIPOFF database.[33] There is apparently some confusion over whether the CIA told the FBI anything about al-Mihdhar and al-Hazmi. CIA e-mail traffic reviewed by the JIS, however, suggests that the CIA did brief the FBI in general terms . The CIA, however, still did not bother to tell the FBI that al-Mihdhar had a multiple-entry visa that would allow him to enter the United States.[34]

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[33] JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 6.

[34] JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 6-7.

In early March 2000, the CIA learned that al-Hazmi had arrived in Los Angeles on January 15. Despite having just learned of the presence in this country of an Al-Qa'ida terrorist, the CIA told no one about this. The internal cable transmitting this information, in fact, contained the notation: "Action Required: None, FYI."[35] This information came at the height of the U.S. Intelligence Community's alarm over Al-Qa'ida's "Millennium Plot," and al-Hazmi's arrival had occurred at about the same time the CIA knew that Al-Qa'ida terrorist Ahmed Ressam was also supposed to have arrived in Los Angeles to conduct terrorism operations.[36] Still, however, the CIA refused to notify anyone of al-Hazmi's presence in the country.

By this point, both al-Mihdhar and al-Hazmi – both terrorists known to the CIA – were living in San Diego under their true names. They signed these names on their rental agreement, both used their real names in taking flight school training in May 2000, and al-Mihdhar even used his real name in obtaining a motor vehicle identification card from the State of California.[37] In July 2000, al-Hazmi even applied to the INS for an extension of his visa, sending in this application using both his real name and his current address in San Diego (where he would remain until that December).[38] INS, of course, had no reason to be concerned, since the CIA had

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35 JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 7; *see also generally* CIA officer, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 3.

36 JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 8 & 10.

37 JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 8.

38 JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 8-9.

withheld the two terrorists' names from TIPOFF. Nor did the FBI have any reason to look for them – *e.g.*, by conducting a basic Internet search for their names or by querying its informants in Southern California – since the last it had heard from CIA was that these two terrorists were overseas.

The CIA's failure to watchlist al-Mihdhar and al-Hazmi became even more alarming and inexplicable in January 2001, when the CIA discovered that the Malaysia meeting had also been attended by a suspect in the *USS Cole* bombing. This presumably made the two terrorists even more interesting to the CIA – and their known presence in the U.S. even more dangerous, by confirming their linkages to Al-Qa'ida operational cells – but the CIA still did not bother to inform TIPOFF. This failure was particularly damaging because al-Mihdhar was overseas at the time: putting his name on the watchlist would have enabled INS agents to stop him at the border.[39]

Even when given the opportunity to tell the FBI – in face to face meetings – about the presence of these two terrorists in the United States, the CIA refused. At a meeting in June 2001 with FBI officials from the New York Field Office who were working on the *USS Cole* case, a CIA official refused to tell them that al-Mihdhar and al-Hazmi had come to the United States.[40]

Meanwhile, Khalid al-Mihdhar was in Jeddah, Saudi Arabia, and applied for a new U.S.

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[39] JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 9; *see also* CIA official, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 4; Michael Rolince, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 2.

[40] JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 21; *see also id.* at 10.

visa in June 2001. The State Department officials who took this application appear to have followed procedures and checked his name against their CLASS database, which incorporates TIPOFF watchlist information. Because CIA continued to refuse to put the name of this Al-Qa'ida terrorist into TIPOFF, however, no CLASS "hits" occurred, and al-Mihdhar was given a visa and returned to the United States unmolested in July.[41]

[41] JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 10.

The CIA only decided to watchlist al-Hazmi and al-Mihdhar in late August 2001, by which point they were already in the United States and in the final stages of preparing for the September 11 attacks.[42] By this point, tragically, it was too late for the FBI – hamstrung by its own investigative regulations – to stop them. Although the FBI scrambled in late August and early September to locate the two terrorists in the United States,[43] it denied itself the services of any of its own agents assigned to criminal work and refused even to conduct a basic Internet search that would have revealed al-Hazmi and al-Mihdhar living under their true names in San Diego. (According to testimony from an FBI agent in New York who conducted just such an Internet search *after* the September 11 attacks, finding al-Mihdhar's address "within hours."[44]) It also denied itself any assistance that could have been obtained from Treasury officials in tracking down al-Mihdhar and al-Hazmi through their credit card or banking transactions. As it turned out, however, on September 11, 2001, the two men boarded American Airlines Flight 77, and helped fly it into the Pentagon.

(3) *The "Phoenix Memo"*

The affair of the FBI Electronic Communication (EC) sent by the Phoenix field office to FBI Headquarters in order to warn officials about potential dangers from Al-Qa'ida-affiliated individuals training at U.S. flight schools, also illustrates the tremendous difficulty our

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42 JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 10; *see also* Rolince, *supra*, at 3.

43 JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 11.

44 FBI Agent from New York Field Office, testimony before joint SSCI/HPCSI hearing (September 20, 2002), *available from* Federal News Service (response to question from Senator Shelby).

Intelligence Community has had with sharing information and "connecting the dots" – particularly where the FBI is concerned.

The FBI special agent in Phoenix who sent the EC to headquarters on July 10, 2001, addressed his memorandum to the Usama bin Laden Unit (UBLU) and the Radical Fundamentalist Unit (RFU) within the Bureau's counterterrorist organization. Headquarters personnel, however, decided that no follow-up was needed, and no managers actually took part in this decision or even *saw* the memorandum before the September 11 attacks.[45] The CIA was made aware of the Phoenix special agent's concerns about flight schools, but it offered no feedback[46] despite the information the CIA possessed about terrorists' interest in using aircraft as weapons. Nor did the new FBI officials who saw the Phoenix EC at headquarters ever connect these concerns with the body of information already in the FBI's possession about terrorists' interest in obtaining training at U.S. flight schools.[47] The full contents of the "Phoenix Memo" have yet to be made public, but it is astonishing that so little was made of it, especially since it drew readers' attention to certain information *already in the FBI's possession* suggesting a very specific reason to be alarmed about one particular foreign student at an aviation university in the United States.[48]

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45 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 2.

46 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 6.

47 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 11-13.

48 FBI Special Agent in Phoenix, Arizona, electronic communication addressed to Radical Fundamentalist Unit *et al.* (July 10, 2001), at 5. The FBI declined to declassify any more specific an account of this information.

(4) *Missed Opportunities*

Altogether, the al-Mihdhar/al-Hazmi and "Phoenix EC" stories suggest both the potential of sophisticated information-sharing and good information-empowered analysis and the dangers of *failing* properly to "connect the dots." It is impossible to know, of course, whether the September 11 plot could have been disrupted – or at least significantly delayed – had the FBI and CIA acted properly in sharing and understanding information available to them. The evidence, however, suggests a number of pregnant "what ifs":

- If the CIA had been willing to share its information about al-Mihdhar and al-Hazmi with consular and INS officials through the TIPOFF program, one or both of them might have been apprehended upon entering or reentering the United States after their Malaysia meeting.

- If the CIA had informed the FBI when it first knew that al-Mihdhar and al-Hazmi were in the United States – and the FBI had permitted itself to do common-sense things like use the Internet – these two terrorists might have been located at their home in San Diego (or in flight school in the area) long before the September 11 attacks. Surveillance of them might have led the FBI to other hijackers, or to operational cell leaders, or their deportation might have disrupted the plot.

- If the FBI had been able to "connect the dots" between the Phoenix EC and the body of information already in the FBI's possession about terrorist interest in U.S. flight schools – and information held by the Intelligence

Community about terrorists' interest in using aircraft as weapons – it might have been better able to investigate Zacarias Moussaoui and obtain information on some of the other September 11 hijackers from information in Mouassaoui's computer and in his personal effects.

- If the FBI had understood the full significance of the Phoenix EC in light of this other information, they might have begun to conduct the follow-up work recommended by the Phoenix special agent. In May 2001, the FBI had already briefly considered opening an investigation upon one of the individuals named in the EC, but this was dropped when it was discovered he was out of the country at the time. Had the Phoenix EC spurred serious follow-up by FBI Headquarters, however, this individual's name might have been added to the TIPOFF watchlist – leading investigators right to him upon his subsequent return to the United States. Restarting the aborted investigation of this individual would likely also have led the FBI to his radical fundamentalist flight school classmate in Arizona, September 11 hijacker Hani Hanjour.[49]

The September 11 story, therefore, should be an object lesson in the perils of failing to share information promptly and efficiently between (and within) organizations, and in the need to ensure that intelligence analysis is conducted on a *truly* "all-source" basis by experts permitted to access *all* relevant information – no matter where in the Intelligence Community it happens to reside.

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[49] JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 10.

B. *Pervasive Problems of Information-Sharing*

That effective information-sharing and truly all-source analysis should have been such a scarce commodity in counterterrorism work during the months and years leading up to September 11 – years during which the Director of Central Intelligence supposedly believed the U.S. Intelligence Community to be "at war" with Al-Qa'ida and made fighting it his highest priority – is a testament to the recurring problems of agency parochialism and information-hoarding. Even Community-wide attempts to "fix" the problem of information-sharing, such as the DCI's ongoing development of the computerized Intelligence Community-Wide System for Information Sharing (ICSIS), simply replicate the problem. ICSIS will be built around a series of agency-specific electronic "shared spaces" accessible to users of the system, but populated only with such information as each agency sees fit to permit others to see.[50] ICSIS will, in other words, presumably speed access to what agencies *are* willing to share, but it will do nothing to address broader issues of their unwillingness to permit experts from *other* intelligence agencies any window upon the data-streams the monopolization of which is the source of each host agency's bureaucratic power.[51]

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50 It is not even clear that ICSIS will meet the Community's needs even on its own terms. In January 2001, the NIMA Commission report recommended that NIMA begin building a new information-management system essentially from scratch, notwithstanding ICSIS planned deployment over the next ten years. *See* Dr. Robert C. Norris, written statement presented to joint SSCI/HPSCI hearing (October 1, 2002), at 4.

51 The culture of information-holder control is formally enshrined most obviously in the "originator control" (ORCON) classification caveat, which requires that anyone given access to a certain piece of information *not* reveal it to anyone else without explicit permission from its originating agency. According to FBI official Michael Rolince, the ORCON caveat made it very difficult for the FBI to pass intelligence information to criminal investigators in terrorism cases, "even for lead purposes," because the originating agency (frequently the CIA) would refuse to allow it. *See* Michael Rolince, written statement presented to joint SSCI/HPSCI hearing (September 20, 2002),

at 4. According to the JIS, ORCON rules present a major problem to efficient information-sharing, because they impose upon sharing arrangements a cumbersome and lengthy case-by-case adjudication process. *See* JIS, written statement presented to joint SSCI/HPSCI hearing (October 1, 2002), at 6. Our Joint Inquiry also discovered this to be the case, encountering frequent delays allegedly because of the necessity of clearing ORCON transmittals to Congress.

In travels and discussions with U.S. Allies currently engaged in helping us fight the war against terrorism, SSCI Members and staff have heard many complaints that the U.S. classification caveat "no foreign" (NOFORN) has also unnecessarily impeded information-sharing. Even our closest military allies have privately complained about what they describe as the unnecessary and reflexive use of the NOFORN caveat by U.S. officials. This has frequently resulted in U.S. intelligence officers stamping "NOFORN" on information provided to them by those same allies, denying these contributors to our war and intelligence efforts the ability to see the intelligence products we make out of their information. The Intelligence Committees attempted to draw attention to this "NOFORN problem" in § 831 of the Fiscal Year 2003 Intelligence Authorization Bill (Public Law 107-306), which requires that the DCI and the Secretary of Defense report to Congress on the impact of NOFORN practices upon allied intelligence-sharing relationships.

Such information-hoarding thus goes deeper than simply being "policy," often reaching the level of simple reflex. For instance, the FBI for years monopolized the processing of information obtained from surveillance under the Foreign Intelligence Surveillance Act (FISA) – even though it fell hopelessly behind in processing FISA "raw data" and accumulated vast backlogs of untranslated tapes that were of no use to anyone. Thus also does the NSA insist that only *its* employees can be trusted with handling "raw" signals intelligence (SIGINT) data under the standards prescribed by U.S. Signals Intelligence Directive (USSID) 18. And the CIA's Directorate of Operations usually refuses even to let *CIA analysts* see its own operational cable traffic.

Reading the DCI's authority to protect intelligence "sources and methods" as barring the disclosure of source information not simply to the public or to U.S. adversaries but also to *anyone else in the U.S. Intelligence Community*, the CIA has proven unwilling to permit others a window upon the context that source information can occasionally provide. CIA information-hoarding is hardly a problem unique to the al-Mihdhar and al-Hazmi story. The CIA also refused requests by U.S. Navy intelligence officers to turn over highly relevant information about the source of an intelligence warning that might have prompted the Navy to direct the *USS Cole* away from Yemen in October 2000.

As the Senate and House Intelligence Committees have seen repeatedly, the Intelligence Community shares information poorly and reluctantly, at best. Especially since September 11, Community representatives have assured us on innumerable occasions that their coordination and information-sharing problems have been fixed: it has become their mantra that such cooperation is now "seamless" and "unprecedented." Even today, however, these sharing

arrangements consist principally of the assignment of agency personnel for reciprocal details at counterpart agencies (*e.g.*, FBI personnel at the CIA, and CIA personnel at the FBI). (Nor is the CIA's CTC much of a "joint" center in the military sense, since the overwhelming majority of its personnel are CIA employees. It was, and remains, a CIA organization.)

Such cross-detailing, as we have long known and as testimony before our Joint Inquiry hearings has made doubly clear, is at best "an imperfect response" to the information-sharing problem.

> "The almost unanimous opinion among the detailing agencies is that host agencies still restrict access to information and limit the databases that can be queried by detailees from other agencies on grounds of personnel or information security, and intelligence policies."[52]

[52] JIS, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 7.

Such detailees commonly bring special experience and contextual knowledge to their assignments that host-agency personnel may lack, but they are seldom fully trusted by their host agencies and are seldom, if ever, permitted to know as much as "real" agency employees. Moreover, even when detailees are given comparatively good access to host-agency information, they are almost invariably prohibited from passing it back to their home organizations. This, for instance, is the fate of non-FBI officials assigned to the FBI-run Joint Terrorism Tracking Task Forces (JTTFs).[53] It is also that of DIA analysts cross-assigned to other IC agencies.[54] As Rear Admiral Lowell Jacoby recounted in testimony submitted to the Joint Inquiry, cross-assigned personnel are routinely denied "unfettered and unconditional access to all relevant . . . information" and are often not permitted to transmit to their home agencies what they *are* permitted to see.[55]

Today, the "seamless" and "unprecedented" information-sharing within our Intelligence Community remains built around personal contacts and such cross-details. According to FBI Counterterrorism chief Dale Watson, the FBI's arrangements with the CIA and with other U.S. Government agencies revolve principally around the "exchange of working level personnel and senior managers at the headquarters level."[56] This may represent considerable progress compared with what prevailed before September 11, but it is woefully inadequate to our intelligence needs in the 21st century.

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53 JIS, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 7-8.

54 JIS, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 13.

55 RADM Lowell E. Jacoby, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 5.

56 Dale Watson, written statement presented to SSCI/HPSCI joint hearing (September 26, 2002), at 4 & 6.

C. *The Future of Information-Sharing*

(1) *The Imperative of "Deep" Analyst Data-Access*

The greatest contributions that intelligence analysis can make against vague, shifting, and inherently ambiguous transnational threats such as international terrorism lie in analysts' capacity to conduct "all-source fusion" of information – performing the classic task of assembling fragmentary information into actual or inferential "mosaics" and teasing useful "signals" out of the "noise" brought in by our wide-ranging means of intelligence collection. Problems of information-hoarding and dysfunctional sharing methodologies, however, restrict analysts' ability to apply their talent, training, and experience against intelligence targets in a truly *all-source* fashion. If they are to be expected to have success against such modern targets in the future, we will need to do a great deal to improve their ability to survey and draw patterns out of the masses of data that exist in discrete and carefully-guarded bundles throughout the Intelligence Community.

Intelligence collectors – whose status and bureaucratic influence depends to no small extent upon the monopolization of "their" information-stream – often fail to recognize the importance of providing analysts with "deep" access to data. The whole *point* of intelligence analysis against transnational targets is to draw patterns out of a mass of seemingly unrelated information, and it is crucial that the analysis of such patterns not be restricted only to personnel from a single agency. As Acting DIA Director Lowell Jacoby observed in his written testimony before the Joint Inquiry, "information considered irrelevant noise by one set of analysts may

provide critical clues or reveal significant relationships when subjected to analytic scrutiny by another."[57]

This suggests that the fundamental intellectual assumptions that have guided our Intelligence Community's approach to managing national security information for half a century may be in some respects crucially flawed, in that it may *not* be true that information-*holders* – the traditional arbiters of who can see "their" data – are the entities best placed to determine whether outsiders have any "need to know" data in their possession. Analysts who *seek* access to information, it turns out, may well be the participants best equipped to determine what *their* particular expertise and contextual understanding can bring to the analysis of certain types of data.

In this vein, the Military Intelligence Board has explicitly suggested that deep information-sharing will require a re-examination of traditional concepts of "need to know" – although, not surprisingly, traditional collection agencies such as the CIA still contest this conclusion.[58] Rear Admiral Jacoby made the point firmly to our Joint Inquiry, writing that it should be the task of intelligence reformers

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[57] RADM Lowell E. Jacoby, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 4.

[58] JIS, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 12.

> "to create a new paradigm wherein 'ownership' of information belonged with the analysts and not the collectors. In my opinion, one of the most prolonged and troubling trends in the Intelligence Community is the degree to which analysts – while being expected to incorporate the full range of source information into their assessments – have been systematically separated from the raw material of their trade."[59]

Sadly – and dangerously – the result of this systematic separation is that "groundbreaking, innovative, true all-source analysis" has become "the exception, not the rule" in today's Intelligence Community.[60]

The imperative of "deep" analyst data-access is intertwined with another dynamic. For some time, our ability to analyze information has been falling increasingly behind the enormous volumes of information collected by our intelligence agencies. This imbalance between analysis and collection has been the subject of numerous SSCI hearings. It has important implications for the future of information-sharing within the Intelligence Community because it suggests that in addition to being empowered to conduct *true* "all-source" analysis, our analysts will also need to be supplied with powerful new tools if they are to work their analytical magic upon such large information volumes.

As Rear Admiral Jacoby has suggested, the challenge for intelligence reform is thus

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[59] Jacoby, *supra*, at 6.

[60] *Id.*

twofold: we must persuade information-holders to give analysts "deeper" and less conditional access to data than they have ever before enjoyed, and we must equip analysts with the tools needed to "mine" these data-streams for useful information.

> "[W]e need to find a way to immediately and emphatically put the 'all' back into all-source analysis. . . . If we expect analysts to perform at the level and speed expected in a counterterrorism mission environment characterized by pop-up threats, fleeting targets, and heavily veiled communication, they require immediate, on-demand access to data from *all* sources and the ability to mine, manipulate, integrate, and display all relevant information."[61]

As noted previously, making information accessible necessarily exists in some tension with keeping it secure – and some balance must always be sought between *usability* and *security*. I have come to the conclusion that our Intelligence Community, dominated by traditional collection agencies such as CIA and NSA that enjoy special status precisely because of the monopolization of "their" data-streams (*e.g.*, HUMINT and SIGINT), has drawn this line in ways incompatible with our intelligence needs in the 21st century. I thus believe, with RADM Jacoby, that we must bring about a radical change in the access collection agencies give to all-source analysts, including all-source analysts from outside their own ranks.

Such analyst empowerment must be accomplished in ways that do not leave our secrets

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[61] RADM Lowell E. Jacoby, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 7.

unduly vulnerable to compromise. It is thus the challenge of reform not only to persuade recalcitrant information-hoarders into making their databases available to sophisticated analytical exploitation but also to ensure that the resulting information architectures are secure. There is no reason why appropriately cleared analysts should not be trusted with such information: they are no less patriotic, no less committed to protecting national security, and no less professional in their fields than the collection bureaucrats who would presume to deny them access. That said, of course, there is every reason to develop comprehensive security protocols and accountability systems to reduce the risk of espionage or accidental compromise that is to some degree inherent in any expansion of the universe of persons given access.

Fortunately, recent efforts to move forward in empowering analysts to conduct *true* all-source analysis provide reasons for confidence that a workable solution is possible. As the SSCI's Technical Advisory Group (TAG) – a nonpartisan group principally composed of expert private sector technologists and managers with the highest possible security clearances – has forcefully recommended, we must move forward into the realm of comprehensive databasing and data-mining *now*, and the technology we need is either in existence already or well on its way to development. As this technology advances, the TAG has suggested, agency resistance to such developments in the name of "security" is looking increasingly like a mere excuse:

> "The technology of multi-level-security databases and computer systems is highly developed, and all that stands between the present moment and the operation of such a database in the National interest is political will."[62]

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62 SSCI Technical Advisory Group, "TAG Findings-&-Recommendatinos Post-9/11," memorandum to Senators Bob Graham and Richard Shelby (April 3, 2002), at 3.

(2) *Faltering Steps Forward*

In efforts to meet the analytical challenge of transnational terrorism, both the Department of Defense (DOD) and the Department of Justice (DOJ) have undertaken new experiments in all-source fusion aimed at the targets. At DOD, the Defense Intelligence Agency set up an organization it calls Joint Intelligence Task Force-Counterterrorism (JITF-CT). Established in the wake of the bombing of the *USS Cole* by Al-Qa'ida members in October 2000, and augmented by new assignments of personnel and resources after the September 11 attacks, JITF-CT aspires to provide its analysts with deep data access sufficient to permit real all-source fusion. According to RADM Jacoby, DIA's aim in establishing JITF-CT was to create a "stand-alone limited access data repository accredited to host the entire range of terrorism related information, regardless of source" – including not just "highly compartmented intelligence," but also "law enforcement information related to ongoing investigations or prosecutions, and security incident reporting sometimes catalogues as criminal, rather than terrorism activity." JITF-CT seeks to "apply state-of-the-practice technological tools and expertise that enhance opportunities for 'analytic discovery.'"[63]

The Attorney General established his own Foreign Terrorist Tracking Task Force (FTTTF) after September 11 in order to help develop "deep"-access data-mining techniques and apply these new methodologies to the formidable challenge of catching terrorists operating within the United States. FTTTF is co-located with the Pentagon's Joint Counterintelligence Assessment Group (JCAG, a.k.a. the Counterintelligence Field Activity, or CIFA), which

[63] RADM Lowell E. Jacoby, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 2.

provides technical support.[64] As with JITF-CT, FTTTF/JCAG aspires to bring about great innovations in analyst access to and data-mining of disparate "all-source" data-streams.

The experience of these innovative analytical cells, however, is simultaneously encouraging and dispiriting. It is encouraging in that it shows a commendable interest in inter-agency information-sharing on something approaching – or at least aspiring to – a truly all-source basis, and enabled by state-of-the-art analytical tools. Nonetheless, it is also dispiriting in that the available evidence suggests that these organizations are experiencing some notable "pushback" by the traditional information-holders within the Intelligence Community. According to RADM Jacoby, for instance, JITF-CT and DIA are still being denied information by "those intelligence and law enforcement organizations that are the 'owners' or 'arbiters' of unshared information." "This is no small problem" as Jacoby emphasizes, for although the

[64] JIS, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 15-16.

> "un-shared information falls largely into the categories of background and contextual data, sourcing, seemingly benign activities, and the like . . . it is within these categories that the critical 'connecting dot' may well be found."[65]

The CIA has its own "all-source" fusion cell devoted to terrorist targets, in the form of the DCI's Counterterrorism Center (CTC). The CTC has performed this function for some years, and not without some success. Even CTC has had difficulty penetrating the veil of agency information-hoarding. Although as an operational arm of the CIA staffed principally by Directorate of Operations personnel, the CTC is denied far less information in CIA operational cables than organizations such as JITF-CT, it still encounters information-sharing problems in dealing with *other* organizations. In particular, timely and effective access to law enforcement information has been a traditional weakness at CTC, and the NSA has refused to permit the Center access to "raw" SIGINT data. Moreover, another weakness of CTC as an *analytical* fusion cell is precisely its *operational* focus: CTC plays a vital role in spearheading our country's campaign to disrupt and dismember terrorist cells overseas, but this necessarily means that it devotes less time to purely *analytical* work on terrorism than would otherwise be the case. Indeed, not unlike FBI analysts diverted to "operational" support to ongoing investigations (see below), CTC analysts apparently spend a great proportion of their time providing analytical support to CTC's ongoing *operations*.

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[65] RADM Lowell E. Jacoby, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 5.

More than a year after September 11, there is still "no single agency or database or computer network that integrates all counter terrorism information nationwide."[66] And there is no center devoted entirely to counterterrorist analysis on a truly all-source basis. As former Representative Lee Hamilton emphasized in testimony before our Joint Inquiry, this is a significant unmet need within the Intelligence Community.

> "We need a center in the government for all intelligence – foreign and domestic – to come together. There is currently no place in the government where we put together data from all of our domestic and foreign sources – the CIA, FBI, Department of Defense, Department of State, NSA, and other agencies."[67]

(3) *Technological and Bureaucratic Empowerment*

(a) *"Total Information Awareness"*

To help address the need for technological change to support the kind of analyst empowerment that our Intelligence Community needs, Dr. Robert Norris of the National Defense University and RADM Jacoby of DIA argued that the IC should take its cue from the private sector and move toward a common data format standard. Such a standard, they suggested, would allow data-interoperability – as opposed to *system* interoperability, which is much more

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66 JIS, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 5.

67 Lee Hamilton, written statement presented to SSCI/HPSCI joint hearing (October 3, 2002), at 4.

challenging and is perhaps unattainable [68] – across the Community, or even across the federal government as a whole.

> "Interoperability at the data level is an absolutely necessary attribute of a transformed intelligence environment because it enables horizontal integration of information from all sources – not just intelligence – and at all levels of classification."[69]

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68 Dr. Robert C. Norris, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 10 (*quoting* LTG Peter Cuviello); *see also id.* at 7 (*quoting* Brig. Gen. Michael Ennis).

69 RADM Lowell E. Jacoby, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 8.

In this regard, RADM Jacoby suggested that the Community follow the commercial world in embracing eXtensible Markup Language (XML) was a way to ensure such data-interoperability.[70]

Interestingly, an ongoing project by the Information Awareness Office (IAO) of the Defense Advanced Research Projects Agency (DARPA) suggests that while such data-interoperability would be enormously useful, it may not be an absolute prerequisite for meaningful "deep access" data-mining within the Intelligence Community, the U.S. Government, or beyond. The SSCI has been following with great interest IAO's work on what it calls its "Total Information Awareness" (TIA) project, for this project holds out the prospect of providing the technological tools to achieve radical analyst empowerment vis-á-vis the IC's entrenched information-holders.

[70] *Id.*

TIA aspires to create the tools that would permit analysts to data-mine an indefinitely-expandable universe of databases. These tools would not be database-specific, but would rather be engineered in such a way as to allow databases to be added to the analytical mix as rapidly as interface software could be programmed to recognize the data formats used in each new database and to translate queries and apply specific "business rules" into a form usable therein. Through this system, TIA hopes to enable an analyst to make search requests – either on a name-by-name basis or in order to apply sophisticated pattern-recognition software – to each among a "cloud" of remotely-distributed databases. Each analyst user would possess a complex set of individual "credentials" which would be embedded in each query and "travel" with that query through the database universe. These credentials would include information such as the user's access permissions and the specific legal and policy authorities under which each query has been conducted; they would tell the system what sorts of responses that user is permitted to get.[71] Even when the user did not have authority to see certain types of information, the system would be able to tell the analyst whether any data responsive to his query existed in any particular database, allowing him to submit a request for access to higher authority.[72] Information responsive to user queries would then be passed back through the system to an automated data repository, where it would be stored for analytical exploitation.[73]

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71 The TIA project also contemplates a system of "selective revelation of information," whereby initial responses to a query would indicate merely the presence of responsive entries or patterns. Subsequent queries – and perhaps additional levels of authority – would be needed for the analyst to "bore deeper" into the data.

72 This helps analysts get avoid the "you don't know what you don't know" dilemma, yet without compromising particularly sensitive information to unauthorized individuals.

73 IAO officials have told committee staff that DARPA envisions the possibility of supporting analysts with semi-automated functions that would "learn" from the behavior of large numbers of other users on the system, "pushing" data out to users working on specific topics in ways loosely analogous to

The TIA approach thus has much to recommend it as a potential solution to the imperative of deep data-access and analyst empowerment within a 21st-century Intelligence Community. If pursued with care and determination, it has the potential to break down the parochial agency information "stovepipes" and permit nearly pure *all*-source analysis for the first time – yet without unmanageable security difficulties. If done right, moreover, TIA would be infinitely scalable: expandable to as many databases as our lawyers and policymakers deem to be appropriate.[74]

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the way in which the software at Amazon.com recommends books to browsers based upon what *other customers* who selected a particular title also picked.

[74] What's more, the TIA architecture is being designed to create elaborate audit trails upon the initiation of each query. These audit trails, which would be accessible to intelligence oversight organs, would be specially encrypted and secured against tampering, and would allow overseers to hold each accredited user accountable for activity undertaken within the system and information gleaned therefrom. Moreover, developing TIA will apparently not involve the use of any data from actual persons (*e.g.*, information about real Americans). IAO plans to construct a "virtual" economy filled with huge numbers of "synthetic" personal transactions by millions of hypothesized people. A "red team" would develop and "carry out" attacks within this virtual environment, role-playing the parts of individual terrorists in order to create transactional trails. The software developers would then try to develop programs to identify these patterns of "terrorist" transactions, picking them out of the "noise" of the "synthetic" civilian transactions in which they will be embedded. This approach, DARPA hopes, will identify the best ways to identify real terrorists while minimizing the system's intrusion upon the transactional records of *non*-terrorists.

TIA promises to be an enormously useful tool that can be applied to whatever data we feel comfortable permitting it to access. How broadly it will ultimately be used is a matter for policymakers to decide if and when the program bears fruit. It is worth emphasizing, however, that TIA would provide unprecedented value-added even if applied exclusively *within* the current Intelligence Community – as a means of finally providing analysts deep but controlled and accountable access to the databases of collection and analytical agencies alike. It would also be useful if applied to broader U.S. Government information holdings, subject to laws restricting the use of tax return information, census data, and other information. Ultimately, we might choose to permit TIA to work against some of the civilian "transactional space" in commercially-available databases which are already publicly and legally available today to marketers, credit card companies, criminals, and terrorists alike. The point for civil libertarians to remember is that policymakers can choose to restrict TIA's application however they see fit: it will be applied only against the data-streams that our policymakers and our laws permit.

I mention TIA here at some length because it represents, in my view, precisely the kind of innovative, "out of the box" thinking of which I have long been speaking – and which Americans have a right to *expect* from their Intelligence Community in the wake of a devastating surprise attack that left 3,000 of their countrymen dead. It is unfortunate that thinking of this sort is most obvious in the Defense Department rather than among Intelligence Community leaders, and more unfortunate still that projects like TIA are likely to encounter significant *resistance* from the entrenched information-holders at the core of the traditional IC. Nevertheless, projects like this represent a bright spot in the Community's baleful recent history of counterterrorist information-sharing.

(b) *Homeland Security Intelligence Fusion*

Another bright spot is the potential for a fresh start that is presented by the new Department of Homeland Security. The Homeland Security bill signed by President Bush on November 25, 2002 contains provisions which I wrote specifically in order to help address these information-sharing problems within the Intelligence Community and between other federal agencies. Specifically, this new law makes it the responsibility of the Undersecretary for Information Analysis and Infrastructure Protection at the Department of Homeland Security to

> "establish and utilize . . . a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section . . . ."[75]

This language is complemented by the strong information-access provisions I also wrote into the bill. These provisions provide appropriately-cleared Homeland Security analysts with authority affirmatively to *access* (*i.e.*, not simply to be *given*):

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[75] Public Law 107-296 (November 25, 2002), at § 201(d)(14).

> "*all* information, including reports, assessments, analyses, and unevaluated intelligence related to threats of terrorism against the United States . . . that may be collected, possessed, or prepared by any agency of the Federal Government."[76]

Read together, as they were intended to be, these provisions provide statutory authorization for a radical new approach to counterterrorist information-sharing in which analysts are for the first time given the ability to conduct *real* "all-source" analysis and to "connect the dots" in order to protect our nation from terrorists.

It was my hope with this legislation to begin to move our Intelligence Community, to paraphrase former DIA Director Thomas Wilson, beyond the realm of information "sharing" entirely, inasmuch as "sharing" connotes information *ownership* by the party that decides to share it, an idea that is antithetical to *truly* empowering analysts to connect all the right "dots."[77]

My views on this subject have been powerfully reinforced by the findings of the Joint Inquiry, which has recommended that Congress work diligently to ensure the success of the Homeland Security information analysis office – including ensuring that it gets "full and timely access to all counterterrorism-related intelligence information," including all the "'raw' supporting data" it needs. While it certainly remains in President Bush's power to stop his new

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[76] *Id.* at § 202(a)(1) (emphasis added).

[77] *See* JIS, written statement presented to SSCI/HPSCI joint hearing (October 1, 2002), at 13 (citing VADM Thomas Wilson).

Homeland Security organization short of leading the way toward this new paradigm, it is my hope – and it was the inspiration behind my contributions to Title II of the Homeland Security bill and the recommendations of the Joint Inquiry – that he will use this historic opportunity to bring the U.S. Intelligence Community into the 21st century. I dearly hope that, recent press reports to the contrary,[78] the Administration will not squander the opportunity to make true all-source fusion finally work to protect Americans from terrorism.

(4) *The Other Side of the Coin: Protecting National Security Information*

[78] *See, e.g.*, Eggen & Mintz, *supra*, at 43.

In the context of information sharing, a quick word should also be said about the need to protect national security information from unauthorized disclosure. Those of us with regular access to highly classified information cannot help but be appalled by the frequency with which the publication within the Intelligence Community of enormously sensitive reports is quickly followed by sensationalistic press accounts of that very same information. The President, the Secretary of Defense, and other officials have all stated emphatically the dangers posed by the endemic culture of media "leaks" in modern Washington. As Attorney General Ashcroft has noted, "there is no doubt and ample evidence that unauthorized disclosures of classified information cause enormous and irreparable harm to the nation's diplomatic, military, and intelligence capabilities."[79] As we have learned during the course of this Joint Inquiry, our Intelligence Community's ability *personally* to track Usama bin Laden himself was lost in 1998 on account of a senior official's boasting to the media about a certain type of collection capability. We simply *cannot* hope to fight the war on terrorism with sustained success if we continue to see our intelligence activities and capabilities featured in the press as part of what Senator Pat Roberts has described as "the leak of the week."

Unfortunately, however, our current laws against disclosing classified information are far too weak, and investigations of leaks usually far too difficult, for prosecutors to have had any success in pursuing them. Indeed, in the last half-century, I am aware of only *one* non-espionage case in which someone was prosecuted for an unauthorized disclosure. The SSCI and HPSCI tried to address this issue in 2000 by placing a section in our Fiscal Year 2001 intelligence authorization bill that would have made it a felony for someone with authorized access to

[79] Attorney General John Ashcroft, letter to Vice President Dick Cheney (October 15, 2002).

classified information knowingly to disclose it to someone not authorized to receive it.[80] President Clinton, however, vetoed the bill.

Now that the war on terrorism has refocused us upon the potentially appalling consequences of our culture of leaks, the 108th Congress should take up and enact this legislation anew – and President Bush should sign it. Such anti-leaks legislation will become more important than ever as we move into the 21st century world of true "all-source" fusion and automated data-mining within the Intelligence Community. We should also bear continually in mind the admonition contained in the Joint Inquiry's recommendation to consider the degree to which "excessive classification" has impeded the IC's ability to handle the information-management responsibilities we ask of it. We must both punish leaks of information *and* ensure that the only information subject to classification is that which truly needs to be.

III. *Intelligence-Law Enforcement Coordination*

Another of the discouraging lessons of September 11 is the extent to which the United States' law enforcement agencies (LEAs) and its Intelligence Community (IC) still have not managed to work effectively with each other. Progress has been made in this regard since the terrorist attacks, thanks in large part to Congress' prompt passage of the USA PATRIOT Act of 2001 (Public Law 107-56). This remains an area, however, in which much improvement is

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[80] *See* S.2507 (106th Congress, 2d Sess.), at § 303.

needed – as well as sustained Congressional oversight to ensure that these agencies really do make cooperation part of their institutional culture over the long run.

A. *FISA and Its Discontents*

Much of the blame for the dysfunctional nature of pre-September 11 LEA/IC coordination can be traced to a series of misconceptions and mythologies that grew up in connection with the implementation of domestic intelligence surveillance (and physical searches) under the Foreign Intelligence Surveillance Act (FISA).[81] Rigid and restrictive readings of FISA in the early and mid-1990s acquired with time the apparent legitimacy of long-presumed acceptance, and created a sterile and ultimately fallacious conventional wisdom that effectively – but unnecessarily – *prevented* meaningful LEA/IC coordination.

(1) *Development of the "No Coordination" Myth*

Much of the pre-September 11 problems with FISA can be traced to confusions associated with participants' understandings of the so-called "purpose test" embodied in the statute. Under FISA as it existed before 2001, a surveillance or search order could only be obtained if, among other things, the government was able to certify – and a federal judge on the FISA court agreed – that "the purpose" of the undertaking was to collect foreign intelligence information.

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[81] 18 U.S.C. § 1801 *et seq.*

Taking their cue from *non-FISA* caselaw setting forth the constitutional rules for warrantless intelligence surveillance, most courts interpreting FISA – and essentially all intra-Executive Branch officials who dealt with these matters – read FISA's "the purpose" language as imposing the requirement that the "primary" purpose of the requested surveillance or search be the collection of foreign intelligence. Warrantless surveillance cases such as *Truong*[82] arising out of activities undertaken before the passage of the FISA statute, had helped create what became known as the "primary purpose" test. Technically, the seminal "primary purpose" cases did not apply to surveillance conducted under FISA, a statute enacted by Congress in order to establish a special, court-overseen system of domestic intelligence surveillance and thus to replace the pre-FISA constitutional standard with a specified statutory one. Nevertheless, it did not take long for courts and commentators alike to interpret FISA as incorporating the pre-FISA "primary purpose" test.

As the FISA Court of Review ably explained in a recent landmark decision (and the first case ever heard by that appellate body established by the FISA statute in 1978), FISA itself imposes few, if any, restrictions upon intelligence/law enforcement coordination. Indeed, according to the Court of Review, the very *idea* that there exists a "dichotomy" between "criminal" and "intelligence" purposes was merely an unwarranted assumption that subsequent participants in the FISA process imagined into the law.[83] Nevertheless, in short order it had

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82 *United States* v. *Truong Dinh Hung*, 629 F.2d 908 (4th Cir. 1980).

83 *See* Foreign Intelligence Surveillance Court of Review, *In re: Sealed Case No. 02-001* (November 18, 2002) [hereinafter "Court of Review Opinion"], at 18-19.

become the conventional wisdom of U.S. intelligence oversight law that FISA incorporated the "primary purpose" test – and thus that there must at some point be a limit to the permissible degree of "criminal investigative" involvement in electronic surveillance or physical searches[84] under FISA.

[84] Physical searches were not covered by the original FISA statute, being added to the law in 1995. (Before that point, therefore, physical searches still fell under the pre-FISA constitutional standards for warrantless surveillance.)

More importantly – and, as it turns out, far more perniciously – this half-imagined "purpose test" itself came to be interpreted extremely rigidly, in ways that in time came to be seen effectively to preclude *any* meaningful coordination between criminal investigators and intelligence personnel even in terrorism and espionage cases. As first discussed publicly in connection with a report on the Wen-Ho Lee affairs by the Chairman of the Senate Governmental Affairs Committee in 1999,[85] and as subsequently detailed both in a General Accounting Office (GAO) study[86] and the declassified findings of a special Justice Department review – the Attorney General's Review Team (AGRT) headed by Assistant U.S. Attorney Randy Bellows, which produced the so-called "Bellows Report"[87] – DOJ attorneys adopted a

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85 Fred Thompson & Joseph Lieberman, "Special Statement on "Department of Energy, FBI, and Department of Justice Handling of the Espionage Investigation into the Compromise of Design Information on the W-88 Nuclear Warhead" (August 5, 1999), *available at* http://www.senate.gov/~gov_affairs/_080599_china_espionage_statement.html (visited August 23, 2001).

86 General Accounting Office, *Coordination Within Justice on Counterintelligence Criminal Matters is Limited* (July 2001) [hereinafter "GAO Report"].

87 Attorney General's Review Team, *Final Report on the Handling of the Los Alamos National Laboratory Investigation* (May 2000), declassified version [hereinafter "Bellows Report"].

hyper-restrictive, and legally unnecessary, approach to FISA applications. This approach, as was apparently intended, maximized the likelihood of FISA order requests being approved by the Foreign Intelligence Surveillance Court (FISC) and certainly minimized FISA "intrusions" upon American privacy.[88] It came at the cost, however, of prohibiting a great deal of useful *and quite lawful* information-sharing and coordination between intelligence and criminal investigators.

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[88] These debates, of course, came up with most vehemence in connection with proposed FISA surveillance or physical searches of the property of "United States persons" – that is, U.S. citizens, lawful permanent residents, or U.S. corporations, *see* 50 U.S.C. §§ 1801(i) (providing definition) – because FISA imposes special rules for dealing with U.S. persons, *see id.* at § 1801(a), 1804(a), & 1825(a). FISA surveillance and searches are much more easily available, under the statute, against non-U.S. persons such as foreign diplomats or facilities within the United States. *See, e.g., id.* at § 1802(a)(1) (permitting surveillance of premises exclusively controlled by a foreign power without need for court approval).

As best I have been able to piece these things together today – and in its recent decision on these matters, the FISA Court of Review (COR) disclaimed any real certainty about when these problems first arose[89] – the most damaging manifestations of this phenomenon came about after 1995, in the wake of the espionage prosecution of senior CIA officer (and Soviet mole) Aldrich Ames. Criminal and intelligence investigators in that case allegedly cooperated closely, so closely that lawyers within Attorney General Janet Reno's Justice Department apparently became convinced that they might "lose" the Ames case if defense counsel asked the trial judge to suppress evidence obtained by intelligence surveillance on the grounds that this collection had "really" been for *criminal* purposes.

As it turned out, Ames' guilty plea brought the case to a conclusion before this issue could be joined. Unsettled by the episode, Clinton Administration lawyers apparently concluded that they would in the future essentially *prohibit* coordination between criminal and intelligence investigators. The Attorney General issued special guidelines in July 1995 setting forth standards for information-sharing and coordination between FBI agents working on FISA cases or other intelligence investigations and attorneys in DOJ's Criminal Division. These guidelines *did* permit some cooperation, specifying standards for when the Criminal Division was to be

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89 *See* Court of Review Opinion, *supra*, at 10 (suggesting that this dynamic may have begun "at some point during the 1980s").

notified of information.[90]

[90] Attorney General Janet Reno, "Procedures for Contacts Between the FBI and the Criminal Division Concerning Foreign Intelligence and Foreign Counterintelligence Investigations," memorandum to Assistant Attorney General, Criminal Division, *et al.* (July 19, 1995).

As detailed by GAO, however, these guidelines were never really enforced within DOJ. With these guidelines standing, in effect, in abeyance, DOJ attorneys – especially those within the Office of Intelligence Policy and Review (OIPR), which serves as the Department's "gatekeeper" on FISA matters – were free to interpret FISA as banning essentially *any* contact between FISA investigators and the Criminal Division. As GAO and a special internal DOJ report have recounted, coordination on intelligence cases dropped off significantly after the guidelines were issued, and what contact *was* undertaken commonly occurred so late in the process as to be substantively useless.[91] According to some participants, meetings between FBI intelligence investigators and Criminal Division attorneys became "unproductive," and even "weird" and "surreal." The new restrictions imposed by OIPR prevented the FBI from obtaining "meaningful advice from the Criminal Division during an FCI [foreign counterintelligence] investigation," and impeded "the FBI's ability to do its job."[92] In short order, OIPR attorneys turned the "primary purpose test" into a *de facto* "'exclusive' purpose" test.[93] No FISA request was permitted to go forward if there was *any* meaningful coordination between criminal and intelligence investigative organs, and similar "no-coordination" standards were applied to all FCI and counterintelligence investigations. Denied any meaningful ability to coordinate actions between the LEA and IC spheres, the FBI developed a Byzantine system of parallel investigative tracks for working terrorism issues: "dirty" teams of intelligence investigators and "clean" teams of purely criminal-focused agents would work the same terrorist cases at the same time, "[y]et they rarely talk[ed] to each other."[94] This organizational allergy even to the most common-sense

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91 *See* GAO Report, *supra*, at 14.

92 Bellows Report, *supra*, at 732-33.

93 *See* GAO Report, *supra*, at 14.

94 *See, e.g.*, Roberto Suro, "FBI's 'Clean' Team Follows 'Dirty' Work of Intelligence," *Washington*

forms of counterterrorist cooperation become infamous after September 11: a "Wall" had been built between intelligence and law enforcement.

(2) *Manifestations in the September 11 Intelligence Failure*

Spurred by Congressional attention given to OIPR's excessively restrictive approach to FISA during the Wen-Ho Lee affair – and by the scathing critique of that office offered in the Bellows Report – DOJ began to realize in the final months of the Clinton Administration that it had created a significant national security problem for itself. On January 21, 2000, Attorney General Reno promulgated some new "interim measures," but she failed to adopt new guidelines before leaving office. Revised formal guidance, however, was not forthcoming until set forth in August 2001 by Deputy Attorney General Larry Thompson.[95] This clarified the rules for coordination between law enforcement and intelligence organs, emphasizing that notification of the Criminal Division is *mandatory* when information is developed that "reasonably indicate[s] that a significant federal crime has been, is being, or may be committed."[96]

Post (August 16, 1999), at A13.

95 Deputy Attorney General Larry Thompson, "Intelligence Sharing," memorandum to Assistant Attorney General Michael Chertoff *et al.* (August 6, 2001).

96 *Id.* at 2.

These new rules, however, did not make major changes in the 1995 guidelines, and were clearly insufficient to change the institutional culture that had developed within the FBI and the Justice Department around what was now the virtually unchallenged conventional wisdom of the "no coordination" myth. Investigators working before September 11 to get to the bottom of alarming terrorist cases such as those of Khalid al-Mihdhar, Nawaf al-Hazmi, and Zacarias Moussaoui repeatedly ran into the "Wall" and its institutional side-effects: an investigative culture positively allergic to LEA/IC information-sharing and coordination, and remarkably ignorant about how much such cooperation was actually allowed.

FBI special agents in the New York Field office working on the Bureau's investigation of the bombing of the Navy destroyer *USS Cole* by Al-Qa'ida, for instance, met with CIA officials in June 2001 in an effort to obtain information. At this point, the CIA knew both that al-Mihdhar and al-Hazmi were linked to a prime suspect in the *Cole* attack *and* that they were both in the United States, but it refused to give the FBI this information. Former CIA CTC chief Cofer Black later testified before Congress that the CIA's refusal to tell the FBI about these two terrorists loose in the United States had been entirely consistent with "rules against contaminating criminal investigators with intelligence information."[97] As one of the FBI agents involved in this episode put it,

> "'[t]he Wall', and implied, interpreted, created or assumed restrictions regarding it, prevented myself [sic] and other FBI agents working a criminal case out of the New York Field Office

[97] Cofer Black, written statement presented to joint SSCI/HPSCI hearing (September 26, 2002), at 3.

to obtain information from [the] Intelligence Community, regarding Khalid al-Mihdhar and Nawaf al-Hazmi in a meeting on June 11, 2001."[98]

[98] JIS, written statement presented to joint SSCI/HPSCI hearing (September 20, 2002), at 21.

Nor was this all. After the FBI was belatedly notified by the CIA in August 2001 that known Al-Qa'ida terrorists al-Mihdhar and al-Hazmi were in the United States, the Bureau began trying to track them down. Despite the urgency of this task, however, FBI Headquarters prohibited FBI criminal investigators in New York from participating in the search for these terrorists and refused even to tell them what little was known about the two men at the time. As one of the New York agents was informed in an e-mail from Washington, D.C., "that information will be passed over the wall" only if "information is developed indicating the existence of a substantial federal crime."[99] Perceiving there to be an unbridgeable gap between law enforcement and intelligence work, the FBI thus refused even to talk to *itself* in order to prevent mayhem by known Al-Qa'ida terrorists in the United States. Meanwhile, al-Mihdhar and al-Hazmi were in the final stages of their preparations for the September 11 attacks.

As noted by the JIS, these information sharing problems clearly "reflect misunderstandings that have developed over the last several years about using information derived from intelligence gathering activities in criminal investigations."[100] DOJ's "policies and practices regarding the use of intelligence information in FBI criminal investigations" helped make it enormously harder for the government to find al-Mihdhar and al-Hazmi in the last weeks before September 11[101] – even though they were both living and traveling under their true names at the time, and a simple Internet search requested by one of the New York FBI agents

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99 JIS, written statement presented to joint SSCI/HPSCI hearing (September 20, 2002), at 21.

100 JIS, written statement presented to joint SSCI/HPSCI hearing (September 20, 2002), at 13 (*quoting* e-mail message sent on August 29, 2001, from FBI Headquarters to FBI Special Agent in New York City).

101 JIS, written statement presented to joint SSCI/HPSCI hearing (September 20, 2002), at 20.

after the World Trade Center attacks yielded their address in San Diego "within hours."[102] The tragedy of this is that it was so needless: the law actually *did* not bar all cooperation across the "Wall" between law enforcement and intelligence. It was simply *assumed* to do so because years of timorous lawyering in the Justice Department and Intelligence Community reticence had created an institutional culture hostile to coordination. As FBI official Michael Rolince put it, procedures for information-sharing became so baroque and restrictive that sharing was essentially prohibited: "In terrorism cases, this became so complex and convoluted that in some FBI field offices agents perceived 'walls' where none actually existed."[103]

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102 FBI Agent from New York Field Office, testimony before joint SSCI/HPCSI hearing (September 20, 2002), *available from* Federal News Service.

103 Michael Rolince, written statement presented to joint SSCI/HPSCI hearing (September 20, 2002), at 4.

Coordination problems also arose in the Moussaoui case, in which FBI agents in the Minneapolis Field Office were desperate to search Moussaoui's personal effects for clues about his activity. Even though Moussaoui was in government custody, however, FBI agents were prohibited from looking through his computer and papers without court permission. FBI Headquarters actually *prohibited* intelligence investigators in Minneapolis from notifying the Criminal Division at the Justice Department about the Moussaoui situation, and *prohibited* agents from pursuing a criminal search warrant against him.[104]

FBI Headquarters apparently barred the pursuit of a criminal warrant on the theory that any professed interest in criminal prosecution would jeopardize any chances of a FISA – a reasonable assumption given OIPR's longstanding approach to such matters.[105] When the FBI agents actually contacted Headquarters about obtaining such a FISA order, however, they were given inexcusably confused and inaccurate information from attorneys at the FBI's National Security Law Unit (NSLU). FBI attorneys at Headquarters told Minneapolis that in order to get a FISA, they had to produce evidence showing that Moussaoui was affiliated with one or more groups on the State Department's official list of "terrorist" organizations. This legal advice was patently false and has no basis either in the FISA statute or in DOJ policy or guidelines.

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104 JIS, written statement presented to joint SSCI/HPSCI hearing (September 24, 2002), at 17-18.

105 During the Wen-Ho Lee affair, for instance, OIPR chief counsel Francis Fragos Townsend had rebuffed FBI attempts to get a FISA order in early 1999 because the FBI was by that point *considering* pursuing a criminal search warrant against Lee. According to contemporaneous notes taken by FBI officials, Townsend rejected the FBI's efforts to renew FISA discussions with the dismissal that the case had become "way too criminal." *See* Thompson & Lieberman, *supra*, at 13.

Nevertheless, this bad advice led the Minneapolis agents on a legal wild goose chase for nearly three weeks, as they tried to find enough information connecting Chechen terrorist organizations – with whom Moussaoui had some ties, but who were not on the list – to Al-Qa'ida.[106]

(3) *Developments Since September 11*

[106] JIS, written statement presented to joint SSCI/HPSCI hearing (September 24, 2002), at 19-20; *see also* Minneapolis FBI Agent, testimony before joint SSCI/HPSCI hearing (September 24, 2002), *available from* FDCH Political Transcripts (September 24, 2002)..

Since the September 11 attacks, both Congress and the Justice Department have taken important steps to revise the law and policies restricting law enforcement/intelligence coordination. The myth that FISA prohibited essentially all coordination between intelligence and law enforcement agents, while untrue even under pre-September 11 law, was addressed by Congress' passage of the USA PATRIOT Act of 2001 (Public Law 107-56), which took aim directly at the "primary purpose" test long assumed to be part of FISA case law. Whereas FISA for years had provided that "the purpose" of FISA surveillance had to be intelligence collection, after President Bush's signature of the USA PATRIOT Act, FISA said merely that orders are to be granted where this is "a significant purpose."[107] Thereafter, no inference of a "primary" purpose test should have been permitted, much less an "exclusive purpose" standard. After October 26, 2001, the FISA statute permitted surveillance and physical searches even for undertakings that were *primarily* criminal – provided only that intelligence collection was not an *insignificant* reason for the undertaking.

It took over a year, however, for the USA PATRIOT Act changes to penetrate the U.S. Government's entrenched "no coordination" bureaucratic culture. In November 2001, immediately *after* Congress had enacted the "significant purpose" change to FISA, the Foreign Intelligence Surveillance Court broke with previous precedent and for the first time *required* DOJ and the FBI to follow the Attorney General's *July 1995 guidelines* on law enforcement-intelligence coordination.[108] Although court approval was necessary under the FISA statute for the establishment of FISA "minimization rules" for handling information on U.S. citizens or lawful permanent residents, the FISC had never before seen fit to enforce specific general rules

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107 Public Law 107-56 (October 26, 2001), at § 218.

108 *See* Court of Review Opinion, *supra*, at 21-22 (recounting history of case).

on coordination between intelligence and law enforcement organs. The July 1995 guidelines had been the creation of the Attorney General's policy discretion, and the FISC had never required them to be followed during the long years of the late 1990s when they were being ignored by DOJ attorneys seemingly hostile to the very *idea* of such coordination. Yet the moment that Congress changed the law in order to make clear that it intended there to be no "Wall," the FISC stepped in to *impose* the very legal standards repudiated by the USA PATRIOT Act.

With its November 2001 ruling imposing the July1995 guidelines upon the post-September 11 Justice Department, the FISC necessarily established the precedent that any *changes* to the coordination guidelines required court approval. Things got still more strange after the Attorney General duly submitted draft guidelines in March 2002, seeking the FISC's approval to implement the changes written into law by the USA PATRIOT Act. These new proposals embodied the "significant purpose" changes, and permitted extensive information-sharing and coordination between intelligence and law enforcement elements within the Department and the FBI – to the point that "*all* DOJ component are free to offer advice and make recommendations, both strategic and tactical, about the conduct and goals of the investigations."[109]

The FISC, however, rejected the Attorney General's proposed changes, declaring in a May 17, 2002 opinion that they went too far. Wholly ignoring the USA PATRIOT Act's changes to the FISA "purpose test," this opinion explicitly *endorsed* what the FISC itself described as "the Wall" between law enforcement and intelligence – finding support for this not

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109 "Intelligence Sharing Procedures for Foreign Intelligence and Foreign Counterintelligence Investigations Conducted by the FBI," memorandum from Attorney General John Ashcroft to FBI Director *et al.* (March 6, 2002), at 2.

in the crucial "purpose test" modified by Congress but in the statute's substantively unrelated provisions on "minimization rules" to govern the handling of information specifically about U.S. persons.[110]

[110] *See* Foreign Intelligence Surveillance Court, *In re: All Matters Submitted to the Foreign Intelligence Surveillance Court*, Memorandum Opinion (as Corrected and Amended), multiple docket numbers (May 17, 2002) [hereinafter "FISC Opinion"], at 18 & 22-27.

It was not until November 2002 that the FISA Court of Review – the never-before-used appellate body created by the statute – issued an opinion overruling the FISC's decision. Thanks to the Court of Review holding, the law thus stands today where Congress *intended* it to stand on October 26, 2001: there is no restriction upon coordination between law enforcement and intelligence organs in connection with FISA surveillance or physical searches, and such activity can lawfully be undertaken even if *primarily* done with prosecutorial intent, provided that a "significant" intelligence purpose remains.[111] Given its erratic and reflexive behavior after September 11, how faithfully the FISC actually applies this standard to individual FISA requests remains to be seen.[112] Provided that the FBI can persuade its NSLU attorneys to *learn* FISA law

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111 Ironically, the law stands here today even though the Court of Review held that before the USA PATRIOT Act there really was never any "dichotomy" between a FISA order's "intelligence" and "criminal" purpose *in the first place*. As the Court of Review explained the law, under FISA as originally written, even a *wholly* prosecutorial purpose *should* have been acceptable – insofar as putting spies and terrorist behind bars and/or using the threat of prosecution to "squeeze" them for information *was* an entirely legitimate "intelligence" purpose. According to the Court of Review, the USA PATRIOT Act, by purporting to loosen a "purpose test" that Congress wrongly assumed to exist, actually *imposed* a balancing test between "criminal" and "law enforcement" purposes for the first time. The bottom line, however, is that FISA law today *actually* says what Congress *intended* it to say after the passage of the USA PATRIOT Act.

112 There is some room for concern that the FISC's legal instincts have become too congruent with the "Wall" mentality. As the Court of Review acidly suggested in a barbed footnote to its November 2002 opinion, some of the FISC's eagerness to defend mistaken concepts of the "Wall" may have stemmed from the fact that an OIPR attorney closely associated with "Wall" thinking recently took up a position as FISA clerk to the federal district judges serving on the FISC. *See* Court of Review Opnion, *supra*, at 20 n.15. The attorney in question is Allan Kornblum, who achieved a degree of notoriety in FISA circles as the DOJ lawyer perhaps most personally responsible for the Department's much-criticized interpretation of "probable cause" under the FISA statute during the Wen-Ho Lee affair. *See* Fred Thompson & Joseph Lieberman, transcript of press conference (August 5, 1999) (*available from* Federal News Service), at 2-3 (remarks of Senator Thompson describing OIPR's "highly restrictive view of probable cause" as "a faulty interpretation") & 4 (remarks of Senator Lieberman, noting that he "disagreed" with OIPR's "judgment call"); Bellows Report, *supra*, at 482 (concluding that the Wen-Ho Lee FISA application indeed "established probable cause" and "should have resulted in the submission of a FISA application, and the issuance of a FISA order").

better – and provided that Attorney General Ashcroft succeeds in replacing the "Wall" culture with new attitudes devoted to effective coordination – there is reason for optimism that coordination-related problems of the sort seen in the al-Mihdhar, al-Hazmi, and Moussaoui cases will not recur.

(4) *Intelligence-Law Enforcement Information-Sharing*

In addition to problems stemming from presumed legal obstacles to passing crucial information from the Intelligence Community to law enforcement, the events of September 11 highlighted the problems of passing information in the other direction: from law enforcement *to* the Intelligence Community. Throughout the 1990s, for instance, the Justice Department, the FBI, and the offices of various U.S. Attorneys around the country accumulated a great deal of information about Al-Qa'ida and other terrorist networks operating within the United States. This information was derived from law enforcement investigations into such events as the 1990 assassination of Rabbi Meier Kahane, the 1993 World Trade Center bombing, the abortive plot to blow up various harbors and tunnels in New York City, the 1996 Khobar Towers attack, the 1998 U.S. embassy bombings, Al-Qa'ida's "Millennium Plot," and the attack on the *USS Cole* in October 2000. Most of this information, however, remained locked away in law enforcement evidence rooms, unknown to and unstudied by counterterrorism (CT) analysts within the Intelligence Community.

That this information possessed potentially huge relevance to the Intelligence Community's CT work is beyond question. Indeed, until the late1990s, at least, U.S. law enforcement offices probably had more information on Al-Qa'ida – its key members operating in the West, its organizational structure, and its methods of operation – than the CIA's CTC. Two

CT specialists from the Clinton Administration's National Security Council later described court records from 1990s terrorism trials as being "a treasure trove" that contained "information so crucial that we were amazed that the relevant agencies did not inform us of it while we were at the NSC."[113] A small office within the Office of Naval Intelligence, for instance, began a whole new field of inquiry into terrorist maritime logistics networks in the summer of 2001 on the basis of a single FBI interview form (a "Form 302") and the public court transcripts from the 1998 embassy bombings trials in New York, long before anyone had even *tried* systematically to "mine" law enforcement records for intelligence-related information.[114] That most such law enforcement information remained off limits to intelligence analysts before September 11 is terribly, and perhaps tragically, unfortunate.[115]

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113 Daniel Benjamin & Steven Simon, *The Age of Sacred Terror* (New York: Random House, 2002), at xii-xiii.

114 This office, known as the Maritime Target Development Division (MTDD), has since been elevated to the status of full-fledged Department office within the ONI organization.

115 The degree to which law enforcement information remained so firmly embedded within records unsearched by intelligence analysts can perhaps be seen in the failure of our own JIS to identify within Intelligence Community records what is perhaps the earliest known reference by an Islamic fundamentalist to a plot to attack buildings such as the World Trade Center towers. After U.S. law

Even apart from coordination-related concerns about the "Wall" discussed previously, the sharing of law enforcement information with the IC was fiercely resisted by law enforcement officials. Some of this was unavoidable, insofar as information protected by Rule 6(e) of the Federal Rules of Criminal Procedure – that is, grand jury information – really could *not* lawfully be passed to intelligence analysts. Like the mythology of the coordination "Wall" in the years before September 11 the "Rule 6(e) excuse" acquired an unwarranted mythological dimension of its own.

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enforcement authorities captured El-Sayyid Nosair after his assassination of Rabbi Meier Kahane in 1990, they found in one of his notebooks a lyrical description of the need to destroy "the enemies of Allah . . . by means of destroying exploding [sic], the structure of their civilized pillars such as the touristic infrastructure which they are proud of an their high world buildings which they are proud of . . . ." *See* Benjamin & Simon, *supra*, at 6. More than a decade after this evidence was seized, the JIS' searches of Intelligence Community databases for information that might have presaged the September 11 attacks has apparently produced *not a single reference* to this pregnant early warning signal by an Islamic fundamentalist now long known to have been linked to Sheikh Omar Ahmad Abdel Rahman and the terrorist cell responsible for the 1993 World Trade Center attacks and involved in plotting to blow up multiple tunnels and monuments in New York City thereafter.

Rule 6(e) restricts the disclosure of information *actually revealed* in the confidence of the grand jury chamber. This prohibition, however, does not actually reach *other* information in the possession of law enforcement entities, such as FBI "Form 302" witness interview records, documents obtained in response to search warrants, "lead" information acquired from sources, and so forth. Even during the most secretive grand jury investigation, in other words, there is a huge amount of information that can be shared with intelligence officials without running afoul of Rule 6(e). (Such information may be highly sensitive, of course, but protecting sensitive sources and methods is hardly something with which the Intelligence Community lacks experience.)

Sadly, however, Rule 6(e) increasingly came to be used simply as an excuse for *not* sharing information – leaving vital collections of *shareable* information about international terrorist groups off-limits to IC intelligence analysts. For years, it was routine FBI and DOJ practice to respond to virtually *any* Intelligence Community requests for information with the answer that "Rule 6(e)" prevented any response. As two frustrated NSC veterans describe it,

> "Rule 6E [sic] is much more than a procedural matter: it is the bulwark of an institutional culture, and as Justice Department lawyers readily admit, it is used by the Bureau far more often than it should be. It is one of the Bureau's foremost tools for maintaining the independence that the FBI views as its birthright."[116]

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[116] Benjamin & Simon, *supra*, at 227.

Indeed, by this account, NSC officials met with Attorney General Reno in 1993 about the obstacles this dynamic presented for counterterrorism analysis. "Although the issue was revisited many times over the next four years," nothing happened: "The FBI balked at the proposal, and [Attorney General] Reno, although she was [FBI Director] Louis Freeh's boss, could never bring him around."[117]

[117] *Id.*

After the surprise attacks on September 11, the new Justice Department of Attorney General Ashcroft worked with Congress to put the Rule 6(e) issue to rest. Apparently working from the assumption that it would be easier to change the law itself than to fix a parochial and dysfunctional institutional culture that used the Rule as an excuse to prevent *all* information-sharing, they determined simply to *change* Rule 6(e) to permit information-sharing with intelligence officials. This change was incorporated into the USA PATRIOT Act.[118]

As the law stands today, even intelligence-related information that derives exclusively from revelations within the confines of the grand jury chamber may freely be shared with the Intelligence Community. The USA PATRIOT Act, in fact, permits sharing criminal wiretapping information[119] and more generally authorizes information-sharing "[n]otwithstanding any other provision of law"[120] – thus sweeping within its ambit not only Rule 6(e) but also 18 U.S.C. § 2517 and any other rule that might providing an excuse to hoard information. Indeed, Title IX of the Act included a provision that, subject to the Attorney General's establishment of procedures and standards for such sharing, *requires* law enforcement organs to pass information with intelligence significance to the Intelligence Community.[121]

(5) *Recommendations*

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118 P.L. 107-56, at § 203(a).

119 *Id.* at § 203(b).

120 *Id.* at § 203(d).

121 *Id.* at § 905.

Organizational cultures are notoriously hard to change, and it remains to be seen how well the legal and policy changes of the post-September 11 period will become part of the institutional fabric of the Justice Department and the FBI. In the interest of ensuring that sustained progress is made in this regard, Congress probably made a mistake in subjecting the broad "notwithstanding any other provision of law" sharing provision and the "significant purpose" FISA amendment in the USA PATRIOT Act to that bill's "sunset" clause – which will cause these important provisions to expire in December 31, 2005.[122] If it wishes to see these improvements in information-sharing and law enforcement-intelligence coordination succeed in the long term, the 108th Congress should consider exempting them from the "sunset" provision.[123]

The 108th Congress should also reintroduce and promptly approve the amendment to FISA proposed in June 2002 by Senators Kyl and Schumer. This legislation – which was introduced during the 107th Congress as S.2586 – would modify the "foreign power" definition in the FISA statute to permit the issuance of surveillance or search orders against *non*-U.S.

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122 *See id.* at § 224(a) (providing for expiration of certain provisions).

123 Congress should also closely monitor the Intelligence Community's *use* of grand jury and other protected law enforcement information. Such information is quite properly subject to oversight by federal judges while it remains within law enforcement channels. When passed to the Intelligence Community, however, it leaves the courts' control and oversight. Since the Department of Justice has taken the position that the intelligence oversight committees of Congress should not be permitted to see any grand jury information, this means that there is *no* oversight of what use is made of grand jury material passed to the Intelligence Community. The Senate Select Committee on Intelligence tried to provide for such oversight in its FY03 authorization bill, *see* S.2506 (107th Cong., 2d Sess.), at § 306, but this provision was removed in conference at the insistence of the Administration. The 108th Congress would do well to consider the civil liberties implications of passing grand jury information to the Intelligence Community without effective oversight – as well as the implications for the oversight prerogatives of Congress more generally, as such information is incorporated over time into intelligence products denied to the committees because they contain such material.

persons suspected of international terrorist activity but whose ties to a specific foreign terrorist "group" cannot initially be shown. Debates continue in FISA circles about whether Zacarias Moussaoui's ties to the Chechen rebels were sufficient to provide a "foreign power" nexus under the existing FISA statute. Discussions of the Moussaoui case, however, have made clear that there is a potential loophole in the law that might be exploited by *future* terrorists.

Specifically, as discussed in a public hearing of the SSCI during the summer of 2002, the FISA statute is built around a 1970s-era conception of the "international terrorist group." When FISA was enacted in 1978, the typical terrorist group was a Marxist-style organization with a fairly rigid, authoritarian organizational structure and chain of command (*e.g.*, Baader-Meinhoff gang, the Red Brigades, the PLO, the Red Army Faction, the PFLP, and so forth). Terrorist organizations today, however, have increasingly "flat" or "networked" organizational structures, tending to be decentralized and comparatively resistant to institutional "decapitation." Moreover, as the FBI's Deputy General Counsel has noted, terrorism today is far more indiscriminate and more focused simply upon causing mass casualties than were terrorist groups at the time FISA was adopted.[124] Whereas terrorist groups in the 1970s tended to focus upon achieving specific political goals or upon targeting specific individuals, often using the *threat* of violence as much as violence itself (*e.g.*, in hostage-taking situations), modern terrorist groups are increasingly interested simply in annihilating their perceived enemies on as grand as scale as technologically feasible.

Modern terrorists, therefore, are both more lethal *and* harder to tie to formal "group" structures than the terrorists Congress had in mind when enacting the FISA statute's current

[124] Marion E. ("Spike") Bowman, written statement submitted to SSCI hearing (July 31, 2002), at 1.

definition of a terrorist "foreign power." Senators Kyl and Schumer have proposed to permit FISA orders to issue against even a single individual who appears to be involved in terrorism, provided that such a person is not a U.S. person and that his terrorism has an international nexus. (The proposal, therefore, would have no impact upon American citizens or lawful permanent residents, and would not affect investigations into *domestic* terrorist groups.) The Kyl/Schumer legislation is supported by the Administration, and was favorably received by the SSCI when discussed at our July 2002 hearing. It deserves the support of the 108th Congress.

IV. *Domestic Intelligence*

The findings of our Joint Inquiry Staff have also highlighted grave and continuing problems with the Federal Bureau of Investigation in connection with its national security work. Though still renowned for its criminal investigative competence, the FBI has shown a disturbing pattern of collapse and dysfunction in its counterintelligence and counterterrorism functions. These recurring problems have, in turn, led many observers – and Members of Congress – increasingly to lose faith in the Bureau's ability to meet the national security challenges it faces, despite a series of internal reorganizations over the past several years that have failed to rectify the situation.

In light of the FBI's dismal recent history of disorganization and institutional incompetence in its national security work, many of us in Congress have begun to consider whether it might better serve the interests of the American people to separate the counterintelligence and counterterrorism functions of the Bureau into an entirely separate organization – one that would be free of the structural, organizational, and cultural constraints

that have greatly handicapped the FBI's ability to conduct the domestic intelligence work our country depends upon it to perform.

A. *Tyranny of the Casefile*

Fundamentally, the FBI is a law enforcement organization: its agents are trained and acculturated, rewarded and promoted within an institutional culture the primary purpose of which is the prosecution of criminals. Within the Bureau, information is stored, retrieved, and simply *understood* principally through the conceptual prism of a "case" – a discrete bundle of information the fundamental purpose of which is to prove elements of crimes against specific potential defendants in a court of law.

The FBI's reification of "the case" pervades the entire organization, and is reflected at every level and in every area: in the autonomous, decentralized authority and traditions of the Field Offices; in the priorities and preference given in individual career paths, in resource allocation, and within the Bureau's status hierarchy to criminal investigative work and *post hoc* investigations as opposed to long-term analysis; in the lack of understanding of and concern with modern information management technologies and processes; and in deeply-entrenched individual mindsets that prize the production of evidence-supported narratives of defendant wrongdoing over the drawing of probabilistic inferences based upon incomplete and fragmentary information in order to support decision-making.

At its core, the FBI has always been – and remains – a "casefile" organization wedded inextricably to a "casefile" mentality. This is not a bad thing: the Bureau is often, and generally accurately, described as the "world's premier law enforcement organization." It does its

traditional job quite well. But the tyranny of the case file presents a fundamental obstacle to national security work, for the simple reason that law enforcement organizations handle information, reach conclusions, and ultimately just *think* differently than intelligence organizations. Intelligence analysts would doubtless make poor policemen, and it has become very clear that policemen make poor intelligence analysts.

Particularly against shadowy transnational targets such as international terrorist organizations that lack easily-identifiable geographic loci, organizational structures, behavioral patterns, or other information "signatures," intelligence collection and analysis requires an approach to acquiring, managing, and *understanding* information quite different from that which prevails in the law enforcement community. Intelligence analysts tend to reach conclusions based upon disparate fragments of data derived from widely-distributed sources and assembled into a probabilistic "mosaic" of information. They seek to distinguish useful "signals" from a bewildering universe of background "noise" and make determinations upon the basis of vague pattern recognition, inferences (including negative inferences), context, and history. For them, information exists to be *cross-correlated* – evaluated, and continually subjected to re-evaluation, in light of the total context of what is available to the organization as a whole. Intelligence analysts think in degrees of possibility and probability, as opposed to categories of admissibility and degrees of contribution to the ultimate criminal-investigative aim of proof "beyond a reasonable doubt."

The "analyst" mindset is thus radically different than that cultivated by training and acculturation within a law enforcement environment, which necessarily focuses upon building carefully-managed bundles of information about specific individuals or organizations for specific purposes. Far from embracing probabilistic inference, "knowledge" in a law enforcement

context aspires – in its ideal form at least – not only to *certainty* but also to *admissibility*, the two essential conceptual elements of being able to prove someone guilty beyond a reasonable doubt in a court of law. Within such a paradigm, information exists to be *segregated* and ultimately employed under carefully-managed circumstances for the single specific purpose for which it was gathered.

Naturally, these are only ideal types. In reality, intelligence knowledge management is more Balkanized and disaggregated than the model suggests, and law enforcement information-holdings more interconnected. Nevertheless, the basic mindsets *do* exist, and the FBI's conceptual and institutional baggage as a law enforcement "casefile" organization has made it very hard – some might conclude impossible – for the Bureau to mature as a competent player in the national security field.

(1) *Resistance to Intelligence Analysis*

(a) *Impact of "Casefile" Mentality on pre-9/11 Analysis*

The Joint Inquiry Staff (JIS) has outlined several examples of such problems within the FBI in the period leading up to the September 11 terrorist attacks. The FBI, for instance, knew that convicted terrorist Abdul Hakim Murad had been involved in an extremist Islamic plot to blow up 12 U.S.-owned airliners over the Pacific Ocean and crash an aircraft in to CIA Headquarters. Murad was not charged with a crime in connection with the CIA crash plot, apparently because it was merely at the "discussion" stage when he was apprehended. Because the CIA crash plot did not appear in the indictment, however, the FBI effectively forgot all about it.

As the JIS has recounted, the FBI's case file for the Murad case essentially ignored the air crash plot, and FBI agents interviewed as part of our inquiry confirmed that Murad's only significance to them was in connection specifically with the crimes for which he was charged: "the other aspects of the plot were not part of the criminal case and therefore not considered relevant."[125] Convinced that the only information that really matters was information directly related to the criminal investigation at hand, the FBI thus ignored this early warning sign that terrorists had begun planning to crash aircraft into symbols of U.S. power. Thus, rather than being stored in a form that would permit this information to be assessed and re-assessed in light of a much broader universe of information about terrorist plans and intentions over time, the Murad data-point was simply forgotten. Like all the other tidbits of information that might have alerted a sophisticated analyst to terrorists' interest in using airplanes to attack building targets in the United States,[126] the episode disappeared into the depths of an old case file and slipped out of the FBI's usable institutional memory.

The handling of information about the Murad air-crash plot and the flight-school information is, unfortunately, illustrative of the FBI's more general problems in "connecting the dots" in ways that good intelligence analysts are expected to do. So pervasive was the FBI's

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125 JIS, written statement presented to SSCI/HPSCI joint hearing (September 18, 2002), at 11-12.

126 For a summary of intelligence holdings – from all intelligence agencies – related to the potential use of aircraft as weapons, *see* JIS, written statement presented to SSCI/HPSCI joint hearing (September 18, 2002), at 26-28.

"casefile" mentality, in fact, that it bled over into the basic architecture of how the Bureau handled terrorist information even when it *tried* to do intelligence analysis.

As the JIS has recounted, the FBI for years has tracked terrorism information in ways that essentially *prohibit* broad, cross-cutting analytical assessment. If it identified a suspected terrorist in connection with a Hamas investigation, for example, the FBI would label him as a Hamas terrorist and keep information on him in a separate "Hamas" file that would be easily accessible to and routinely used only by "Hamas"-focused FBI investigators and analysts. The Usama bin Laden unit would be unlikely to know about the FBI's interest in that individual, and no one thought to establish a system for cross-referencing terrorist connections between the carefully-segregated institutional files. [127] This approach is entirely unsuited to virtually *any* long-term strategic analytical work, and is patently inappropriate to counterterrorism analysis against the loose, interconnected and overlapping networks of Islamic extremists that make up the modern *jihadist* movement.

The FBI's decentralized organizational structure contributed to these problems, in that it left information-holdings fragmented into largely independent fiefdoms controlled by the various field offices. The New York Field Office for years played the principal counterterrorism role within the FBI simply because it had the misfortune of hosting the 1993 World Trade Center attacks, thereby acquiring a degree of experience with Islamic fundamentalist terror groups. Even so, this work focused upon terrorism *cases* – not strategic analysis – and the FBI's decentralized structure left other field offices in the dark. As the JIS concluded, there was even great "variation in the degree to which FBI-led Joint Terrorism Task Forces (JTTFs) prioritized

[127] JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 14.

and coordinated field efforts targeting Bin Ladin and al-Qa'ida," and "many other FBI offices around the country were unaware of the magnitude of the threat."[128]

The culturally and organizationally fragmented nature of FBI information-holdings apparently even extended to the handling of knowledge *within* individual FBI offices themselves. In August 2001, for example, as FBI agents first sought to establish whether Zacarias Moussaoui was a terrorist, FBI agents from the local field office visited the flight school in Norman, Oklahoma, where Moussaoui had been taking flying lessons. The FBI agents were not aware that their *own* field office had become concerned about that *same* flight school two years before – because the personal pilot of Usama bin Laden (UBL) had been training there.[129]

The earlier episode in Norman, had it been remembered, may not have been much use in obtaining criminal probable cause to search Moussaoui's personal effects, but being aware of such disparate and *potentially* connected bits of information is at the core of all-source intelligence analysis "fusion." Such fusion, apparently, was quite beyond the capabilities of the FBI. Despite all the FBI knew about terrorist interest in U.S. flight schools and in the potential use of aircraft as weapons, for example, it had declared in December 2000 in a joint report with

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[128] JIS, written statement presented to SSCI/HPSCI joint hearing (September 18, 2002), at 18.

[129] JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 19.

the FAA that its "investigations" did not suggest any "evidence" of terrorist plans to target U.S. domestic civil aviation.[130]

[130] JIS, written statement presented to SSCI/HPSCI joint hearing (September 18, 2002), at 29.

By the summer of 2001, the FBI knew from the Phoenix EC about UBL-associated individuals training at U.S. flight schools, that UBL's organization also used the Norman flight school Moussaoui attended, about past Libyan efforts to send terrorists through aviation training in the U.S., and that Murad had planned to attack the CIA with an aircraft. As a result, the FBI was the U.S. Government agency probably best positioned in the late summer of 2001 to "connect the dots" with an analytical assessment warning of terrorist interest in using U.S.-trained pilots to crash aircraft into symbolic American buildings. It was also the agency best positioned to connect such analyses with Moussaoui's activity at Norman, or the presence of known Al-Qa'ida terrorists al-Mihdhar and al-Hazmi at flight school in San Diego. Follow-up investigation of the names suggested in the Phoenix EC, which might have occurred had the FBI assembled enough of the information in its possession to understand the potential threat posed by terrorists at U.S. flight schools, might also conceivably have led the Bureau to Hani Hanjour – one of the September 11 hijackers who trained at flight school in Arizona with one of the individuals identified in the EC as having links to Al-Qa'ida.[131]

The Bureau was unable to connect these "dots," however, in large part because

> "[t]he FBI's focus at the time Moussaoui was taken into custody appears . . . to have been almost entirely on investigating specific crimes and not on identifying linkages between separate investigations or on sharing information with other U.S. Government agencies with counterterrorist responsibilities."[132]

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131 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 10.

132 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 19.

Approaching issues of intelligence fusion with a law enforcement "casefile" mindset and organizational structure left the FBI unprepared for the national security challenges of modern terrorism.

Moreover, because the FBI is fundamentally a "casefile" organization, it has been very poor at *disseminating* any intelligence information it might happen to acquire or analytical products it might happen to produce. The Bureau disseminated extraordinarily few intelligence reports before September 11, 2001, even with respect to what is arguably its most unique and powerful domestic intelligence-collection tool: collection under the Foreign Intelligence Surveillance Act (FISA).[133] The FBI's problems in counterterrorist intelligence before September 11 were thus threefold: the Bureau did not know what information it possessed, it did not approach this information with an intelligence analysis mindset, and it too often neglected to inform other agencies of what it *did* know or believe.

Even when the FBI did see fit to *try* to notify the rest of the Intelligence Community about the potential threat represented by the Moussaoui situation not long before the September 11 attacks, it was unable to place the Moussaoui case in the analytical context that would have made this information useful to analysts and intelligence consumers. On September 4, the FBI's Radical Fundamentalist Unit (RFU) sent out a teletype that did no more than merely recount the investigative steps the FBI was undertaking in its Moussaoui investigation. The author

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[133] At a joint SSCI/HPSCI hearing on July 18, 2002, Senator Feinstein read into the record the number of reports sent from the FBI to the CIA on terrorism issues. These figures have not been declassified, but there were essentially *no* FISA-derived "dissems" issued by the FBI in calendar year 2001. (The number of "disseminations" issued by the FBI to other members of the IC – mostly in connection with FISA surveillance or searches – *since* October 2001 is much higher.)

apparently did not find it worthy of comment that Al-Qa'ida threat warnings were at a fever pitch when Moussaoui had come to the Bureau's attention.[134] (Given the FBI's poor record of internal information-sharing, it is conceivable that the author was not even *aware* of the broader analytical context, even though he worked in the office at FBI Headquarters nominally responsible for having such awareness. At any rate, the RFU teletype certainly provided no such context.) Despite Moussaoui's specific focus upon aviation training, the RFU's teletype to the FAA on that same day also contained no analytical context that would have helped a reader understand Moussaoui's potential significance.[135]

(b) *Analysis versus Investigations*

(i) *Disinterest in Analysis*

[134] JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 18.

[135] JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 21.

Fundamentally, the FBI consistently prized investigations and operations in its national security work and neglected long-term analysis of the sort that might have permitted agents to understand more about the pre-September 11 threat of terrorists using civil aviation. According to FBI Counterterrorism Division chief Dale Watson, counterterrorism work was "a relatively low-priority program" at the Bureau for many years. He has testified that it received more emphasis beginning in late 1998, but even this new emphasis grew out of the FBI's *investigations* into the 1996 Khobar Towers bombing and the 1998 East African embassy attacks.[136] This emphasis does *not* seem to have changed the FBI's disinterest in long-term strategic analytical work in support of the Bureau's national security responsibilities.

As the Joint Inquiry Staff put it,

> "At the FBI, our review found that, prior to September 11, 2001, support for ongoing investigations and operations was favored, in terms of allocating resources, over long-term, strategic analysis. We were told, during the course of our FBI interviews, that prevention occurs in the operational units, not through strategic analysis, and that, prior to September 11, the FBI had insufficient resources to do both."[137]

These problems were, in large part, an outgrowth of the "casefile" mentality that prevailed at the Bureau. According to the JIS,

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136 Dale Watson, written statement presented to SSCI/HPSCI joint hearing (September 26, 2002), at 3.

137 JIS, written statement presented to SSCI/HPSCI joint hearing (September 18, 2002), at 28-29.

> "the case-driven, law enforcement approach, while important and extremely productive in terms of the FBI's traditional mission, does not generally 'incentivize' attention to big-picture, preventive analysis and strategy. This is particularly true when there is no direct and immediate impact on an ongoing criminal prosecution."[138]

Counterterrorism (CT) and counterintelligence (CI) work were for years considered less prestigious career fields for FBI agents. CT and CI investigations could last for years and often produced no defendants at all, and analytic work almost *never* produced easily-quantifiable career trophies. Particularly after the collapse of the Soviet Empire, managers de-emphasized the FBI's CI mission, assignments to national security billets became less and less attractive within an organization focused upon criminal cases. The reluctance of agents to "homestead" in national security work – instead of working CT and CI issues merely on a rotational basis, which was much more common – helped preclude any possibility of breaking the hegemony of the "casefile" mindset within the organizaztion's national security components.

On top of a general lack of emphasis upon national security work within the organization as a whole, the FBI suffered in particular from a positive aversion to long-term strategic analysis of the sort routinely expected of intelligence agencies. CT investigations, after all, were at least

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[138] JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 2-3.

investigations – and bore at least some resemblance to ordinary law enforcement work. Analysis, however, was apparently anathema. Even as the FBI received ever-greater amounts of CT money and personnel during the late 1990s, therefore, it showed little interest in devoting more effort to strategic intelligence or to analytical efforts aimed at Al-Qa'ida cells in the United States.

According to the JIS, the FBI's disinterest in analysis work led managers systematically to reassign good analysts from doing strategic analysis to supporting operational (*i.e.*, investigative) units. JIS investigators were "told that the FBI's al-Qa'ida-related analytic expertise had been 'gutted' by transfers to operational units and that, as a result, the FBI's [international terrorism] analytic unit had only one individual working on al-Qa'ida at the time of the September 11 attacks."[139] Indeed, the FBI seems to have regarded "intelligence analysts" as little more than a pool of disposable personnel assets to be redeployed as needed to other responsibilities – which perhaps explains the Bureau's longstanding failure to insist upon clear standards for adjudging intelligence "analyst" qualifications in the first place.[140]

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139 JIS, written statement presented to SSCI/HPSCI joint hearing (September 18, 2002), at 28-29; *see also id.* at 18.

140 The SSCI became so concerned about the fuzziness of these standards that it enacted specific provisions in the Fiscal Year 2003 Intelligence Authorization Bill (Public Law 107-306) to encourage the Director of Central Intelligence to promulgate Community-wide standards for individuals performing intelligence functions. As the Senate Report put it,

> "the Committee has become concerned that, particularly in the area of analysis, elements of the Intelligence Community are denominating

individuals as ‘analysts’ or ‘intelligence analysts’ without adherence to a meaningful common definition of that word.”

U.S. Senate Select Committee on Intelligence, S.Rep. 107-149, *Report to Accompany S. 2506*, 107th Cong., 2d Sess. (May 13, 2002), at 12.

Discouragingly, all of the problems found by the JIS with the FBI's chronic inability to perform serious intelligence analysis occurred despite a major reorganization of the FBI announced in late 1999 *in order to improve the Bureau's ability to do analysis.* In November 1999, FBI Director Louis Freeh announced that he was creating a new "Investigative Services Division" within the FBI to "coordinate the FBI's international activities, integrate and substantially strengthen its analytic capabilities, and oversee the Bureau's crisis management functions." This reorganization was the result of Director Freeh's 1998 "Strategic Plan," which allegedly "focuse[d] on the need to improve the FBI's capacity for information analysis."[141] According to Attorney General Reno, this new organizational scheme would "help enable the Bureau to face the challenges of the next millennium."[142] The Bureau's failures leading up to September 11 thus suggest the possibility that *no* internal FBI reorganizations will prove able to effect real reform.

(ii) *Problems Illustrated by the Phoenix EC*

According to the JIS, the FBI's handling of the Phoenix EC was "symptomatic of a focus on short-term operational priorities, often at the expense of long-term, strategic analysis. . . . [W]e have found that the FBI's ability to handle strategic analytic products, such as the Phoenix EC, was, at best, limited prior to September 11, 2001." [143]

"The manner in which the Phoenix EC was handled demonstrated

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141 Federal Bureau of Investigation, press release (November 19, 1999), at 1-2.

142 *Id.* at 1.

143 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 2.

how strategic analysis took a back seat to operational priorities prior to September 11. * * * Even the analytic unit responsible for strategic analysis was largely producing tactical products to satisfy the operational section. In fact there was no requirement [at the time] to handle projects with nationwide impact, such as Phoenix, any different[ly] than any other project."[144]

[144] JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 8.

Due to "[i]nadequate information sharing within the FBI, particularly between the operational and analytic units,"[145] the recipients of the Phoenix EC lacked any knowledge of information – already within the FBI's possession, but lost or ignored in a myriad of disaggregated casefiles – that would have put the EC into a broader context of longstanding concern with terrorism threats related to Middle Eastern flight school students training in the United States.[146]

As it was, even those FBI "Intelligence Operations Specialists" (IOSs) – the name itself reveals the Bureau's preference for "operations" over "analysis" – who *did* see the Phoenix EC decided *against* sending it to the FBI's lone analytic unit concerned with terrorism.[147] Nor is it clear that it would have done much good to pass the EC to that unit, as it had been effectively crippled by personnel poaching and bureaucratic infighting.

> "[T]he capability to conduct strategic analysis on al-Qa'ida was limited because five of the unit's analysts had transferred into operational units. The Joint Inquiry Staff has been told that every time a competent new analyst arrived, the UBLU or RFU would either try to recruit them as IOS or would refuse to share information. This allowed the ULBU and RFU to control the information flow. The end result, unfortunately, is that there is no

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145 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 2.

146 For a summary of information relating to this context, *see* JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 3.

147 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 7.

one left whose role is to perform strategic analysis."[148]

Against this deep background of analytical and organizational dysfunction and mismanagement in the national security arena, it is hard to imagine that real CT and CI analytical reform within the FBI is really possible.

(2) *The FBI's Inability to Know what it Knows*

(a) *Technological Dysfunction*

In addition to these cultural and organizational problems – or perhaps in large part *because* of them – the FBI has never taken information technology (IT) very seriously, and has found itself left with an entirely obsolete IT infrastructure that is wholly inadequate to the FBI's current operational needs, much less to the task of supporting sophisticated all-source intelligence fusion and analysis. Fundamentally, the FBI's IT system has changed surprisingly little since the late 1980s or early 1990s, a decade during which the rest of the computer world moved at extraordinary speed.

[148] JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 8.

The handling of the Phoenix EC demonstrates some of these technological deficiencies, highlighting the "limitations in the electronic dissemination system" that kept FBI supervisors from seeing the document *even when it was addressed to them.*[149] According to the JIS, the problems with the Phoenix EC "are consistent with the complaints we have repeatedly heard throughout this inquiry about the FBI's technology problems."[150] The Bureau's electronic system for disseminating messages such as the Phoenix EC was itself "considered so unreliable that many FBI personnel, both at the field offices and at FBI headquarters, use e-mail instead."[151] Since most offices at the FBI *lack* a classified e-mail capability, this represents a fundamental obstacle to information-sharing of even the most rudimentary sort. Moreover, as users have fled the dysfunctional case-tracking system, the Bureau appears to have lost any ability to track leads entered into it. The JIS, for instance, was told that "there are 68,000 outstanding and unassigned leads assigned to the counterterrorism division dating back to 1995." At the time of our Inquiry, the FBI had no idea whether any of these leads had been assigned and dealt with outside the electronic system.[152]

This disastrous information-management system compares unfavorably with the systems developed elsewhere in the Intelligence Community for sharing data and providing analysts with the information they need to conduct intelligence "fusion." In this respect, it is useful to

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149 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 9.

150 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 2.

151 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 9.

152 JIS, written statement presented to SSCI/HPSCI joint hearing (September 24, 2002), at 9.

compare the IT capabilities of the CIA with those at FBI.

> "At CIA, the DCI's CTC maintains a massive database of terrorist related information going back at least two decades. Within this database are analytic papers, messages between CIA headquarters and CIA stations and bases around the world, signals intelligence reports from the National Security Agency (NSA), and various briefings, memoranda, and working notes."[153]

At the most generous, the FBI is years away from having such IT capabilities, even if the Bureau's organizational structure and institutional culture permitted such tools to be used appropriately.

The FBI's TRILOGY project seeks to improve the Bureau's IT infrastructure in order to bring it up to IC standards, but this project was only begun at the very end of the tenure of Director Louis Freeh – who himself apparently did not even use a personal computer – and remains a very long way from completion. Moreover, as suggested above, even if TRILOGY *succeeds* in bringing the FBI up to "Community standards" in the IT realm, those standards are themselves inadequate to the challenges of 21st-century intelligence analysis.

(b) *A Pattern of Failures*

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153 JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 3.

Unfortunately, this combination of organizational, cultural, and technological impediments has led the FBI into a recurring pattern of information dysfunction. Time after time during the past few years, the Bureau has distinguished itself by its inability to assess what is in its own files – much less to make productive analytical use of such information. This occurred, for instance, in 1997 when the FBI misplaced vital information in its own files linking the People's Republic of China to illicit political influence operations during the 1996 U.S. Presidential campaign.[154] It happened with the belated discovery of thousands of pages of documents related to convicted Oklahoma City bomber Timothy McVeigh – just days before his execution.[155] It happened on several occasions during the FBI's botched handling of the Wen-Ho Lee nuclear espionage investigation, when agents in the Albuquerque field office or at FBI Headquarters misplaced or failed to pass along crucial information that might have permitted agents to discover Lee's unlawful removal of nuclear secrets from the Los Alamos National Laboratory months or years before they finally did.[156]

As detailed by the JIS in the present inquiry, the same thing happened with the Phoenix EC and the many tidbits of information in the FBI's possession relating to terrorists' interest in U.S. flight schools. It also happened in the FBI's belated revelation to the Joint Inquiry in the late summer of 2002 of certain information relating to the activities of September 11 hijackers

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154 *See* U.S. Department of Justice, Office of the Inspector General, *The Handling of FBI Intellience Information Related to the Justice Department's Campaign Finance Investigation* (July 1999) [unclassified Executive Summary], *available at* http://www.usdoj.gov:80/oig/fbicfi/fbicfi.1htm.

155 *See, e.g.*, David Johnson, "Citing FBI Lapse, Ashcroft Delays McVeigh Execution," *New York Times* (May 12, 2001), at A1.

156 *See* Thompson & Lieberman, *supra*,at 3-4 & 11.

Khalid al-Mihdhar and Nawaf al-Hazmi.

Being able to know what one knows is the fundamental prerequisite for any organization that seeks to undertake even the most rudimentary intelligence analysis. The FBI, however, has repeatedly shown that it is unable to do this. It does not know what it knows, it has enormous difficulty analyzing information when it *can* find it, and it refuses to disseminate whatever analytical products its analysts might, nonetheless, happen to produce. The Bureau's repeated failures in this regard – despite successive efforts to reorganize its national security components – have led many observers to conclude that "mixing law enforcement with counterintelligence" simply cannot work. As one former director of the National Security Agency has suggested, "cops" cannot do the work of "spies."[157] This insight, in turn, has led to widespread public debate over the need for radical structural reform – including removing the CI and CT functions from the FBI entirely.

B. *The Need to Consider Radical Reform*

[157] Gen. William Odom, USA (ret.), written statement presented to JIS hearing (October 3, 2002), at 4.

For all of these reasons, I believe that a very strong argument can be made for removing the CI and CT portfolios from the FBI. Despite repeated reorganizations, the FBI has simply performed too poorly for the American people to have much faith in its ability to meet current and future challenges no matter *how* many aggressive "reform" plans are announced by FBI management. Even a year after September 11, in fact, the FBI's deputy director sent angry e-mail messages to Bureau field offices declaring that he was "amazed and astounded" that the Special Agents in Charge (SACs) *still* refused to commit essential resources to the fight against terrorism and *still* refused to share information properly with Headquarters. "You need to instil a sense of urgency," he told them, insisting that the SACs send their agents "out on the street and develop sources" and "demand that information is being sent" to headquarters.[158] If September 11 cannot persuade the existing FBI to focus properly upon terrorism, perhaps nothing can.

Some observers have thus suggested placing the Bureau's CI and CT functions within their own separate agency, a stand-alone member of the Intelligence Community that would be responsible for domestic intelligence collection and analysis but would have no law enforcement powers or responsibilities. This would be, in effect, an American analogue to the British Security Service (a.k.a. MI-5) or the Australian Security Intelligence Organization (ASIO).

There is much to recommend such an approach. The FBI today performs the domestic intelligence role within the U.S. Intelligence Community. Its problem, however, is that it performs this task poorly – and arguably *cannot* be made to perform it well given the cultural and organizational chasm that exists between a "casefile" organization and a true intelligence organization. An MI-5 analogue would allow our domestic intelligence collection and analytical

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[158] Eric Lichtblau, "FBI Officials Say Some Agents Lack a Focus on Terror," *New York Times* (November 21, 2002), at 1 (quoting Deputy Director Bruce J. Gebhardt).

functions to be performed by a "pure-knowledge" organization freed from the tyranny of the casefile and thus able properly to perform these functions.

Paradoxically, such a freestanding "domestic spy agency" might offer advantages over our current structure even in terms of civil liberties. Today, domestic intelligence collection is performed by FBI special agents who, in addition to their "pure-knowledge" functions, also have law enforcement powers: they have badges, can carry firearms, and can arrest and detain Americans. I suspect that most Americans, however, would feel safer having such collection performed by intelligence officers who do *not* possess coercive powers – and who can only actually take *action* against someone through a process of formal coordination with law enforcement officials (*e.g.*, an office remaining within the FBI that would function as an analogue to the Special Branch, which performs law enforcement liaison functions with the British Security Service).

Should the creation of a wholly freestanding agency turn out to be, in bureaucratic terms, "a bridge too far," an alternative approach might be to separate the CI and CT functions of the FBI into a semi-autonomous organization. This approach envisions an organization that would still report to the FBI director for purposes of overall coordination and accountability, but which would in all other respects (*e.g.*, training and promotion pipelines, IT systems, management structures, and chains of command) be entirely separate from the "criminal" components of the FBI. (This approach might be called the "NNSA option," after Congress' effort in 1999 to create a semi-freestanding National Nuclear Security Administration within the Energy Department – though any effort to do this with the FBI would have to avoid the rampant "dual-hatting" that has eroded the effectiveness of our NNSA reforms.)

A third approach might be to move the FBI's CI and CT functions to the new Department of Homeland Security, thereby adding a domestic *collection* element to that organization's soon-to-be-created Undersecretariat for Information Analysis and Infrastructure Protection. This might allow the collection components to take advantage of working within a "national security" culture rather than a "law enforcement" culture, and would give them a broader base of institutional support than they might enjoy as a freestanding "MI-5" within the Intelligence Community. Many Americans, however, might be uncomfortable with combining these functions with the already sweeping security responsibilities of the new Department.

Whatever the best answer turns out to be, I believe some kind of radical reform of the FBI is in order – indeed, is long overdue – and should be a major item on the "intelligence reform" agenda for the 108th Congress. The FBI has, unfortunately, shown that in its present form, it is not capable of successfully performing domestic intelligence collection and analysis against modern CI and CT challenges. The Bush Administration and the 108th Congress should make it a high priority to resolve these issues, and to put the domestic components of our Intelligence Community on a footing that will enable them to meet the challenges of the 21st century.

V. *Human Intelligence*

In an unclassified report such as this one, it is hard to provide much supporting information for a critique of human intelligence (HUMINT) operations against terrorist groups prior to September 11. Suffice it to say, however, that the *status quo* of Intelligence Community approaches in this regard was tested against the Al-Qa'ida threat and found wanting.

CIA officials have publicly boasted that they had operatives in Afghanistan before September 11,[159] but careful observers should not confuse the periodic infiltration of operatives for brief *liaison* meetings with friendly warlords for a real HUMINT or paramilitary *presence*. Such unfounded braggadocio aside, the distinguishing feature of anti-terrorist HUMINT three years after the embassy bombings and the DCI's "declaration of war" against Al-Qa'ida was our *lack* of HUMINT penetration of the organization, especially of its central operations.

It is well known in the intelligence world that "[c]landestine handling of agents or other covert activity is usually assigned to intelligence officers under diplomatic cover"[160] – that is, to officials operating out of embassies who, while they face greater risks than the average diplomat, are in the final analysis protected from arrest by diplomatic immunity. The CIA's HUMINT collection service, the Directorate of Operations (DO), admits to occasionally using non-official cover (NOC) officers,[161] but such assignments are the rare exception rather than the rule, and

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159 *See, e.g.*, Drogin, *supra* (quoting CIA Deputy Director for Operations Jim Pavitt that "we were there before the 11th of September").

160 FBI Section Chief Timothy D. Bereznay, statement for the record submitted to the House International Relations Committee (May 11, 2000), at 2.

161 Both DCI Tenet, during his confirmation hearing, and his predecessor John Deutch have discussed CIA policy with respect to the employment of NOCs posing as members of certain professions. As Deutch explained it, the CIA has a policy of generally avoiding "having a U.S. intelligence asset use U.S. journalistic cover." John Deutch, testimony before SSCI hearing (February 22,

NOCs too often suffer career damage because their nonconventional assignments necessarily remove them from the usual network of DO contacts and advancement opportunities.

1996), *available from* Federal News Service transcripts (February 22, 1996); *see also* George Tenet, testimony before SSCI hearing (May 6, 1997), *available from* Federal News Service transcripts (May 6, 1997).

This balance between diplomatic cover officers and NOCs may have served the CIA tolerably well during the Cold War – though HUMINT was never regarded as our strong suit against the Soviets – but it is patently *unsuited* to HUMINT collection against nontraditional threats such as terrorism or proliferation targets. As former DCI James Woolsey has observed, "[o]ne needs to use non-official cover officers to recruit spies inside terrorist organizations," because "not too many [Al-Qa'ida] supporters and friends attend embassy cocktail parties."[162] Especially against Al-Qa'ida – which is known actively to *seek out* Islamic converts such as José Padilla, John Walker Lindh, and Richard Reid, who have "legitimate" papers and can travel and live in the West without raising much suspicion – it is hard to understand why the CIA was not more interested in, and successful at, NOC-based HUMINT operations against Al-Qa'ida before September 11.

The CIA has relied too much, in my view, upon traditional embassy-based HUMINT, and not enough upon NOCs. It has also focused too heavily upon HUMINT operations conducted in collaboration with foreign intelligence services. There is nothing intrinsically wrong with liaison service work, and such collaboration has produced some of the greatest HUMINT successes we have had in the war against terrorism. Liaison operations are also by far the *easiest* sort of HUMINT for CIA officers to conduct against terrorist groups when those officers are operating under diplomatic cover. (Visiting one's liaison counterpart at his office is rather less hazardous than actually developing sources in the *souk*, and "State Department" employees are unlikely to be invited to many radical Islamist meetings anyway.) Liaison work, however, is inherently conducted only on the basis of, and limited by the extent of, the cooperative service's *own* interests – rather than those of the CIA or the United States. They are

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[162] James Woolsey, testimony before Senate Judiciary Committee Subcommittee (September 3, 1998), *available from* Federal News Service transcripts (September 3, 1998).

also of necessarily limited utility in countries in which the host government is, to some extent at least, part of the problem. In the final equation, there is no substitute for mounting our *own* extra-embassy, non-official cover HUMINT operations.

It is far past time for the CIA to recognize the sharp limitations of its traditional Cold War approach to HUMINT, and to begin serious development – in a large-scale, programmatic way, rather than simply on an *ad hoc* or "volunteer" basis – of nontraditional HUMINT "platforms" and the use of NOCs. A greater emphasis upon non-Caucasian NOC officers would also probably pay dividends out of proportion to the investments necessary to recruit and train such individuals. Indeed, it is perhaps in getting undercover agents out (and at risk) amongst the "target" population that the HUMINT operators of the DO perhaps have the most to learn from their law enforcement counterparts. If the Drug Enforcement Administration can put actual, salaried *American* officers undercover in clannish narcotrafficking organizations in foreign countries, surely the CIA can learn to penetrate aggressively proselytizing Islamic fundamentalist organizations. We depend upon them to do just that.

As a final note, it is worth pointing out that I do not believe the language in the Joint Inquiry's "Recommendations" concerning the importance of enhancing "the recruitment of a more ethnically and culturally diverse workforce with the intelligence skills and expertise needed for success in counterterrorism efforts" is meant to represent our collective endorsement of workplace diversity *for its own sake.* Rather, the Committees believe that the challenges of both understanding and penetrating international terrorist organizations and the milieu in which they move require that the Intelligence Community seek to develop larger numbers of native-speaking translators, culturally-attuned analysts, and HUMINT operators – especially NOC officers – ethnically and culturally indistinguishable from their collection targets. In legal terms,

certain specific target-related types of ethnic and cultural diversity should be sought as a bona fide occupational qualification. Without a fundamental shift in the CIA's operational paradigm, diversity for diversity's sake alone will do little to improve the CIA's ability to execute its mission.

VI. *Covert Action*

A. *Clarity and Support*

As with HUMINT operations, there is obviously little one can say here about the lessons that should be learned from the CIA's clearly mixed record of success in offensive operations against Al-Qa'ida before September 11, 2001.[163] One important lesson, however, was suggested by former National Security Advisor Sandy Berger in his testimony before our Joint Inquiry. In giving covert action instructions to the CIA, he said it is incumbent upon the President to convey

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163 DCI Tenet confirmed the existence of CIA offensive operations against Al-Qa'ida in public testimony before the Joint Inquiry. *See* George Tenet, testimony before joint SSCI/HPSCI hearing (October 17, 2002), *available from* FDCH Political Transcripts (October 17, 2002) (declining to discuss specific legal authorities received by CIA to conduct operations before September 11, 2001 but describing "offensive operations" and a "plan of attack" both "inside Afghanistan and globally" to "render" Al-Qa'ida terrorists [capture and deliver them to appropriate authorities], "disrupt" Usama bin Laden's terrorist infrastructure and finances, and otherwise "degrade his ability to engage in terrorism").

legal authorities – the limits spelled out in a covert action "finding" or Memorandum of Notification (MON) as to what agents are permitted to do in pursuit of the stated aim – with absolute clarity.[164] Unfortunately, as the committees have heard repeatedly from knowledgeable participants, Berger's injunction was honored more in the breach than in the observance by the very Administration he served.

Particularly given the unpleasant history of covert action scandals that have affected the CIA, one should not be surprised to find that – ironically, perhaps – the covert action infrastructure is a relatively cautious one. Intelligence officers will often, and with good reason, hesitate to take operational risks or to push aggressively to accomplish their missions if they are operating under ambiguous or convoluted legal authorities and always suspect that they may be prosecuted or hauled before a hostile inquiry for any actual or perceived missteps. This admonition clearly applies to both Executive Branch and Congressional leaders: whatever the merits or demerits of the policies they are asked by the President to execute, our intelligence operators risking their lives in the field need to know that their own government will make clear to them what their job is and protect them when they do it. Neither assurance, unfortunately, could be had by the DO's covert action staffs working against terrorism in the late 1990s.

As far as the anti-terrorism efforts of the Intelligence Community *since* September 11 are

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[164] Sandy Berger, testimony before joint SSCI/HPSCI hearing (September 18, 2002), *available from* FDCH Political Transcripts (September 19, 2002) (remarking with respect to covert action authorities that "We certainly would have to have clarity from the President of the United States ....").

concerned, I believe it is important that the record reflect that we on the oversight committees of Congress *have* been kept apprised of the new approaches and initiatives adopted by the President as part of our country's war on terrorism. As any perusal of our closed hearing records at the SSCI will show, we have been uniformly supportive. These are challenging times, and they have in some respects demanded unprecedented responses. In the past, Congress has sometimes contributed to cultural and legal problems of risk-aversion within the Intelligence Community by conducting high-profile investigations into intelligence activities. Congress can and must continue to assert its prerogatives in undertaking careful oversight of IC activities and conducting investigations wherever necessary. Historians of the United States' war on terrorism, however – and, above all, our intelligence operatives currently in the field – should be aware that our committee Members have forcefully *supported* the IC's current counterterrorist campaign. Far too much is already publicly known about this campaign, but if and when the full story is actually told, it must be made clear that what has occurred has been undertaken with the knowledge and support of the oversight organs of our national legislature.

2. *Oversight Challenges*

Perhaps in part because of frustrations with the existing covert action system, it has been widely reported that the Defense Department is interested in augmenting a quasi-covert action capability of its own, based upon its highly competent cadre of special operations forces (SOF).[165] If this parallel system works, I wish it well: the covert action side of the war on terrorism could certainly use the manpower and expertise. It is worth emphasizing, however, that a greater DOD involvement in the world of covert action could present oversight challenges

[165] *See, e.g.*, Schmidt & Ricks, *supra*.

for Congress.

The oversight mechanism and reporting requirements for covert action contained in 50 U.S.C. §§ 413b, of course, operate in a *functional* basis rather than an agency-specific one. The law does not require that only the CIA conduct covert action: rather, the President can designate any government entity for this purpose if he sees fit. DOD forces conducting covert action-type operations against Al-Qa'ida, however, may be harder for Congress to oversee if the Defense Department decides to treat attacks on Al-Qa'ida and affiliated terrorist networks as part of its "wartime" *operational* responsibilities rather than as part of covert action policy.

Like the rules in Executive Order 12,333 regarding "assassination," some might argue that "covert action" is a conceptual category more appropriate to times of "peace" in which special restrictions and oversight rules are crafted to oversee the government's employment of certain somewhat sinister policy tools. By this argument, operational conduct in attacking "enemy" forces in time of "war" is something else entirely – and is not something into which Congress has traditionally enjoyed any meaningful visibility, let alone had "oversight"responsibilities. In truth, such questions are legal matters of first impression, because the federal laws governing covert action were not yet in place the last time we faced a bitter war of indefinite duration against a global enemy. How exactly the line is drawn between "covert action" oversight and "operational" opacity, therefore, remains to be determined. The 108th Congress should watch these issues carefully, for the oversight committees are the only real "check" our constitutional scheme provides in these areas. We should take care that any alleged covert action "exception" does not swallow its rule.

VII. *Accountability*

The story of September 11 is one replete with failures: to share information, to coordinate with other agencies; to understand the law, follow existing rules and procedures, and use available legal authorities in order to accomplish vital goals; to devote or redirect sufficient resources and personnel to counterterrorism work; to communicate priorities clearly and effectively to IC components; to take seriously the crucial work of strategic counterterrorism analysis; and most importantly, to rise above parochial bureaucratic interests in the name of protecting the American people from terrorist attack.

One of the mandates of this inquiry has been to "lay a basis for assessing the accountability of institutions and officials of government"[166] by identifying any problems and failings within the Intelligence Community that helped leave us unprepared for the terrorist attacks. The Joint Inquiry's recommendations call for the agency Inspectors General to

> "review the factual findings and the record of this Inquiry and conduct investigations and reviews as necessary to determine whether and to what extent Intelligence Community personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regard to the identification, prevention, or disruption of terrorist attacks, including the events of September 11, 2001."

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[166] SSCI & HPSCI, "Initial Scope of Joint Inquiry" (June 5, 2002), from the preamble.

The DCI has declared us to be at "war" against Al-Qa'ida since 1998, and as the President has declared, we have really been so since at least September 11. Some have suggested that this means that we should postpone holding anyone accountable within the Intelligence Community until this war is over and the threat recedes. I respectfully disagree.

The threat we face today is, unfortunately, in no danger of subsiding any time soon, and the problems our Intelligence Community faces are not ones wisely left unaddressed any longer. Indeed, it is precisely *because* we face a grave and ongoing threat that we must begin reforming the Community immediately. Otherwise we will simply be unable to meet this threat. The metaphor of "war" is instructive in this regard, inasmuch as wise generals should not – and historically do not – hesitate to hold their subordinates accountable while the battle still rages, disciplining or cashiering those who fail to do their duty. So also do wise Presidents dispose of their faltering generals under fire. As the fabric of military law makes clear, failures in wartime are traditionally considered less excusable, and are punished more severely, than failures in times of peace. If we are indeed at war, accountability is more important now than ever, for it is through insisting upon accountability that life-threatening problems may best be fixed.

Nor should we forget that accountability has two sides. It is also a core responsibility of all good leaders to reward those who perform well, and promote them to positions of ever greater responsibility. In urging the Intelligence Community to hold its employees accountable, the IC must therefore both discipline those who fall down on the job and reward those who have excelled. For officials charged with protecting our national security and keeping Americans safe from attack, professional advancement should proceed by Darwinian selection.

For these reasons, it is disappointing to me that despite the Joint Inquiry's explicit

mandate to "lay a basis for assessing the accountability of institutions and officials of government" and despite its extensive findings documenting recurring and widespread Community shortcomings in the months and years leading up to September 11, the Joint Inquiry has not seen fit to identify *any* of the persons whose decisions left us so unprepared. Careful readers of the Joint Inquiry's findings will be left with little doubt as to the identities of at least some of the officials responsible. It is unfortunate, however, that the Joint Inquiry has shied away from its oversight responsibilities in refusing to provide more of the accountability to which we ask the IC to subject itself. I thus urge President Bush carefully to examine the Joint Inquiry's findings in order to determine the extent to which he has been well served by his "generals" in the Intelligence Community.

Some have argued that we should avoid this issue of accountability lest we encourage the development of a worse climate of intra-Community risk-aversion and legal timorousness than the Committees have already seen during the 1990s. I do not believe this is the case. To begin with, the failings leading up to September 11 were not ones of impetuousness, the punishment for which might indeed discourage the risk-taking inherent in and necessary to good intelligence work. The failures of September 11 were generally ones not of reckless *commission* but rather of nervous *omission*. They were failures to take the necessary steps to rise above petty parochial interests and concerns in the service of the common good. These are not failings that will be exacerbated by accountability. Quite the contrary. And, more importantly, it is clear that without real accountability, these many problems will simply remain unaddressed – leaving us terribly and needlessly vulnerable in the future.

By no means do I advocate a crusade to hold low-level employees accountable for the failures of September 11. There clearly were some individual failings, but for the most part our

hard-working and dedicated intelligence professionals did very well, given the limited tools and resources they received and the constricting institutional culture and policy guidance they faced. The IC's rank-and-file deserve no discredit for resource decisions and for creating these policies.

Ultimately, as the findings of the Joint Inquiry make clear – though they carefully stop short of saying so explicitly – accountability must begin with those whose job it was to steer the IC and its constituent agencies through these shoals, and to ensure that all of them cooperated to the best of their abilities in protecting our national security. Responsibility must lie with the leaders who took so little action for so long, to address problems so well known. In this context, we must not be afraid publicly to name names, and I do so here. The U.S. Intelligence Community would have been far better prepared for September 11 but for the failure of successive agency leaders to work wholeheartedly to overcome the institutional and cultural obstacles to inter-agency cooperation and coordination that bedeviled counterterrorism efforts before the attacks: DCIs George Tenet and John Deutch, FBI Director Louis Freeh, and NSA Directors Michael Hayden and Kenneth Minnihan, and former NSA Deputy Director Barbara McNamara. These individuals are not responsible for the disaster of September 11, of course, for that infamy belongs to Al-Qa'ida's 19 suicide hijackers and the terrorist infrastructure that supported them. As the leaders of the United States Intelligence Community, however, these officials failed in significant ways to ensure that this country was as prepared as it could have been.

ADDITIONAL VIEWS OF REPRESENTATIVE MIKE CASTLE (R-DELAWARE)
TO BE APPENDED TO THE REPORT OF THE JOINT INQUIRY
ON THE SEPTEMBER 11, 2001 TERRORIST ATTACKS ON THE UNITED STATES

I fully support the findings and recommendations that were debated and approved by the Members and Senators serving on the Joint Inquiry on the September 11, 2001 terrorist attacks on the United States. As the outgoing Chairman of HPSCI's Technical and Tactical Subcommittee, I want to communicate my strong support for Recommendation 10 concerning the National Security Agency's past performance and future role in the global war on terrorism. Specifically, the Joint Inquiry's Recommendation 10 mandates a report from the Director of the National Security Agency to the House and Senate Intelligence Committees no later than June 30, 2003 that will provide the following: (1) a description of solutions for the technological challenges confronting the NSA in the war on terrorism; (2) a quarterly review of the goals, products to be delivered, funding levels, and schedules for every NSA technology development program so as to ensure strict accountability for NSA program expenditures; (3) the implementation by NSA, CIA and FBI of a strategy to fully integrate these agencies' collection and analytic capabilities in the war on terrorism; and (4) the development of legislative proposals to improve NSA's coordination and collaboration with other elements of the U.S. Intelligence Community.

Although the issue of visa issuances and control was not within the scope and jurisdiction of the Joint Inquiry's review, we did review some information that gave us a glimpse into this issue. As a result, I am very concerned that significant reforms need to be implemented immediately with respect to the management, coordination and oversight of our Nation's visa program. The visa program has suffered from a lack of accountability, unclear lines of bureaucratic responsibility between the Departments of State and Justice, and contradictory legal authorities. The State Department's Bureau of Consular Affairs and the Justice Department's Immigration and Naturalization Service have joint responsibility for the management of our visa program, yet this program's administration has been characterized by poor management practices, uneven enforcement policies, and inadequate coordination between these agencies and other elements of the U.S. intelligence and law enforcement communities. The majority of the

September 11th hijackers were wrongly admitted to the United States -- in violation of U.S. immigration laws -- as a result of decisions made and errors committed by responsible State Department and Justice Department officers. The fact that many of them entered and operated in true name, further emphasizes the extent to which the current system is broken.

Entry of foreign nationals into the United States is a privilege that demands clear authorities to determine who may legally enter the United States with a visa, accurate information on all visa applicants that is fully shared between the relevant agency decisionmakers, and full accountability to ensure that the requirements of consular and immigration law are properly enforced.

Equally troubling is our government's inability to properly account for foreign nationals who overstay the authorized period of their visas. These foreign nationals are in violation of our immigration laws and should be held legally accountable. Although the recently enacted Department of Homeland Security bill addresses the need for visa reform, I strongly believe that significant legislative changes are urgently needed to redirect and reorganize our national visa policies.

ADDITIONAL COMMENTS
JOINT INQUIRY STAFF REPORT
U.S. SENATOR MIKE DEWINE
DECEMBER 18, 2002

My purpose in providing these additional comments is to express my support for certain recommendations, my reservations regarding others, and my concerns about key intelligence areas that simply are not addressed in the report's recommendations. Accordingly I have identified several areas of this report that merit additional comment.

INCREASE RESOURCES

The tragic September 11th terrorist attacks represent a massive intelligence failure. Congress and past Administrations, over a period of many years, failed to provide adequate resources to the Intelligence Community. To avert future attacks and improve the security of this nation, in the weeks and months and years ahead, we will need to invest a considerable amount of time and resources in making up for decades of shortfalls in our commitment to intelligence. That will necessitate an on-going, continuous, sustained effort ultimately aimed at reforming the Intelligence Community.

FISA CHANGES

FISA is one of the primary weapons we have in our war on terrorism, and it is crucial that the Intelligence Community be able to use it aggressively and effectively. The recent Court of Review decision is an important clarification, which should allow the Intelligence Community to confer and coordinate more effectively with law enforcement officials. Nonetheless, the report makes a major omission by failing to recommend any further enhancements to the FISA statute.

FISA -- Amend and Make Stronger

It is important that we continue to refine and improve the FISA statute, and consequently, I believe that Congress should adopt the proposed Kyl/Schumer amendment to FISA and the proposed DeWine amendment to FISA.

The Kyl/Schumer amendment would remove the requirement that the subject suspected of international terrorism be affiliated with a "group engaged in international terrorism or activities in preparation therefore." This change would allow the surveillance of individuals who are not affiliated with any terrorist group and would give the government another weapon to terrorists, who act alone.

The DeWine amendment would lessen the burden on the government by changing the standard for showing that a proposed FISA target is "a foreign power or agent of a foreign power." Rather than the current "probable cause" standard, the amendment applies a "reasonable suspicion" standard. Both standards require the court to apply a "totality of the circumstances" test and examine all the various factors to determine if the government has met its burden. But the reasonable suspicion standard is slightly easier to satisfy, and that is appropriate, because these cases involve national security interests. Under such dangerous circumstances, it is appropriate to balance the competing interests in a slightly different way than usual, and make it a little bit easier for the law enforcement interest to prevail. Such a change would make it a little more likely that FISA surveillance is permitted and would make it more likely that FISA can effectively be used in the war on terrorism. For example, in the case of the Moussaoui investigation, there was some uncertainty about whether the facts were sufficient to find probable cause, and so the Justice Department did not apply for a FISA warrant (However, under any legitimate reading of the facts in Moussaoui, the government could have met a reasonable suspicion standard and most likely would have asked for and received surveillance authority.).

FISA -- Congressional Oversight

In addition to these and other enhancements to FISA, it is important that Congress improve the quality and quantity of oversight with regard to FISA. There are two separate and distinct reasons for this. First, as the recent Court of Review opinion made clear, in recent years, the

FISC has imposed on the Justice Department a set of court-created FISA rules that have unnecessarily limited the use of the FISA statute.[1] More vigorous and informed Congressional oversight might have prevented those limitations from being imposed.

Furthermore, the Intelligence Committees should hold regularly scheduled hearings to examine the FISA process and receive testimony from senior officials at OIPR and the FBI. These hearings should explore the FISA process and provide information as to how FISA is being implemented. For example, in order to better determine how the Executive Branch is utilizing FISA, the Committee should examine the number of FISA warrants issued during a given period of time and the general subject matter or issues those warrants were meant to address. Furthermore, these hearings should be used to explore a wide range of hypothetical situations -- situations based on actual cases that demonstrate to the Committee how the law would be applied in certain scenarios. This would allow the Committee to develop a better understanding of how FISA is being implemented in a practical, day-to-day manner and also alert the Committee to any instances where the FISC or Justice Department is departing from Congressional intent.

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[1] As originally drafted in 1978, FISA allowed surveillance when "the purpose" of that surveillance was to obtain "foreign intelligence information," which is defined, essentially, as information the government needs to protect against attack, sabotage, clandestine intelligence activities, or international terrorism. Over the years, the FISC interpreted "the purpose" to mean "the primary purpose," and interpreted "foreign intelligence information" to mean information that the government needs to protect itself against attack, sabotage, etc., using methods other than law enforcement. So, the FISC took the view that using a FISA warrant to obtain foreign intelligence information that was primarily for use as part of an intelligence strategy, (e.g., to flip a spy) was legitimate; using a FISA warrant to obtain information that was primarily for use as part of a law enforcement strategy (e.g., prosecution) was not legitimate.

One of the indicia used by the FISC to determine whether the primary purpose was intelligence (legitimate) or law enforcement (not legitimate) was the degree of involvement by law enforcement agents in the investigation and FISA application process. Accordingly, the Justice Department, with the approval of the FISC, adopted very restrictive guidelines to minimize law enforcement contact with intelligence officers.

After the passage of the Patriot Act, the Justice Department litigated the issue of how much contact is allowed between intelligence agents and law enforcement officials, and on appeal, the Foreign Intelligence Surveillance Court of Review overruled the FISC. The Court of Review held that FISA, as originally drafted, did not contain any distinction between foreign intelligence information utilized as part of an intelligence strategy and foreign intelligence information used as part of a law enforcement strategy. Accordingly, the Justice Guidelines strictly limiting contact between law enforcement agents and intelligence officers have never been necessary. It is interesting to note that the Court of Review found that the Patriot Act actually created a distinction between law enforcement use and intelligence use of FISA information. However, because of other modifications in the Patriot Act, the Justice Department is still free from earlier, FISC-created limitations on contact between intelligence officers and law enforcement.

FISA -- Protecting Civil Liberties

The second reason enhanced Congressional oversight is important is because it would provide increased protection of the civil liberties of potential FISA surveillance targets. The FISA process, rightfully so, is highly secretive and not subject to the usual procedural protections built into most other courtroom proceedings. Accordingly, it is particularly important that the Intelligence Committee provide oversight to assure that the FISA process is not being abused, especially now, as we look for ways to enhance and further utilize it in the war against terrorism.

In doing so, the Intelligence Committee should consider whether or not the current FISA process provides adequate legal representation for the legal position of potential subject of surveillance. The inherently *ex parte* nature of the application process raises concerns about civil liberties and may have the counterintuitive effect of making the FISC and even the prosecutors reluctant to use FISA to the full extent allowed by law. Congress should consider whether it could be useful to provide authority to the FISC and to the Court of Review to appoint, on a case-by-case basis, an advocate for the subject. The advocate could be one of a number of pre-cleared attorneys with prior FISA experience, who could serve as a defense attorney on a limited number of cases, where the FISC or Court of Review felt it would be useful.[2]

EMPOWERING THE HEAD OF THE INTELLIGENCE COMMUNITY

I believe we need to create a cabinet-level intelligence position -- a director of intelligence, who is ultimately responsible for control of the budgets and operations of the overall Intelligence Community. While most experts seem to agree that we need to strengthen the head of national intelligence -- whether that is the DCI or the DNI or some other cabinet-level position -- there is less agreement as to how we go about doing this. My own view is that there are two critical things to keep in mind if we empower the head of national intelligence: First, we need to give the DCI complete budget authority, and second, we need to keep the DCI as the head of the CIA.

[2] These advocates would not contact nor inform the subject of the potential surveillance about the proceedings. Instead, they would act as officers of the court, representing the legal position in opposition to the Justice Department's application for a FISA warrant.

Budget Authority

The DCI already has authority to review and approve budgets, personnel, and resources for virtually every aspect of the national intelligence program. Yet, despite this authority, the DCI still actually controls only about 15 to 20 percent of the actual intelligence budget. It is not surprising that as a result, he has been unable to provide necessary leadership within the Intelligence Community, as exemplified by DCI's inability to fully mobilize the Intelligence Community in response to his "declaration of war" on al Qaeda. The DCI has understood the terrorist danger as much as any human being could; yet he didn't have command of all the troops, so to speak, to get the job done. That's why the DCI needs the authority both to manage and oversee the execution of the Intelligence Community budgets.

The DCI as Head of the CIA

The report's recommendation to separate the positions of DCI and head of the CIA is likely to be counterproductive. A number of experts agree with this proposition. During the open hearings just completed in the intelligence committee Judge Webster, the former head of the CIA and the former head of the FBI, said, in reaction to the suggestion to split the DCI from the CIA: "I would strengthen the DCI. I would not have a head of the national intelligence unless that [head of] national intelligence was actually running something."

In his written testimony to the Committee, Anthony Lake, former National Security Advisor, also supported maintaining the CIA under DCI control. Furthermore, the 2001 Hart-Rudman Commission report took this position, as did the 104th Congress House Intelligence Committee staff report, which stated: "Indeed, the testimony of former DCIs and other former senior IC officials all concur that the DCI needs an agency 'of his own' -- i.e., the CIA -- if he is to have any real power within the IC."

At this stage, the operational authority vested in the head of the CIA comprises a substantial amount of the power of the DCI. Removal of that authority now would separate him from his

operational base and significantly dilute the power of the DCI, at a time when it is not clear that the requisite budgetary authority will, in fact, be conferred upon the office of DCI.

OPEN-SOURCE INFORMATION

In another important area, the Intelligence Community needs to pay more attention to the collection and analysis of open-source information. This type of information needs to be examined and needs to be taken more seriously. We must remember that open-source information was used to warn investigators in 1999 that al-Qaeda terrorists might fly a hijacked airliner into American buildings. Library of Congress analyst, Rex Hudson, wrote a report for the National Security Council -- based entirely on unclassified material -- which noted the possibility of almost exactly the kind of attack that occurred on September 11th. Hudson concluded: "Suicide bombers belonging to al-Qaeda's Martyrdom Battalion could crash an aircraft packed with high explosives into the Pentagon, the headquarters of the CIA, or the White House."

The Intelligence Community is simply not accustomed to assessing the value of open sources nor is it used to integrating them into their work. In fact, the Intelligence Community is more inclined to use open-source material as a last resort, not as a primary source, no matter how compelling the information. This attitude needs to change, and the Community must re-evaluate how it prioritizes open-source material that ultimately can be of extraordinary value, either by itself or as a mechanism to refine or evaluate other intelligence.

REPORTS

I am also concerned that the Intelligence Community is not being informed about a number of important intelligence issues because of delays in the issuance of requested reports. Part of the problem is that the Senate and House Intelligence Committees are asking for too many unnecessary reports. Compounding that, the Intelligence Community has been slow in the production of the reports, themselves, though in the recent past, the Community has started producing many of these required reports in a more timely fashion. Still a lag remains. To help

remedy that, the Intelligence Committees should continue to discuss with the Intelligence Community the status of the currently requested reports and determine which ones are necessary, eliminating those report requests that are not absolutely essential and ensuring that the ones required do, in fact, get generated and issued to the Committees.

MULTI-LEVEL SECURITY CAPABILITY

One of the most significant problems examined during the open hearings was the lack of information sharing between agencies. In assessing that area of concern, the Intelligence Community needs to figure out how agencies and intelligence personnel can better share and disseminate important information, while still protecting that information from getting into the wrong hands. A relatively simple way to address this would be through the use of a technology known as "multi-level security" capability. Basically, the use of multi-level security allows computer users with different levels of security classification to get different levels of access to information contained and stored in a comprehensive intelligence database. In other words, database users would be able to access only the information in the database that their security clearances allow them to view.

This would allow the myriad intelligence agencies to safely combine all of their databases, including those containing the most sensitive data and make the entire combined database accessible to a wide range of intelligence and law enforcement personnel, without sacrificing security for the most highly classified data. For example, a detective in Cincinnati who notices unusual activity around city hall could do a search of the comprehensive Community-wide database for "city halls in Ohio" and come up with some non-classified FBI information about possible attacks on city halls around the state or in other states. He then also would get a notification from the system that there was more information about that topic, but that it was classified at a level above his clearance. At that point, he could go to his supervisor and begin the process of having that information sent to someone within the department who has the appropriate level of clearance. This would help resolve one of the many information-sharing problems facing the Intelligence Community.

REFORMING HUMAN INTELLIGENCE COLLECTION (HUMINT)

U.S. Human Intelligence collection organizations are unable to penetrate organizations like Al Qaeda because they are not properly organized for the task and have become too risk averse to undertake the kind of dangerous operations required for success. A new organization must be built from the ground up as a small, agile, and adaptive organization with a corporate culture of taking prudent risks. It would have a limited list of targets: terrorists, proliferators, and "rogue states." Creating a new organization has the advantage of creating a capability to directly target organizations like Al Qaeda better than is possible today, yet without undermining the strengths of the existing HUMINT organizations.

A Broken Corporate Culture

With a few exceptions, the current structure of the HUMINT community remains based on the official cover system used during the Cold War to fight the largely static Soviet threat. Official cover is when a clandestine intelligence officer appears to work as an employee of another U.S. government agency. Many of the Soviet officers and officials we were trying to recruit during the Cold War associated with U.S. government officials in the course of their normal duties, so it made sense to put our HUMINT collectors in roles where they were likely to encounter their targets in the course of their "ordinary" daily work. The problem is that while the foreign threat has changed since the end of the Cold War, too many U.S. clandestine HUMINT collectors still work under official cover. The work they do in this capacity is important, but it does not offer the full range of capabilities to go after targets such as proliferators or terrorist organizations like Al Qaeda that do not knowingly associate with U.S. government officials. Nobody openly associated with any element of the U.S. government is going to be able to get close to an organization like Al Qaeda, so an official cover is of little use against these targets. The best "platforms" for targeting groups like Al Qaeda are *non*-official cover operations, or NOC's. A non-official cover is when a clandestine officer appears to be a private citizen without any U.S. government affiliation, typically operating under the cover of a legitimate commercial enterprise.

Clandestine human intelligence collection operations under non-official cover (NOC) are very difficult to detect and the U.S. Intelligence Community acknowledges that they are the best platform for working against targets like Al Qaeda. U.S. intelligence entities like the CIA's Directorate of Operations (CIA/DO) have been unable, however, to transform their organizations to employ fully the range of possibilities offered by NOC operations. The primary obstacle is a corporate culture problem – lighter covers (such as official cover) tend to "crowd out" deep covers (such as non-official cover). What this means is that in a clandestine human intelligence collection agency that starts out with a good balance of official and non-official covers, the agency will eventually phase out most of its NOC's in lieu of official cover operations.[3] The reason this happens is two fold: First, many clandestine officers prefer the lifestyle offered by the official cover assignments over NOC assignments, and second, supervisors prefer subordinates who are under official cover where they can be more easily managed.

Clandestine officers prefer official cover assignments because working as a NOC officer is a difficult life-style. NOC's are paid the same government salary as their colleagues under official cover, but they get few of the comforts available to those under official cover and none of the legal protections. NOC's have to spend most of their time abroad, and will not be able to meet and network with most of their colleagues in the Agency. Meanwhile, their peers under official cover can interact and network with other agency colleagues, leading to steady promotions and better assignments. Relative to official cover, non-official cover assignments also offer less prestige, safety and comfort, and involve a less family-friendly lifestyle.[4]

Not only do clandestine officers generally not want to serve as NOC's, but their managers do not want to use them because officers under official cover are much easier to manage than a NOC. A NOC requires much more elaborate and difficult operational security measures (also known as tradecraft). Another big reason managers do not like using officers under non-official cover is risk aversion: NOC officers are not protected by diplomatic immunity. It is one thing to have an official cover employee declared *persona non grata* and expelled from the country; it's quite another to have him arrested and shot. Official cover operations are too deeply entrenched in the

[3] Bruce Berkowitz, "Deep Cover," Hoover Digest, Fall, 2002.
[4] Bruce Berkowitz, "Deep Cover, " Hoover Digest, Fall, 2002

organizational structure, personnel system, and tradecraft of intelligence entities like CIA, and their organizations have developed incentives and procedures that make it hard to adopt NOC operations on a larger scale.

A Broken Cover System

The Central Intelligence Agency's Directorate of Operations' (CIA/DO) official cover system has been well known, both in and out of the agency, as a significant operational vulnerability for many years. Foreign intelligence services are all too familiar with the CIA's official cover system, which suffers from the fact that it is not difficult for sophisticated observers to distinguish CIA officers from actual officers of other U.S. government agencies. The current system of official cover largely amounts to little more than a non-attribution system similar to that used by journalists in Washington, D.C.: it is clear who the intelligence officers are, but diplomatic manners usually preclude saying so. This system works for the bulk of CIA operations, which involve liaison contacts with foreign intelligence services and working with "walk-in" sources (in which the source approaches the agency, not vice versa). In both types of work, the CIA's sources know who they are dealing with and need to know where to go to find them, which makes official cover an excellent fit. This does not work, however, when trying to recruit hard targets such as members of Al Qaeda's inner circle, who do not associate with U.S. government officials.

The state of our non-official cover (NOC) system is no better. U.S. intelligence's NOC programs have been damaged by half-hearted execution of operational security measures and under-utilization by managers. The U.S. Intelligence Community is well aware of these significant problems but takes little action to fix them because effective cover is not critical to the way our HUMINT agencies currently do business. Too often content to work with foreign liaison intelligence services and accept walk-ins, HUMINT managers generally do not go after difficult targets, and thus feel they do not need the tools that an effective cover provides.

Even beyond the limitations imposed by a system made up of mostly official cover assignments, the existing HUMINT agencies are further limited by a corporate culture that has become

excessively risk-averse. For example, despite all the advantages of a career under official cover as compared to non-official cover, the average CIA/DO employee still doesn't spend a significant amount of time overseas. Only about 35 percent of CIA/DO employees have spent more than 3 out of the last 10 years overseas. This low ratio indicates that the wrong mindset now dominates what is supposed to be an overseas clandestine service.

The Solution – A New OSS

The answer to the problems described above is to create an environment in which the aggressive non-official cover operations we need to be conducting are not "crowded out" by official cover operations. A small agile and adaptive organization should be built, along the lines of the Office of Strategic Services (OSS) in World War II, chartered with a corporate culture of taking prudent risks, and operating exclusively from non-official cover (NOC) platforms. This would be a small organization that would augment the existing HUMINT agencies and work against a limited list of targets: terrorists, proliferators and "rogue states." This organization could be created within an existing HUMINT agency like the CIA or the Defense HUMINT Service (DHS), but creating it as an independent agency would help avoid the possibility that its aggressive non-official cover operations would be "crowded out" by the official cover operations being conducted in these agencies. Creating an independent agency would also avoid the possibility that it would be held back by the culture of risk aversion that exists in agencies like the CIA and the DHS. Another possibility is to create the organization as an independent agency of the Department of Defense.

- Creating a new organization has the advantage of creating a capability to directly target organizations like Al Qaeda without undermining the strengths of the existing HUMINT organizations. For example, two of CIA/DO's strengths are their work with foreign liaison intelligence services and taking "walk in" sources. These are important missions that would not be compatible with a new organization operating exclusively under non-official covers. Thus, there is both room for, and a need for, both CIA/DO and a new organization that operates exclusively from non-official cover collection platforms.

- This new organization should use bolder, more innovative non-official covers than have been typically employed by entities like CIA/DO, which typically operates under the cover of a commercial enterprise.

- To be successful, during its initial build-up this organization may have to have full access to CIA, the Defense HUMINT Service (DHS) and FBI data about both their employees and sources to select candidates to work in and for the new agency, and the authority to "grab" sources and interview employees for this new high priority program. In terms of the terrorism target, FBI's many low level sources and contacts in the U.S. and international Islamic community may be most productive.

- The new agency would also need to have a significant level of independence in order to avoid being strangled at birth. The agency would have to keep selected personnel in the other HUMINT agencies informed of its activities but it would have primacy in matters concerning terrorism, proliferation or rogue states and would not need to seek CIA approval to recruit new sources.

- Operating under a corporate culture of taking prudent risks, particularly when working under non-official cover could subject employees to significant danger. This is, however, a necessary risk in light of the clear and present threat posed by terrorism and proliferation. Our elite military special-forces units, such as the U.S. Navy Seals, sustain injuries and deaths every year as a result of training alone, not to mention casualties sustained in combat. These injuries and deaths aren't the result of reckless behavior – our special forces are the best in the world because they train like they fight. These casualties are the result of prudent risks that were willingly accepted and clearly understood by everyone involved, in order to produce the best special-forces that will be well trained when we need them. The work of this new HUMINT agency would be no less important and we should be willing to accept a similar level of risk.

- This new organization should be chartered and resourced to leverage advanced technologies to aid all aspects of their work. Advanced equipment and software can

allow officers to covertly communicate no matter where their work takes them and support their non-official covers over decades. Such technology can also be used to ensure more timely delivery of intelligence to consumers such as military commanders. Finally, the new organization should work closely with the National Security Agency and other organizations to use advanced technology to conduct technical penetrations of targets like Al Qaeda.

- This new agency should endeavor to learn from both the successes and failures of Israeli HUMINT efforts. Their aggressive tactics and inventive use of non-official covers may serve as a useful guide for this new agency. The Israelis have had notable successes in penetrating terrorist organizations and we should learn from their efforts. The new agency may also want to consider some level of partnership with the Israeli HUMINT services, in light of the amount of overlap in the terrorism and proliferation threats to both our national interests.

- It should be acknowledged at the outset that the kind of aggressive, non-official cover operations described above would take a toll on the officers who conduct them and that many of them could experience "burn out" in as few as five to ten years. The agency should be structured from the outset to accommodate this high turnover rate and provide pension, disability and placement services for officers who leave the service before reaching civil service retirement age. It may be appropriate in some cases to place some of these officers under "lighter" cover at agencies like CIA/DO.

A Longer Term Approach

The current HUMINT system is handicapped by a need to conduct operations that can deliver results within the span of an officer's three year tour in order to benefit the careers of both the HUMINT collector and his or her chain of command. We must create in our Intelligence Community a culture and capability that allows the longer-term, unorthodox approaches to human intelligence collection required to combat organizations like Al Qaeda. Rather than the current HUMINT system's typical three-year assignment under official cover and focused on a

geographical location, officers would be allowed to spend much longer periods of time moving from country to country at their own discretion to build up and reinforce their bone fides to support a non-official cover.

- A new HUMINT organization, like the above-proposed organization, could give its officers the autonomy to invest the years required and take the necessary risks to infiltrate organizations like Al Qaeda. For example, an officer operating under non-official cover would be allowed to attend a radical mosque in the United States and over a period of months and years develop the range of contacts that would allow him to travel abroad, receive training in a radical Islamic terrorist training camp and infiltrate organizations like Al Qaeda. Such an assignment would be undertaken with the understanding that it would not yield results for months or even years. The current HUMINT system is averse to such an assignment that would involve allowing an officer to be out of contact with his chain of command for weeks and months at a time, and leave him continually exposed to grave danger in the course of the assignment.

U.S. clandestine human intelligence entities like the Central Intelligence Agency's Directorate of Operations (CIA/DO) themselves admit that they are not able to penetrate organizations like Al Qaeda. This failure results from their reliance on an official cover system, which does not allow them to get close to Al Qaeda operatives. Even if entities like the CIA/DO were able to build a substantial non-official cover capability, it would soon be "crowded out" by lighter cover operations, like official cover operations, because the corporate culture of these agencies has grown comfortable with the advantages of life under official cover. A new independent organization, like the one proposed above, must be built from scratch in order to create a culture in which aggressive, non-official cover operations can flourish and not be "crowded out." With this new organization focusing on aggressive non-official cover operations, the work that can be done from official cover, like liaison with foreign intelligence services and handling "walk-ins", would be left to existing entities like the CIA/DO that have expertise in this kind of work.

Such a new NOC organization, if created independent of existing HUMINT collection agencies like the CIA and operating in the "black" world, may also benefit from being removed from the

media spotlight and the politics that consume agencies like the CIA on a daily basis. A bold venture like the new organization proposed above will require the latitude to learn by trial and error as it proceeds into largely uncharted territory. The message must be delivered loud and clear that it is acceptable to fail on the way to success. Oversight of this new entity by Congress and the Executive Branch, while ensuring that the agency operates within the law, also will need to focus on making sure that the agency remains aggressive and does not shy from taking prudent risks in order to ensure that a culture of risk aversion does not develop. A new independent clandestine HUMINT agency may be the fresh start we need to break the pattern of failure that has prevented us penetrating groups like Al Qaeda.

CONCLUSION

In conclusion, I thank the Chairs of the Joint Committee for their leadership and work over the past several months, as we have reviewed and studied vast amounts of information regarding the September 11th terrorist attacks and the state of the Intelligence Community. I also want to thank my fellow Senate and House Intelligence Committee colleagues and staffs, and the Joint Investigative staff for the countless hours spent on this inquiry.

Our nation's security -- the safety and protection of our loved ones -- is directly linked to the quality of the intelligence gathered and analyzed by the Community. Good intelligence is what allows us to find the terrorists before they find us. That's what good intelligence can do -- and reforming our methods of collecting, analyzing, and disseminating good intelligence is our aim is in these recommendations and this report.

We must realize, though, that as this joint inquiry ends, our real work, as members of the House and Senate Intelligence Committees, just begins. There are many unresolved issues and areas which time did not permit the Joint Committee to fully and thoroughly investigate. Furthermore, it is incumbent upon us, as Intelligence Committee members, and it is incumbent upon the entire Congress and the President to act on the report's recommendations. We must not let this report sit idle. We need to continue this critical national debate, even as the next commission begins its work. We need to continue to hold hearings. We need to introduce legislation that can help

remedy the shortfalls we have identified throughout this investigative process. We need to be committed to an on-going, continuous, sustained effort to reform and fully fund the Intelligence Community. As such, the issuance of this report must be viewed as a beginning -- not an end.

Joint Inquiry Report
ADDITIONAL VIEWS
The Honorable Jane Harman

The Joint Inquiry report is a strong product from a strong staff and unprecedented Congressional collaboration. I strongly support this report. It provides the most complete and comprehensive assessment of the plot behind the 9/11 terrorist attacks. It identifies systemic and structural problems within the U.S. Intelligence Community that hampered the prevention of these attacks. And, most important, it looks forward: it applies lessons learned to make recommendations critical to prevent further attacks. Using the information in this report, the 108th Congress has a base on which to oversee, fund, reshape, and reform the intelligence functions of the federal government.

The additional views below supplement the report's findings and recommendations.

Director of National Intelligence

To date, the term "Intelligence Community" (IC) has been an oxymoron. The community is really a collection of stovepipes working separately – often in conflicting or self-interested ways.

Creating a real Community requires a coherent approach across agencies and overarching leadership. The recommendation aims to empower a Director of National Intelligence (DNI) to lead the community by pairing authority with responsibility. The Director of Central Intelligence currently lacks the statutory authority to do this.

The DNI would also have the responsibility and accountability for bringing unity to the different intelligence collection and analysis functions. The Director would allocate budget resources to provide people and technology where they are needed most, regardless of which federal department houses the agency.

All agree that the Administration, Congress, and the IC leadership must act together to foster a more innovative and less risk-averse intelligence culture. The employees in intelligence

agencies today are hard-working, capable, and dedicated, but often lack the resources and tools they need to gather, process, analyze, and use information in today's digital environment. In my view, these workers deserve the trust and appreciation of Congress and the nation, and should be encouraged and empowered to be imaginative, innovative, and collaborative in order to protect us from future attacks.

Information Sharing

The investigation revealed that significant intelligence leads about some of the hijackers were available but did not get widely shared. This was less a willful refusal to share information than it was a failure to grasp its significance. For example, the CIA and NSA had collected information on hijackers al Hazmi and al Mihdhar that connected them to bin Laden, the East Africa Embassy bombings, and the attack on the USS Cole. The agencies also had information indicating that both men were in the United States. The al Hazmi and al Mihdhar story shows what many analysts had claimed for years—the raw databases of CIA and NSA contain extremely valuable information that does not get noticed, shared, integrated, or acted upon.

Entities within the agencies that collect signals and human intelligence guard their "raw" data; few outside analysts are allowed access. The NSA and CIA's Directorate of Operations typically insist that they alone, not even all-source intelligence analysts or other sophisticated consumers, possess the special expertise required to evaluate human or signals intelligence data. Before sharing information, these entities go through an internal analysis process that "filters" out everything that does not seem to the analyst sufficiently important or reliable to report. But as the al Hazmi and al Mihdhar cases demonstrate, analysts can fail to appreciate what might be important to potential consumers, who bring different perspectives and other sources of information.

There are powerful reasons why the entities within the CIA, NSA, and FBI that collect the raw data are so unwilling to allow access to outside analysts – even those within their parent agency. Compartmentation of classified information is sometimes needed to protect sensitive sources and methods. There is also a need to protect constitutionally-protected privacy rights. For example,

NSA personnel are trained in "minimization" procedures to cordon off and protect the communications the agency intercepts. The FBI, historically, has been very concerned to protect the integrity of actual or potential legal proceedings, causing its field offices to restrict access to its unreported information.

These obstacles to full exploitation of intelligence information hinder our national security, and must be overcome. It should be feasible to clear all-source counterterrorism analysts to the same standards demanded of the human and signals intelligence collectors and train them in "minimization" procedures to protect the privacy of U.S. persons.

As intelligence agencies increasingly focus on homeland security, they must share information with state and local governments, first responder groups, private companies, and the American public. To the extent possible, the intelligence community should create unclassified products that provide guidance for the appropriate responder groups to prevent or prepare for terrorist threats. The IC must work with the Department of Homeland Security to match threat information with vulnerability assessments, and provide the new Department with the intelligence it needs to communicate to first responders what they should look for.

Domestic Intelligence Collection

The findings reflect problems in gathering and processing actionable intelligence about foreign terrorists on American soil. Problems also exist for gathering and handling intelligence on Americans who assist foreign terrorists or plan terrorist plots. The nature of the terrorist threat does not allow us the luxury of focusing abroad to learn of terrorist activity; we must recognize the existence of terrorist organizations within the United States and develop the capacity to uncover, infiltrate, and disrupt them while respecting the privacy and Constitutional rights of law abiding Americans.

The FBI is currently responsible for gathering intelligence within the United States, but is not adequately organized nor resourced to successfully meet this mission. Notwithstanding efforts by FBI Director Mueller, the FBI does not have a robust counterterrorism capability, and there

are serious policy and legal questions in co-locating within one agency responsibility for domestic intelligence with law enforcement. Intelligence is fundamentally predictive, based on assumptions, hypotheses, analyses, and forecasts; law enforcement is responsive, based on credible evidence. These functions use different approaches and operating procedures and there is great risk that marrying the two will sacrifice one or both.

The report recommends further study and debate of a separate domestic intelligence agency, without law enforcement responsibility or authorization. Such an entity would be modeled on Britain's MI-5, but would be tailored to reflect the U.S. federal system and civil rights laws. Establishing a new agency is not a panacea; Congress must vest any new entity with authorities and safeguards following a national debate over the appropriate scope of domestic intelligence collection.

Privacy and Civil Liberties

Collecting information on U.S. citizens and foreign visitors in the United States raises serious civil liberty and privacy implications, and it is critical that Congress defend the freedoms and rights of Americans and others. The report recommends continuing Congressional oversight of domestic intelligence authorities, including a review of the implementation of the Foreign Intelligence Surveillance Act and USA Patriot Act.

Within the Executive Branch, it is important that the position of Civil Rights and Civil Liberties Officer in the Department of Homeland Security be filled promptly by a senior and well-respected official so that protection of civil liberties is an integral part of homeland security planning and strategy, and not as an afterthought.

Leaks

Throughout the Joint Inquiry, I have expressed concern with what appear to be frequent leaks of classified intelligence information. The public disclosure of sensitive intelligence information can have devastating effects on intelligence sources and methods needed to fight terrorism. The

report recommends the President and agency heads take specific steps to prevent and appropriately punish the unauthorized disclosure of properly classified intelligence. The 108th Congress should demand updates on the measures recommended by the Attorney General in a report to the Congress in fall 2002.

Conclusion

Intelligence remains the key to preventing terrorist attacks. The IC has had many successes in uncovering and preventing attacks that, by necessity, go unreported and publicly unappreciated. But terrorists need to be successful only once to kill Americans and demonstrate the inherent vulnerabilities we face.

We have learned that despite considerable attention and significant efforts across and throughout the intelligence agencies in the summer of 2001, crucial information was not exploited, and organizational barriers in the IC blocked preventive action. Solutions to these problems involve forging a true "digital" community of intelligence agencies with strong leadership, overcoming entrenched bureaucratic and risk-averse cultures, and empowering our intelligence employees.

This report and these additional views are a basis for action in the 108th Congress. It will be my priority to see these improvements made.

JOINT INQUIRY STAFF REPORT

ADDITIONAL VIEWS

SENATOR JON KYL, SENATOR PAT ROBERTS

I. The Need for Additional Views

The Report is a product of the Joint Inquiry Staff (JIS), not the Senators and Representatives who sit, respectively, on the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI). The Chairman and Vice Chairman of the SSCI and the Chairman and Ranking Member of the HPSCI (the "Big Four") made most decisions and supervised the JIS. The JIS should be commended for putting together the first official account of the events leading up to the terrorist attacks of September 11, 2001.

It is difficult, however, for rank-and-file Members of the two committees to know how thorough or accurate the Report is because of the way the JIS and the "Big Four" conducted the inquiry, withholding information and decisions from the Members and SSCI and HPSCI staff throughout the process. While the Report should be a useful historical document on which to base further inquiries, we cannot vouch for its contents.

Beyond that, the investigation was deficient for what it did not include. While intelligence community failures were identified, they were presented frequently in a mode of "mistakes were made" rather than as the beginning of an inquiry as to why they were made.

After prodding by several Senators, some underlying causes of these failures were identified, but even then, they were not further probed to determine what might have been done differently. And the fact that the prodding was necessary illustrates our concern that the JIS either ran out of time or did not have the inclination or instruction to examine, for instance, why U.S. government agencies were risk-averse, who is responsible for the inadequate resources devoted to counter-terrorism efforts, why legal authorities were so confusing, and why leadership was so lacking. Without this examination, the Report will be of limited value in determining "lessons learned."

The record should also reflect some of the differences in opinion among Members on how the Report was (or should have been) prepared. The inquiry was conducted and overseen in

a way that left rank-and-file Members at a distinct disadvantage, and left insufficient time to examine many relevant issues. The final draft of the Report -- which is several hundred pages long and highly classified -- was delivered to Members four days before the one and only meeting scheduled for its consideration, when most Members were out of town. There was no debate about the Report, only about the Recommendations. But there was little basis for debate since the product was strictly the work of the JIS -- more like an Inspector General's report than a typical congressional committee report. Throughout the process, rank-and-file Members complained about irregularities. Specific examples include:

- Upon instructions from the Chairmen -- and in violation of SSCI rules -- the JIS often failed to tell Members and staff of important non-compartmented information it discovered in a timely manner.

- Information relating to open hearings -- such as the JIS staff statement and witness statements -- were routinely provided only late on the night before the hearing.

- Committee staff, and sometimes even the staff directors, were often excluded from meetings of the "Big Four," whose decisions were often made without consultation. Members' liaison staff, and, therefore, the Members themselves, were in the dark about these decisions.

- Despite repeated requests, records of JIS interviews with key witnesses conducted in the spring were not made available to committee staff for review until fall, when the final draft report was already in the late drafting stages.

- Over the strong objections of several Members, and key officials of the intelligence community, the "Big Four" scheduled a series of open hearings that sidetracked the ongoing investigation from mid-July to late October.

Here is a representative example of the lack of meaningful rank-and-file input into "Big

Four" decisions: During the JIS hearing of September 24, 2002 on "U.S. Government Counter-Terrorism Organizations and the Evolution of the Terrorist Threat," Chairman Goss asked unanimous consent to include in the record several documents relating to that day's hearing. However, among these documents were requests to the administration regarding its decision not to declassify certain information. These requests from the "Big Four" were made without consultation with the rank-and-file Members -- a fact that Senator Kyl noted for the record at that time. He stated: "Mr. Chairman, I have no objection, but I would like the record to note that the matter that the four of you spoke to is not a matter that has been discussed by the full membership of the committee. Therefore, at least I for one am in no position to judge whether the requests that you have made are warranted or not."

The holding of open hearings was particularly frustrating. The decision to hold them was apparently made by the "Big Four" despite the concerns of the JIS and the objections of other Senators. The JIS was forced to focus on them for three months, and from there had to go right into drafting the Report in order to meet the year-end deadline.

Several Members voiced their opposition to holding open hearings before the investigative work was completed and the Report written (and, we had supposed, agreed to). We objected, mostly in closed committee business meetings, that it was premature to convene open hearings before the investigation was complete. And indeed, at the point when the JIS began preparing for them (July, 2002), its investigations into the causes of 9/11 largely ground to a halt. Due to dramatic media leaks and the potential for further compromise, intelligence agencies "pushed back" against open hearings, causing further friction with the JIS investigation.

The hearings distracted these agencies, our "front line troops" on the war on terrorism, and they distracted Members and congressional staff from our traditional oversight responsibilities. They also, in our view and the view of Vice Chairman Shelby, publicly revealed a lot of sensitive information from which our enemies could profit. Most of the information presented had already been revealed in closed hearings, which were far more productive because those who participated could delve freely into classified information.

Key figures in our counter-terrorism efforts were unnecessarily compromised by these public hearings. A case in point is the Arizona resident whose identity came out in the media.

His name and face were even broadcast on Al-Jazeera. His family was harassed and was potentially in danger from extremists. Our hard-working people deserve better treatment than that. We should have been more circumspect about publicly releasing results before the investigation was complete and the two intelligence committees had had a chance to adequately review the final Report.

II. Deficiencies in the Report

These inadequacies in the process resulted in a Report that falls well short of addressing the core problems that led to 9/11. Because the fundamental problems that led to 9/11 are almost certainly rooted in poor policy and inadequate leadership, the investigation should have delved more deeply into conflicting interpretations of legal authorities (including presidential directives), budget allocations, institutional attitudes, and other key areas. Only penetrating these areas will tell us how policymakers, including Congress, contributed to the failures the Report identifies. In other words, only such a thorough exercise will help us to make sure the failures are not repeated.

What best shows the tendency of the JIS investigation to go to the water's edge but no farther is that, in the Report, there is a pronounced tendency to identify problems as "facts," or "realities," rather than as matters to be plumbed for underlying causes. For instance, we have the following JIS testimony to the joint committees: "The 1996 Khobar Towers attack, the 1998 African embassies attacks, and the 2000 *USS Cole* attack led the Departments of State and Defense to focus heavily on force protection, <u>but not on meeting the challenge of Afghanistan</u>, even though they recognized the dangers emanating from terrorist camps there."[1] So, the problem of Afghanistan as a haven for terrorists was widely recognized. But the CIA and FBI lacked the means, and also lacked a plan, to go after training camps in Afghanistan in a comprehensive manner. It would be reasonable to wonder at this point: What efforts were made to penetrate various groups in Afghanistan (or if there were efforts, why were they not successful), and why

[1]Emphasis added. Written statement of Eleanor Hill, in testimony before a hearing of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (hereafter "the joint committees"), October 8, 2002.

was there no attempt to beef up the military for a comprehensive response? The record shows that little effort was made to effectively utilize the military even after President Clinton's post-embassy bombing declaration in 1998 that "there will be no sanctuary for terrorists." Again, it is reasonable to ask why actions did not match words. These are questions we believe have not been asked, or at best have been asked superficially, by the JIS.

Other areas were treated similarly:

Risk Aversion

The JIS did not examine risk aversion as a distinct and separate issue, despite the fact that several witnesses and interviewees told the staff that it was a big problem. Indeed, no intelligence or law-enforcement agency escaped being described by its own officials as hampered by an aversion to taking risks of one sort or another.

For instance, at the September 24, 2002 JIS open hearing, a cloaked "Minneapolis FBI Agent" testified about risk aversion in the FBI. He was asked if he thought previous disciplinary actions involving agents making erroneous applications to the Foreign Intelligence Court of Review (the court set up under the Foreign Intelligence Surveillance Act, or FISA) had made agents reluctant to file FISA applications. He responded that these did indeed have a chilling effect.[2]

FBI fears of being seen as committing racial or religious profiling were acknowledged by a Phoenix special agent who attempted to alert FBI headquarters about suspicious individuals seeking pilot training. The special agent's now-famous electronic communication to headquarters recommended that it consider seeking authority to obtain visa information from the State Department on individuals who got visas to attend flight school. The intelligence operations specialists at FBI headquarters who reviewed the "Phoenix Memorandum" told the JIS that they had decided among themselves that seeking that authority raised profiling concerns. FBI qualms in this regard were stimulated by public allegations of racial profiling that were made against FBI agents who questioned two Middle Eastern men who had acted suspiciously on an Air West flight

[2] Statements of a Minneapolis FBI Agent before the joint committees, September 24, 2002.

from Phoenix to Washington, D.C. in 1999.

JIS director Eleanor Hill described the latter incident at the September 24, 2002 hearing: "During a physical surveillance of the subject of the Phoenix [electronic communication], the agent determined that he was using a vehicle registered to another individual. In 1999, the owner of the car and an associate of his were detained for trying to gain access to the cockpit of a commercial airliner on a domestic flight. They told the FBI that they thought the cockpit was the bathroom and they accused the FBI of racism."[3]

During the same hearing, Senator Hatch pressed the FBI witnesses on problems brought on by perceived racial profiling. Michael Rolince of the FBI remarked on his colleagues' interactions as they pursued leads on possible terrorist attacks during Y2K celebrations around the world: "I think you only need to go back to the millennium . . . There was a proposal on the table to interview every subject of every full and every preliminary inquiry investigation [regarding Osama Bin Laden] . . . and we were concerned about follow-on events for the Y2K. That met with overwhelming resistance by the [Special Agents in Charge] in the field for a lot of different reasons, one of which is we would be hounded unmercifully over the profiling issue."[4]

[3]Written statement of Eleanor Hill, in testimony before the joint committees, September 24, 2002.

[4] Michael Rolince, testimony before the joint committees, September 24, 2002.

The head of the National Security Agency, Lieutenant General Michael Hayden, told the JIS that, in 2000, his agency found itself having to fend off -- in an unusual public hearing -- Representative Robert Barr's public criticisms. Representative Barr had criticized the National Security Agency for what he believed were inappropriate collection activities.[5]

Many comments on risk aversion alluded to congressional oversight and/or investigations dating back to the Church and Pike investigations of the 1970s. In the 1980s, congressional investigation and litigation involving the FBI's investigation of the Committees in Solidarity with the People of El Salvador led indirectly to newer agents being "warned to be careful that they do not violate religious groups' First Amendment rights."[6] It is quite possible -- though this theme was not fully explored by the JIS -- that a legacy of caution left by these historical episodes contributed to timidity in tackling the Al Qaeda problem before Al Qaeda struck on 9/11.

[5] Joint Inquiry Staff, Memorandum from the Joint Inquiry Staff to Eleanor Hill, dated November 6, 2002, Subject: "October 31, 2002, Questions from Senators Kyl and Roberts."

[6] Joint Inquiry Staff, Memorandum from the Joint Inquiry Staff to Eleanor Hill, dated November 6, 2002, Subject: "October 31, 2002, Questions from Senators Kyl and Roberts."

A good example of comments that gave prominence to this subject is that of Richard Clarke, the National Security Council counter-terrorism coordinator from 1993 to October, 2001, who discussed in a JIS briefing on June 11, 2002 the atmosphere he would like to see engendered within our intelligence agencies. Mr. Clarke said the ethos should be: "Don't be afraid to make mistakes. Encourage a climate in the military and in the law-enforcement communities and in the CIA that says, perfection is not the goal here; and if you have good intentions and you mess up along the way, you will not be punished as an organization or as an individual. Get away from this risk-averse culture, where one mistake and you are out." He added that "we need a thousand more Colleen Rowleys, and you are never going to get them until you provide them with some encouragement, both from the Director of the FBI, from the President of the United States and, most importantly, from the Congress. . . . [B]elieve it or not, a lot of people in the executive branch are scared stiff about being up in front of a congressional committee."[7]

Changing the culture of risk aversion in these agencies is a major undertaking. It should be a central focus of any corrective actions we may attempt following this investigation. Yet the Report seems only to document the "fact" of risk aversion, rather than get at why it existed. Without knowing the causes, how can we be certain the conditions that led to it in the 1990s have been corrected? The two congressional intelligence committees should be very careful when it comes to recommending that individuals who were "to blame" for 9/11-related failures be aggressively punished, lest we promote the scapegoating of junior government employees by those who actually bore more responsibility. (See Recommendation #16.)

Insufficient Resources

Throughout this investigation, top intelligence officials cited a lack of money and people, in the years before the 9/11 attacks. One CIA witness described intelligence resources fighting terrorism as "a platoon in a brigade-sized field and doing the best they can."[8] This was known, yet little was done to correct it.

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[7] Richard Clarke, testimony before the joint committees, June 11, 2002.

[8] Statements of a CIA witness before the joint committees, September 20, 2002.

During the 1990s, intelligence community budgets stayed roughly even in constant dollars, or slightly declined. Overall capabilities declined. Primarily by taking from other budgets, counter-terrorism funds doubled. The Report states that, "in spite of increased counter-terrorism resources, the overall decreases in Intelligence Community resources made it difficult to expand the counter-terrorism effort significantly to meet the growing threat. . . .The number of people working on terrorism rose steadily, despite overall decreases in Intelligence Community staffing. Nonetheless, the number of people in counter-terrorism remained small."[9]

One notices a lack of clarity here. The Report spends many pages cataloging why it is difficult to pinpoint how much money was expended on counter-terrorism; yet the document does not really grapple with the contradiction between the high-ranking officials' complaints about inadequate resources and the fact that, according to the Office of Management and Budget, the intelligence agencies usually got what they asked for. Some excerpts describing this disconnect follow:

- "DCI Tenet testified that the CIA regularly asked OMB for more money, but had little success."[10]

- "Agency leaders testified that their requests for resources were sometimes not satisfied, even though Congress appropriated as much or more than the President requested. This is because OMB often reduces agency requests before sending them to Congress."[11]

- "In general, CIA appropriations for counter-terrorism met or exceeded the requests that were submitted by the President to Congress."[12]

- "[National Security Agency] appropriations consistently met or exceeded Presidential

[9] Final JIS Report, Tab E, pp. 2-3.

[10] Final JIS Report, Tab E, p. 7.

[11] Final JIS Report, Tab E, p. 9.

[12] Final JIS Report, Tab E, p. 10.

requests to Congress."[13]

- "The FBI usually received more -- at times far more -- than the amounts the President initially requested from Congress."[14]

[13]Final JIS Report, Tab E, p. 12.

[14]Final JIS report, Tab E, p. 11.

· "Budget requests specifically tied to counter-terrorism were generally approved, according to OMB officials."[15]

Yet officials from the intelligence agencies contended after the fact that the enhanced resources they received were not sufficient to meet the growing threat. One officer of the Counter-Terrorism Center claimed she was told when appeals for more resources were rejected: "People [will] have to die for them to get resources."[16]

Director of Central Intelligence George Tenet is in a rare and privileged position of having a personal audience with the President on a near-daily basis. When the Director of Central Intelligence declares war on Al Qaeda, as George Tenet did in 1998, we should see a dramatic effect. Did he press his case with President Clinton that he did not have enough people or resources? What he said in written testimony before the joint committees on October 17, 2002 is that the CIA prepared a policy-and-objectives statement in early 1997 that reflected a determination to go on the offensive against terrorism. Director Tenet:

"The submission outlined our Counter-Terrorism Center's offensive operations, listing as their goals to 'render the masterminds, disrupt terrorist infrastructure, infiltrate terrorist groups, and work with foreign partners.' . . . It highlighted efforts to work with the FBI in a bold bid to destroy the infrastructure of major terrorist groups worldwide.

[15]Final JIS Report, Tab E, p. 19.

[16]Final JIS Report, Tab E, p. 14.

". . . The FY99 submission -- prepared in early 1998 -- continued the trend in requesting a substantial funding increase for offensive operations against terrorism. . . . The FY 2000 budget submission prepared in early 1999 described Bin Laden as 'the most significant individual sponsor of Sunni Islamic extremism and terrorism activity in the world today.' Our FY 2000 submission noted our use of a wide range of operational techniques, joint operations with foreign partners, and the recruitment of well-placed agents."[17]

Director Tenet continued: "Despite these clear intentions and the daring activities that went with them, I was not satisfied that we were doing all we could against this target. In 1998, I told key leaders at CIA and across the intelligence community that we should consider ourselves 'at war' with UBL. I ordered that no effort or resource be spared in prosecuting this war. In early 1999, I ordered a baseline review of CIA's operational strategy against Bin Laden."[18]

In spite of Director Tenet's claims of "daring activities" and not being satisfied that the CIA was doing all it could against terrorists, the JIS found that "There was a reluctance to take risks in which CIA officers might die."[19]

But, back to the question of resources: What did Tenet do to follow up? Did he request more? Were the requests rejected? By whom? Why? If requests for money had been granted, would that have made any difference? And finally, how much has changed since 9/11?

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[17]George Tenet, testimony before the joint committees, October 17, 2002.

[18]Ibid.

[19]Joint Inquiry Staff, Memorandum from the Joint Inquiry Staff to Eleanor Hill, dated November 6, 2002, Subject, "October 31, 2002, Questions from Senators Kyl and Roberts."

The JIS was able to get the personnel and fiscal counter-terrorism requests of the FBI dating to the early 1990s. These contained the total number of additional positions or monies requested by the FBI of the Department of Justice, requested by the Department of Justice of the Office of Management and Budget, requested by the OMB of Congress, and enacted by Congress. Within these data are indications of irrational, ad hoc budgeting and funding decisions.[20] The positions approved by each entity in turn, as the requests wended their way from the FBI to Congress, sometimes showed wild disparities and inconsistencies. Yet the root causes for this remain unexplored. Without this information, the JIS contended it could not determine the "failure mechanisms" in the budgeting process. What was the impact on counter-terrorism as a result of the administration's budget requests and congressional responses, and what changes would be required to rectify the problems? The JIS Report does not provide answers.

A Flawed Legal/Institutional Framework

It is also evident that some of the pre-9/11 failings were caused by government officials operating under unclear authorities. The joint committees heard testimony from a number of senior officers from the intelligence agencies, the National Security Council, and the Pentagon. The committees were presented with divergent perspectives on exactly what authorities existed in our efforts to take the war to the terrorists.

[20]Final JIS Report, Chart 1.5 ("FBI Resource Requests"); Joint Inquiry Staff briefing to the joint committees, "An Overview of Counter-Terrorism Resources," Slide #6 ("FBI Requests for Additional Counter-Terrorism Resources and the DOJ, OMB, and Congressional Response").

National Security Council officials said they provided all the tools, both physical and legal, to do the job; intelligence agency officials said the National Security Council provided neither. Stated former National Security Advisor Anthony Lake: "In June, 1995, Presidential Decision Directive 39 mandated increased efforts to capture terrorists abroad."[21] His successor as National Security Advisor, Sandy Berger, said in response to our questions for the record: "President Clinton approved every strike or other action against bin Laden proposed by his intelligence, military, and national security advisors."[22]

On the other side of this divide, Members heard from intelligence officials, such as Cofer Black, former chief of the Counter-Terrorism Center, comments about being hampered by a lack of operational flexibility. Mr. Black: "I want to make this very clear. I do not feel that I had sufficient authorities to do the best job that we could."[23] He underlined this point at a later hearing: "All I want to say is that there was before 9/11 and after 9/11. After 9/11 the gloves came off."[24]

While the details of this debate remain classified, the JIS Report, as it does in so many other respects, documents the fact that there were discordant views without digging to find the point of failure that allowed this confusion to persist.

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[21]Written statement of Anthony Lake, in testimony before the joint committees, September 19, 2002.

[22]Memorandum from Sandy Berger to Senator Graham dated November 4, 2002, Subject: "Reply to Additional Joint Inquiry Questions."

[23]Cofer Black, statements before the joint committees, September 12, 2002.

[24]Written statement of Cofer Black, in testimony before the joint committees, September 26, 2002.

Uncertainty about a particular legal authority is shown in the FBI's decision-making surrounding the search of Zaccarias Moussaoui's computer. Minneapolis agent Rowley thought a FISA warrant could be obtained. Headquarters personnel thought not, because it was not clear Moussaoui was acting on behalf of an international terrorist organization.[25] More in-depth analysis of this issue might have resulted in a recommendation by our committees to revisit the legal definition, under FISA, of a "foreign power"-- a term that currently only includes foreign governments or international terrorist organizations. A warrant for surveillance of an individual is only granted under FISA if a court finds probable cause to believe the target of the warrant is linked either to a foreign government or an established organization. This may have made sense when the Foreign Intelligence Surveillance Act was enacted during the Cold War, but apparently, as noted, U.S. authorities did not try to obtain a FISA warrant to search Moussaoui in the summer of 2001 because the FBI could not prove he was linked to a specific terrorist group. Senator Kyl has offered a three-word change to the statute that would permit a FISA warrant to be obtained if the person suspected of terrorist activity is a foreign person. This change is supported by the Department of Justice.

Another change in the law that could improve the institutional framework would be further congressional legislation to enable the U.S. Government to deter and punish unauthorized disclosure of security-related information.

Leadership Failures

Al Qaeda's attack on Washington and New York occurred after a long period of poor leadership at the highest levels of the U.S. Government regarding terrorism. Despite repeated assaults on the United States and its interests -- the 1993 World Trade Center attack, the bombing of the American embassies in Kenya and Tanzania in 1998, the attack on the *USS Cole* in 2000, to name a few -- the U.S. Government was still unwilling to treat terrorism as a true national security issue until 9/11. Indeed, the previous administration strove mightily to treat terrorism strictly as a law-enforcement issue, often thinking in terms of what evidence could be gathered on

[25] "F.B.I. Denial of Search Warrant for Suspect's Belongings Is at Center of Inquiries," Philip Shenon, New York Times, June 7, 2002.

terrorists that would hold up in a court of law. Even when we did respond with military force – sending cruise missiles into Afghanistan and Sudan after the 1998 embassy attacks, for instance – it smacked of doing something for show, rather than a real attempt to treat the terrorist threat for what it is -- a war.

But these leadership failures at the political level do not absolve the decision-makers at the intelligence agencies of their own failures. The problem of inadequate allocation of resources, for example, appears to be a result of confused leadership in the intelligence community. Just about every person interviewed indicated that, before 9/11, he or she was overtasked and undermanned. Yet the Counter-Terrorism "Center" evidently did not fully use the resources already in the community. Analysts from agencies outside the CIA indicated to the JIS that they were not being tapped to assist counter-terrorism work inside the Counter-Terrorism Center. JIS information indicates that the Defense Intelligence Agency and the Federal Aviation Administration offered analytic support to the chief of the Counter-Terrorism Center, but both offers were rebuffed.[26] So, in spite of a 1998 DCI declaration of war on Al Qaeda, two key organizations were not allowed to fully throw their support behind the anti-terror effort. In this connection, Director Tenet stated before our committee – apparently with pride -- that, by 2001, the Counter-Terrorism Center "had 30 officers from more than a dozen agencies on board, [constituting] ten percent of its staff complement at that time."[27] This means the CIA accounted for 90 percent of the personnel at the Counter-Terrorism Center, and the "more than a dozen" other agencies were only allotted the remaining 10 percent of the billets. Clearly, the Counter-Terrorism Center, created as an intelligence community entity to fuse information and analysis, did not fully leverage the assets resident throughout the law-enforcement and intelligence communities.

Instead we had fragmented counter-terrorism analytic centers at CIA headquarters, at the Pentagon, and at various FBI locations. The failure to concert the community's activities had

[26] Joint Inquiry Staff, Memorandum from the Joint Inquiry Staff to Eleanor Hill, dated November 6, 2002, Subject: "October 31, 2002, Questions from Senators Kyl and Roberts."

[27] Written statement of George Tenet, in testimony before the joint committees, October 17, 2002.

severe consequences. Did the intelligence community fail the Director of Central Intelligence by not offering more support to the Counter-Terrorism Center, or did the Director of Central Intelligence fail the Counter-Terrorism Center by not bringing in more government-wide talent and skills?

Only after 9/11 did the various intelligence and law-enforcement entities begin to put aside their parochialism and work together in a more productive manner. With better leadership of the intelligence community, this condition would not have been prevalent before 9/11. It would not have taken that monumental disaster for our nation to get the members of the community to cooperate with one another.

One of the purposes of the Joint Inquiry, as stated in the preamble to the House and Senate committees' "Initial Scope" document, was to "lay the basis for assessing the accountability of institutions and officials of government." The JIS Report, however, apparently fails to identify which officials within the intelligence community had responsibility, before 9/11, for strategic and tactical warning of terrorist activity. Instead, Recommendation #16 suggests that discovering who is accountable should be the job of the Inspectors General of the various agencies.

Inadequate Scope

The failures that led to 9/11 occurred not only in the intelligence community. The JIS was selective about what threads of inquiry it was willing to follow beyond the intelligence community. Failure to examine the State Department's visa-issuance process must rank as the most glaring of these omissions because the answer to the question – could 9/11 have been prevented -- is yes, if State Department personnel had merely followed the law and not granted non-immigrant visas to 15 of the 19 hijackers in Saudi Arabia.

We repeat: If our own laws regarding the issuance of visas had been followed by the State Department, most of the hijackers would not have been able to obtain visas, and 9/11 would not have happened. Because the entire culture of the State Department is geared toward facilitating smooth relations with foreign governments, State Department personnel have tended to ignore the potential effect of their practices on national security.

An October, 2002 report of the General Accounting Office found that, before 9/11, there was among U.S. consular officers abroad a wide divergence of opinions and practices regarding

"the authority of consular officers to deny questionable applicants a visa; the role of the visa process in ensuring national security; and the types of changes . . . appropriate given the need for heightened border security."[28]

Section 214(b) of the Immigration and Nationality Act essentially creates a presumption against the issuance of visas to single young men without visible means of support. Consular officers are empowered with broad authority to deny visas in cases where the applicant fails to overcome this presumption. Section 214(b), which pertains to non-immigrant visas, specifically provides that applicants for such visas must demonstrate that they: 1) have a residence abroad and strong ties to a country that they have no intention of abandoning; 2) intend to leave the United States in a timely manner; and 3) intend to engage in legitimate activities related to the non-immigrant category.

[28] "Border Security: Visa Process Should Be Strengthened as an Antiterrorism Tool," General Accounting Office, October, 2002, p. 3.

The failure of several of the terrorist hijackers, including the ringleader, Mohammed Atta, to completely fill out their applications provided ample reason for denying the visas. Only one of the 15 terrorists who were from Saudi Arabia provided an actual address; the rest listed only general locations, such as "California," "New York," "Hotel D.C." and "Hotel."[29] Only three of the 15 provided the name and street address of present employer or school as required on the application. Only one of these applications had additional documentation or explanatory notes provided by a consular officer that addressed any discrepancy or problem with the original application.

It was the official position of the State Department's Bureau of Consular Affairs for over a year, that 13 of the 15 terrorists from Saudi Arabia had been personally interviewed and that there was nothing in their visa applications or in the interviews that should have prevented issuance of their visas. According to the GAO, however, only two of the Saudi applicants were actually interviewed, and all 19 hijackers had substantial omissions and inconsistencies on their visa applications that should have raised concerns about why they wanted visas.

[29] "Visas for Terrorists," Joel Mowbray, National Review, October 28, 2002.

The GAO reported that these applicants were presumed to be eligible based upon pre-9/11 internal State Department policies that stressed that all applicants from Saudi Arabia and the United Arab Emirates were to be considered "good cases" and, therefore, exempt from interviews. Moreover, the GAO noted that applicants from these two countries were not required to "complete their applications or [provide] supporting documentation."[30] Why was this so? The pervasiveness in Saudi Arabia of Wahhabism, a radical, anti-American variant of Islam, was well-known before 9/11. The JIS should have inquired why the country of Saudi Arabia was given such preferential treatment by the State Department and whether the intelligence agencies were complicit in the policy.

III. Comments on Recommendations

When there is a crisis, there is a tendency to look for easy solutions. A case in point is the first and most publicized Recommendation to come out of this investigation: the creation of a new "Director of National Intelligence." Good policies, good leadership, adequate resources, and <u>will</u> can better protect the American people from terrorism than simply creating new offices and rearranging organizational charts. And, as we have attempted to show, policy, resources, and leadership were issues that were not treated in sufficient depth by the JIS. It is not at all clear that a new intelligence "czar" could succeed where the Director of Central Intelligence has not. For that matter, the Report does not even conclude that DCI Tenet or any predecessor DCI did fail. The disconnect between the JIS' investigative efforts and the Recommendation supposedly based on them is remarkable.

On the merits of the "Director of National Intelligence" idea itself, we would concur with some of the points made by Vice Chairman Shelby in his Statement of Additional Views. Separating the job of the head of the intelligence community from the directorship of the CIA is an idea of some value. It has been endorsed by a number of post-Cold War studies of intelligence-community reform. However, we in the House and Senate intelligence committees have not yet deliberated enough on this question to draw any conclusions.

[30]GAO report, p. 17.

As indicated above, we are particularly troubled by the JIS Report's Recommendation #16, calling for lower-level personnel to be held accountable by the various agencies' Inspectors General. It is doubtful whether this would improve the functioning of the intelligence agencies. Accountability of this kind would, in our view, have a troubling result: exacerbating what so many people quoted herein cited as a pervasive problem, namely, aversion to risk. Accountability of those at the very top is what is needed; it alone produces accountability at the intervening levels, and among officers in the field who run down the leads to find terrorists.

It would be expecting too much to think that U.S. authorities should have predicted that the attack of 9/11 would come. But the level of dysfunction in the security and intelligence agencies comes as a shock to Americans, who had faith in the expertise of the intelligence community. To restore that faith it must improve its performance, and in this regard, the proposition "First things first" is only common sense. Our duty to understand precedes our ability to improve. The JIS Report, in not fully coming to terms with what produced the intelligence failures it identified, left that duty unfulfilled. These Additional Views are offered not to criticize those who worked very hard under difficult circumstances to file a Report by the end of the 107th Congress, but to provide a more complete perspective for those who are charged to further investigate the terrorist attacks of September 11, 2001.

LAW ENFORCEMENT SENSITIVE

Additional Views of Senator Carl Levin

A fair reading of the facts contained in the Joint Inquiry report has led me to a deeply troubling conclusion:

Prior to September 11th, United States intelligence officials possessed terrorist information that if properly handled could have disrupted, limited, or possibly prevented the terrorist attacks against the World Trade Center Towers, the Pentagon, and United Airlines Flight 93. At crucial points in the twenty-one months leading up to September 11th, this intelligence information was either not shared or was not acted upon, and, as a result, opportunities to thwart the terrorist plot were squandered.

While the Joint Inquiry did not uncover a "smoking gun" leading up to September 11th, a number of "lit fuses" were known to counter-terrorism officials during a period of time when our Intelligence Community was at a heightened state of alert over imminent attacks from al-Qaeda. The report details how in the months leading up to September 11th these fuses were allowed to burn and how attempts to extinguish them were shockingly frustrated.

Two of the terrorists hijackers – al-Mihdhar and al-Hazmi – were allowed to enter the United States in January 2000 because the CIA, who knew the two to be linked with al-Qaeda and the 1998 East African embassy bombings, failed repeatedly to place them on a entry watchlist. One of the two – al Mihdhar – was able to leave and re-enter the United States in 2001 and, according to the FBI, may have spent his time abroad organizing the travel of the twelve terrorists who constituted the hijacking "muscle" into the United States.

On June 11, 2001, at a meeting of FBI and CIA officials, FBI field agents from New York investigating al-Qaeda's responsibility for the deadly U.S.S. Cole bombing, pressed for information regarding the CIA's interest in al-Mihdhar and al-Hazmi and their attendance at the

January 2000 Malaysia meeting of al-Qaeda terrorists, which included the person responsible for planning the U.S.S. Cole attack. The CIA official at the meeting denied the FBI agent's request and withheld basic and relevant information about the suspected terrorists because he did not believe he had the authority to share the information.

Two and half months after this June 11, 2001, meeting, and after the two terrorists had been determined to have entered the country and were watchlisted, a FBI New York agent pressed FBI headquarters to use full criminal resources to find these at-large members of al-Qaeda. The agent's request was denied by the FBI's National Security Law Unit which cited a "wall" that prevented the sharing of intelligence information with criminal case agents. Invoking this so-called "wall" was erroneous however, and, as a result, the FBI's search for the terrorists in the two weeks leading up to the attacks was unnecessarily hamstrung.

(LES) The FBI's Minneapolis field office opened an international terrorism investigation of Zacarias Moussaoui and soon after arrested him on August 16, 2001. After the arrest, the CIA urgently solicited its stations around the world for additional information on Moussaoui, who it characterized as a "suspect airline suicide attacker" who might be "involved in a larger plot to target airlines traveling from Europe to the U.S." And yet, over the next three weeks FBI Minneapolis officials were frustrated in their efforts to obtain a FISA search warrant of Moussaoui's belongings by legal officials at FBI headquarters based on an incorrect reading of the search warrant requirements, a mistake now acknowledged by the FBI. After September 11th, Moussaoui's belongings revealed links to al-Qaeda officials which connected him to the planners of the terrorist plot.

Finally, while the Joint Inquiry report addresses at length the FBI's mishandling of the July 10, 2001, Phoenix Electronic Communication, it fails to note that many of the individuals identified by the FBI Phoenix agent as being part of a suspected al-Qaeda cell infiltrating the American civil aviation industry were the subject of "UBL-related investigations" by the FBI

after the terrorist attacks. The warnings contained in the Phoenix Electronic Communication were largely ignored before September 11th. But surprisingly, despite all the subsequent attention given to the Phoenix document, the FBI Director, in the year after the terrorists attacks, was unable to inform the Senate Select Committee on Intelligence and the Joint Inquiry how many of the suspects identified by the Phoenix agent were linked to al-Qaeda and of the status of the investigation.

Senator Barbara A. Mikulski

As a member of the Senate Intelligence Committee, I voted in support of the recommendations of the Joint Intelligence Inquiry.

Protecting the American people is the most important responsibility I have as a United States Senator. We owe it to the victims of the September 11th and anthrax attacks, their families, and the nation to find answers. Who knew what and when before the September 11th attacks? And if they didn't know, why? The purpose of the joint inquiry was to ask the tough questions and use the answers to detect, deter and disrupt future attacks.

We must put in place an intelligence framework to meet the threats of the twenty-first century. We need a national debate and national consensus on the best way to prevent terrorism, protect the nation and preserve the Constitution and civil liberties.

A new framework demands reform. Our intelligence agencies must change. They must change their culture and how they operate. Congress and the Administration must make sure these agencies have the right resources to do their jobs. That means new technology, better training, and increased funding. The time for status quo is over. The threats to America are real and potentially devastating. We must be rigorous and unflinching in pursuit of reform.

While we protect America, we must also protect our Constitution and civil liberties.

There must be a vigorous national debate about the need for a domestic intelligence agency. The American people have a right to know, a right to be heard and a right to be included. The debate must be conducted in the sunshine. Congress should review any proposals through the committee process. Public comment should be encouraged through hearings, town halls meetings and other forums.

The American people must be informed and involved. Reform cannot be achieved in secret or

by executive fiat. A decision on a new intelligence agency should be based on a national debate and national consensus, not partisan politics.

This debate must take place, and it must happen soon. I have no doubt that if America goes to war against Iraq, terrorists will go to war against America – on American soil. America will be part of the battlefield. We must be prepared.

That is why I support the important concrete changes recommended by the Joint Inquiry Committee to revamp, reform and reinvigorate the Intelligence Community.

- **Creating a Cabinet-level Director of National Intelligence position.** This gives one person responsibility and authority over every element of the Intelligence Community – to set priorities, assign personnel, and manage a unified budget. Breaking down silos and ending turf battles must be top priority. Putting a single person in charge is a solid first step to real reform.

- **Creation of a national watchlist center.** Four of the terrorists involved in the September 11th attacks were stopped by local law enforcement for speeding or for not having a driver's license. When the police officers did the checks, there were no flashing yellow lights about these men. Today local law enforcement knows more about dead-beat dads than death threat terrorists. Something is really wrong here. We need to fix it. Creating a national watchlist center will ensure that information about potential terrorists is available to those who need it – from Customs inspectors to local cops on the beat.

- **Creating better technologies for intelligence.** Our intelligence community must stay ahead of the curve on developing and using new technologies. We need to make sure our ears on the world don't go deaf because of commercial encryption or huge volumes of data.

- **Reforming the FBI.** The FBI must be more effective and efficient in both law enforcement and preventing terrorism. That means better analysis and training,

modernizing computer systems to share information, and cooperation with other intelligence agencies.

ADDITIONAL VIEWS

Congressman Tim Roemer

I want to begin by congratulating the leadership of the Joint Inquiry for their bipartisanship, productivity, and helpful recommendations. In the history of Congress, very few joint inquiries have been created, let alone been successful. Congress, as an institution, can look at this bicameral and bipartisan accomplishment with pride.

Although I generally embrace the findings and recommendations of the report, there are several areas where further emphasis is needed and additional improvements must be made.

One of my great frustrations during my service on the Permanent Select Committee on Intelligence has been the degree to which access to information is restricted, either from the committee or within the committee, often for reasons that have little or no correlation to national security. Many times, these restrictions have the effect of impairing the ability of members of the committee to make fully informed decisions on important budgetary or policy matters. For example, during the Joint Inquiry, it became clear that individual government officials had been briefed about certain terrorist related information before September 11. The substance of these briefings was declassified and made public. The dates that these briefings took place were declassified. Thus, sensitive information that might reveal sources, methods, or expose national security concerns, is not part of the equation here. But the identity of the participants in the briefings, even by reference to the title of the offices they held, was not declassified. In other words, a judgment was made that national security would not be endangered if the American people knew the specifics about information their government possessed about terrorism, but would be threatened if they knew who in their government knew that information. There are few things more destructive, in my judgment, to the bond of trust between the people and their government than refusing to declassify information which might be politically uncomfortable or embarrassing. Classification should be for important national security reasons, and references to title and positions should not be classified or asserted as covered under the doctrine of executive privilege.

The executive branch suffers from a tendency toward over classification which, especially in the area of intelligence, diminishes Congress' ability to effectively oversee budget and policy decisions. I hope that the procedures through which information is classified will be streamlined. Additionally, we must accelerate the pace of review for declassification of information already classified. As part of these efforts, I strongly encourage the administration to reconsider its decision to maintain the classification of titles and positions in the matter of concern to the Joint Inquiry.

The Joint Inquiry focused almost totally, given the jurisdiction of the two committees, on the September 11-related activities of the intelligence agencies. Although these agencies have significant responsibilities on security issues, and terrorism issues specifically, those responsibilities are not exclusive in either area. To understand fully how the September 11 attacks were successfully conducted requires a look well beyond the borders of the intelligence community. Issues like the Federal Aviation Administration (FAA) and airline security; the manner in which visa applications are reviewed; the procedures used to grant entry into the United States at points of entry, as well as those used to monitor our borders; and issues related to the security of our ports, particularly our ability to track the movement of cargo, all need to be scrutinized. A more thorough and comprehensive look at the September 11 attacks, and ways to prevent attacks in the future, needs to be done. I am hopeful that the recently established national commission will complete that job.

The Joint Inquiry would have benefited greatly, in my judgment, had it been able to hear directly from the most senior national security officials in the current administration. For various reasons, the Secretaries of State and Defense, the Attorney General, and the National Security Advisor were not questioned directly about issues related to the September 11 attacks. I do not believe that the record of the national commission will be complete unless this shortcoming is addressed.

I agree with those who urge a more exhaustive investigation of the means through which the September 11 hijackers were supported financially while they were planning and training for the attacks. Money combines with ideology to form the lifeblood of terrorism. Shutting off the

flow of funds, whatever their source, is critical to winning the war against terrorism. Of particular concern is whether other nations, either wittingly or as a result of less than aggressive efforts to monitor financial transactions within their own borders, may have provided support to the September 11 hijackers, or may be providing support to other terrorists who would do harm to the United States. I believe it is imperative that every effort be made to fully investigate all financial relationships between terrorist groups and members of the international community. Our Joint Inquiry has scratched the surface of this critical issue; other investigations, including the national commission, must complete this effort.

We also recommended that a Cabinet-level Director of National Intelligence (DNI) be appointed to lead the intelligence community. This grows out of our concern that the current structure is not conducive to the management of the intelligence community as a coherent whole. The intelligence community encompasses more than a dozen agencies and tens of thousands of employees. These entities are diverse in their focus and composition. We found that there were serious difficulties in setting budget and policy priorities across the intelligence community and ensuring their implementation. Thus, the intelligence community is ill equipped to meet the new challenge of global terrorists focused on targets within the United States.

Leadership of the intelligence community should be strengthened through the creation of a new position with sufficient authority, resources, and staff to manage intelligence agencies as a cohesive entity. We believe this Director of National Intelligence should be sufficiently empowered that he or she can exercise the full range of management, budgetary and personnel responsibilities. Making this position a reality, however, will raise a host of practical issues that will require careful consideration by the Congress, not least of which is the question of what authority over the intelligence agencies should remain with the heads of the departments in which these entities reside.

The Joint Inquiry recommends that the new Director of National Intelligence not be permitted to serve as the head of the Central Intelligence Agency (CIA) or any other individual intelligence agency. The intent of this provision is to ensure that leadership of the intelligence community remains focused and consistent across all agencies of the community. However, an

argument can be made that a DNI would be more effective if he or she also served as the head of an agency. I would strongly recommend that the Congress and commission study this issue more carefully, and I will remain open to the debate.

The Joint Inquiry recommendations recognized that the workforce of the intelligence community is its greatest resource. All Americans should be thankful for the thousands of individuals employed by U.S. intelligence agencies who make countless sacrifices for our collective security. Yet we have found that these individuals are not as well equipped and well trained as they should be. The Joint Inquiry makes numerous recommendations on measures that should be implemented to enhance the development of the workforce with the skills and expertise, and intelligence tools, needed for success in counterterrorist efforts. First among these is better expertise, especially in languages. Language readiness is woefully inadequate across the intelligence community, and the Congress has repeatedly stressed the need for a strategic plan to remedy the problem with multi-faceted, sustained and creative approaches.

On another personnel matter, the importance of strategic analysis cannot be overstated. This topic is well developed in sections of the report, but I wish to further emphasize that already existing information technology can assist in the development of better analytic products, if fully utilized. The collection agencies disseminate intelligence reports to large numbers of users through cables, whose formats were defined many years ago. These cables tend to provide very little context, so if the recipient is not familiar with the details of the particular topic the importance of the intelligence could be likely missed. This could have contributed to the failure of the CIA to watchlist Nawaf al-Hazmi and Khaled al-Mihdhar. Intelligence reporting formats should be modernized and analytic tools more widely utilized to facilitate the discovery of links between new and previously acquired information. These efforts can contribute to a greater depth and quality of analysis.

Finally, the importance of all collected information is not always well understood by the reports officers who act as collection filters when they create the cables that are disseminated to the all-source analysts. The Joint Inquiry uncovered instances where information was not disseminated, because intelligence thresholds were not met, that in hindsight, would have

revealed important information about some of the September 11th hijackers. The Joint Inquiry recommendations and the conference report on the Intelligence Authorization Act for Fiscal Year 2003 both address this issue concerning access to "raw" intelligence. Since seemingly insignificant information given to the right analyst, or appropriately data-mined and correlated by an analytic tool, could help uncover the next plot, such information must be made available to a limited number of analysts for domestic security and force protection purposes.

APPENDICES

APPENDIX

THE SENATE SELECT COMMITTEE ON INTELLIGENCE

AND

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

INITIAL SCOPE OF JOINT INQUIRY

(148 Cong. Rec. H3493 (daily ed. Jun 5, 2002))

Congress of the United States
Washington, DC 20515

PREAMBLE

To reduce the risk of future terrorist attacks; to honor the memories of the victims of the September 11 terrorist attacks by conducting a thorough search for facts to answer the many questions that their families and many Americans have raised; and to lay a basis for assessing the accountability of institutions and officials of government:

THE SENATE SELECT COMMITTEE ON INTELLIGENCE
AND
HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

ADOPT THIS

INITIAL SCOPE OF JOINT INQUIRY

Pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, Rule 6 of the Rules of Procedure of the Senate Select Committee on Intelligence, Rule XI(1)(b) of the Rules of the House of Representatives, and Rule 9 of the Rules of Procedure of the House Permanent Select Committee on Intelligence, the two Committees have authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks on the United States. The Committees have undertaken this Joint Inquiry pursuant to their responsibility to oversee and make continuing studies of the intelligence activities and programs of the United States Government and all other authority vested in the Committees.

The purpose of this Joint Inquiry is –

(a) to conduct an investigation into, and study of, all matters that may have any tendency to reveal the full facts about –

(1) the evolution of the international terrorist threat to the United States, the response of the United States Government including that of the Intelligence Community to international terrorism, from the creation of the Director of Central Intelligence's Counterterrorist Center in 1986 to the present, and what the Intelligence Community had, has, or should have learned from all sources of information, including any terrorist attacks or attempted ones, about the international terrorist threat to the United States;

(2) what the Intelligence Community knew prior to September 11 about the scope and nature of any possible attacks against the United States or United States interests by international terrorists, including by any of the hijackers or their associates, and what was done with that information;

(3) what the Intelligence Community has learned since the events of September 11 about the persons associated with those events, and whether any of that information suggests actions that could or should have been taken to learn of, or prevent, those events;

(4) whether any information developed before or after September 11 indicates systemic problems that may have impeded the Intelligence Community from learning of or preventing the attacks in advance, or that, if remedied, could help the Community identify and prevent such attacks in the future;

(5) how and to what degree the elements of the Intelligence Community have interacted with each other, as well as other parts of federal, state, and local governments with respect to identifying, tracking, assessing, and coping with international terrorist threats; as well as biological, chemical, radiological, or nuclear threats, whatever their source (such as the Anthrax attack of 2001).

(6) the ways in which the Intelligence Community's responses to past intelligence problems and challenges, whether or not related to international terrorism, have affected its counterterrorism efforts; and

(7) any other information that would enable the Joint Inquiry, and the Committees in the performance of their continuing responsibilities, to make such recommendations, including recommendations for new or amended legislation and any administrative or structural changes, or other actions, as they determine to be necessary or desirable to improve the ability of the Intelligence Community to learn of, and prevent, future international terrorist attacks; and

(b) to fulfill the Constitutional oversight and informing functions of the Congress with regard to the matters examined in the Joint Inquiry.

APPENDIX

THE SENATE SELECT COMMITTEE ON INTELLIGENCE

AND

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

SUPPLEMENTAL JOINT INQUIRY RULES

148 Cong. Rec. S5032 (daily ed. Jun 5, 2002)

148 Cong. Rec. H3493 (daily ed. Jun 12, 2002)

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE
SUPPLEMENTAL JOINT INQUIRY RULES

In connection with the Joint Inquiry with the Senate Select Committee on Intelligence into the events of September 11, 2001, authorized by the House Permanent Select Committee on Intelligence ("HPSCI") pursuant to Rule XI(1)(b) of the Rules of the House of Representatives and Rule 9 of HPSCI's Rules of Procedure, and pursuant to Rule XI(2)(a) of the Rules of the House of Representatives, HPSCI adopts the following Joint Inquiry Rules to supplement HPSCI's Rules for purposes of the Joint Inquiry only:

JOINT INQUIRY RULE 1. JOINT PROCEEDINGS

1.1. HPSCI may conduct hearings jointly with the Senate Select Committee on Intelligence. All joint hearings shall be considered hearings of both Committees.

1.2. The Rules of Procedure of HPSCI and the Senate Select Committee on Intelligence shall apply in all hearings and other proceedings of this Joint Inquiry, except where superseded by these Joint Inquiry Rules, provided that, at any joint hearing, if any rules of the two Committees are inconsistent, the rules of that Committee whose Chairman or his designee is presiding shall apply.

1.3. For the purposes of the proceedings of this Joint Inquiry, all employees on the staff of either Committee working on the Joint Inquiry shall be considered to be acting on behalf of both Committees.

JOINT INQUIRY RULE 2. HEARINGS

2.1. All testimony at hearings shall be taken under oath or affirmation.

JOINT INQUIRY RULE 3. DEPOSITIONS

3.1. All testimony taken, and all documents, records, or other materials produced, at a deposition of the Senate Select Committee on Intelligence shall be considered part of the record of both Committees.

SENATE SELECT COMMITTEE ON INTELLIGENCE
SUPPLEMENTAL JOINT INQUIRY RULES

In connection with the Joint Inquiry with the House Permanent Select Committee on Intelligence into the events of September 11, 2001, authorized by the Senate Select Committee on Intelligence ("SSCI") pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, and Rule 6 of the SSCI's Rules of Procedure, and pursuant to Rule XXVI.2 of the Standing Rules of the Senate, the SSCI adopts the following Joint Inquiry Rules to supplement the SSCI's Rules of Procedure for purposes of the Joint Inquiry only:

JOINT INQUIRY RULE 1. JOINT PROCEEDINGS

1.1. The SSCI may conduct hearings jointly with the House Permanent Select Committee on Intelligence. All joint hearings shall be considered hearings of both Committees.

1.2. The Rules of Procedure of both the SSCI and the House Permanent Select Committee on Intelligence shall apply in all hearings and other proceedings of this Joint Inquiry, except where superseded by these Joint Inquiry Rules, provided that, at any joint hearing, if any rules of the two Committees are inconsistent, the rules of that Committee whose Chairman or his designee is presiding shall apply.

1.3. For the purposes of the proceedings of this Joint Inquiry, all employees on the staff of either Committee working on the Joint Inquiry shall be considered to be acting on behalf of both Committees.

JOINT INQUIRY RULE 2. HEARINGS

2.1. All testimony at hearings shall be taken under oath or affirmation.

2.2. Subpoenas for the attendance of witnesses, or the production of documents, records, or other materials, at hearings may be authorized by vote of the SSCI pursuant to SSCI Rule 2, or by the SSCI's Chairman and Vice Chairman, acting jointly.

JOINT INQUIRY RULE 3. DEPOSITIONS

3.1. All testimony taken, and all documents, records, or other materials produced, at a deposition of the SSCI shall be considered part of the record of both Committees.

3.2. Subpoenas for depositions and notices for the taking of depositions may be authorized by vote of the SSCI pursuant to SSCI Rule 2, or by the SSCI's Chairman and Vice Chairman, acting jointly, and shall be issued and served as provided in SSCI Rule 7. Deposition notices shall specify a time and place of examination and the name or names of Committee members or staff who will take the deposition. Depositions shall be in private and shall, for purposes of the rules of both Committees, be deemed to be testimony given before the Committees in executive session.

3.3. Witnesses shall be examined upon oath administered by a member of the SSCI or by an individual authorized by local law to administer oaths. Questions may be propounded by members or staff of either Committee. If a witness objects to a question and refuses to testify, the Committee members or staff present may proceed with the deposition, or may, at that time or subsequently, seek a ruling on the objection from the Chairman of the SSCI or any member of the SSCI designated by the Chairman. The SSCI shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after having been ordered and directed to answer by the Chairman or a member designated by the Chairman.

3.4. Procedures for the attendance of counsel for witnesses at, and for the inspection, correction, and filing of transcripts of, depositions shall be as provided in SSCI Rules 8.4 and 8.7.

APPENDIX

JOINT INQUIRY HEARINGS

JOINT INQUIRY HEARINGS

Date	Subject/Substance	Status
Jun 4, 2002	Business Meeting	Closed
Jun 5	Evolution Of The Threat	Closed
Jun 6	Evolution of The Threat	Closed
Jun 11	Richard Clarke Former National Coordinator for Security, Infrastructure, and Counterterrorism	Closed
Jun 12	The Intelligence Community Before September 11 Airplanes As Weapons	Closed
Jun 18	Lt. General Michael Hayden Director, National Security Agency Robert Mueller Director of the Federal Bureau of Investigation George Tenet Director of Central Intelligence	Closed
Jun 19	Lt. General Michael Hayden Director, National Security Agency George Tenet Director of Central Intelligence Robert Mueller Director of the Federal Bureau of Investigation	Closed
Jul 16	Technical Collection	Closed
Jul 18	Technical Collection	Closed
Jul 23	Financial Campaign	Closed

Jul 25	Analysis & Language	Closed
Sep 12	Covert Action	Closed
Sep 18	Representatives Of September 11 Victims' Families	Open
Sep 19	Richard Armitage Deputy Secretary Of State	Open
	Samuel Berger Former National Security Advisor To The President	
	Brent Scowcroft Former National Security Advisor To The President	
	Paul Wolfowitz Deputy Secretary Of Defense	
Sep 20	The Hijackers	Open
Sep 24	Moussaoui & The Phoenix Electronic Communication	Open
Sep 26	Moussaoui & The Phoenix Electronic Communication	Closed
Sep 26	Response To The Terrorist Threat	Open
Oct 1	Information Sharing	Open
Oct 3	Proposed Reorganization Of The Intelligence Community	Open
Oct 8	Lessons Learned	Open
Oct 9	FBI/CIA Issues	Closed
Oct 10	FBI/CIA Issues	Closed
	Robert Mueller Director of the Federal Bureau of Investigation	
	George Tenet Director of Central Intelligence	

Oct 17	Lt. General Michael Hayden Director, National Security Agency Robert Mueller Director of the Federal Bureau of Investigation George Tenet Director of Central Intelligence	Open
Dec 10	Business Meeting	Closed

APPENDIX

LIST OF HEARING WITNESSES

List of Hearing Witnesses

The following is a list of witnesses who appeared before Joint Inquiry hearings conducted by the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence in open or closed session. Affiliations listed are as of the date of appearance.

June 4, 2002 **Business Meeting (No Witnesses)**

June 5, 2002
Alonzo Robertson, Joint Inquiry Staff
John Keefe, Joint Inquiry Staff

June 6, 2002
Eleanor Hill, Director, Joint Inquiry Staff
Alonzo Robertson, Joint Inquiry Staff
John Keefe, Joint Inquiry Staff

June 11, 2002
Richard Clarke, Special Advisor to the President for Cyberspace Security, Executive Office of the President, former Coordinator for Security, Infrastructure, and Counterterrorism, National Security Council, 1993 - 2001.

June 12, 2002
Miles Kara, Joint Inquiry Staff
Patti Litman, Joint Inquiry Staff
Michael Jacobson, Joint Inquiry Staff

June 18, 2002
George Tenet, Director of Central Intelligence
Robert Mueller, Director, Federal Bureau of Investigation
Lieutenant General Michael Hayden, USAF, Director, National Security Agency

June 19, 2002
George Tenet, Director of Central Intelligence
Robert Mueller, Director, Federal Bureau of Investigation
Lieutenant General Michael Hayden, USAF, Director, National Security Agency

July 16, 2002 **Robert Rosenwald,** Joint Inquiry Staff

Patti Litman, Joint Inquiry Staff

July 18, 2002

Lieutenant General Michael Hayden, USAF, Director, National Security Agency
Dr. Donald Kerr, Deputy Director of Central Intelligence for Science and Technology
James Caruso, Deputy Assistant Director for Counterterrorism and Counterintelligence, Federal Bureau of Investigation

July 23, 2002

David Aufhauser, General Counsel, Department of Treasury
James Sloan, Director, Financial Crimes Enforcement Network
Richard Newcomb, Office of Foreign Assets Control
Dennis Lormel, Section Chief, Financial Review Group, Federal Bureau of Investigation

July 25, 2002

Central Intelligence Agency Officer
Defense Intelligence Agency Officer
National Security Agency Officer
Federal Bureau of Investigation Supervisor
Central Intelligence Agency Officer

Sept. 12, 2002

Counterterrorist Center Officers, Central Intelligence Agency
Cofer Black, Former Chief, Counterterrorist Center, Central Intelligence Agency

Sept. 18, 2002

Eleanor Hill, Director, Joint Inquiry Staff
Kristin Breitweiser, Co-Founder of September 11th Advocates
Stephen Push, Co-Founder and Treasurer of Families of September 11th

Sept. 19, 2002

Richard Armitage, Deputy Secretary of State
Paul Wolfowitz, Deputy Secretary of Defense
General Brent Scowcroft, USAF (Ret.) National Security Advisor, Ford Administration and George H.W. Bush Administration
Samuel Berger, National Security Advisor, Clinton Administration, Second Term

Sept. 20, 2002

Eleanor Hill, Director, Joint Inquiry Staff
CIA Officer
FBI Special Agent
Michael Rolince, Special Agent-in-Charge, Washington Field Office, Federal Bureau of Investigation

Christopher Kojm, Deputy for Intelligence Policy and Coordination, Bureau of intelligence and Research, Department of State

Sept. 24, 2002

Eleanor Hill, Director, Joint Inquiry Staff
FBI Special Agent, Minneapolis Field Office
FBI Special Agent, Phoenix Field Office
FBI Supervisor, FBI Headquarters

Sept. 26, 2002

Cofer Black, Former Chief, Counterterrorist Center, Central Intelligence Agency
Dale Watson, Former Executive Director, Counterintelligence and Counterterrorism Division, Federal Bureau of Investigation
FBI Special Agent, Minneapolis Field Office
FBI Special Agent, Phoenix Field Office
FBI Supervisor, FBI Headquarters
Michael Rolince, Special Agent-in-Charge, Washington Field Office, Federal Bureau of Investigation
M. E. Bowman, Deputy General Counsel, Federal Bureau of Investigation

Oct 1, 2002

Eleanor Hill, Director, Joint Inquiry Staff
James S. Gilmore, III, Former Governor of the Commonwealth of Virginia and Chairman, Advisory Panel to Assess Capabilities for Domestic Response to Terrorism
Amb. Francis X. Taylor, Counterterrorism Coordinator, Department of State
Claudio Manno, Acting Associate Under Secretary for Intelligence, Transportation Security Agency
Joseph B. Greene, Assistant Commissioner for Investigations, U.S. Immigration and Naturalization Service
Louis E. Andre, Special Assistant to the Director for Intelligence, J-2, Defense Intelligence Agency
Edward T. Norris, Police Commissioner, City of Baltimore, MD

Oct 3, 2002

Eleanor Hill, Director, Joint Inquiry Staff
Lee Hamilton, Former Chairman, House Permanent Select Committee on Intelligence**,** Director, Woodrow Wilson International Center for Scholars
Judge William Webster, Former Director of Central Intelligence and Former Director, Federal Bureau of Investigation
Lieutenant General William Odom, USA (Ret.), Former Director, National Security Agency
Frederick Hitz, Former Inspector General, Central Intelligence Agency

Oct 8, 2002

Eleanor Hill, Director, Joint Inquiry Staff
Warren Rudman, Former U.S. Senator

Judge Louis Freeh, Former Director, Federal Bureau of Investigation
Mary Jo White, Former U.S. Attorney, Southern District of New York
Paul Pillar, National Intelligence Officer for Near East/South Africa, Central Intelligence Agency

Oct 9, 2002

Pasquale D'Amuro, FBI Executive Assistant Director
CIA Official
FBI Special Agent

Oct 10, 2002

George Tenet, Director of Central Intelligence
Robert Mueller, Director, Federal Bureau of Investigation

Oct 17, 2002

Eleanor Hill, Director, Joint Inquiry Staff
George Tenet, Director of Central Intelligence
Robert Mueller, Director, Federal Bureau of Investigation
Lieutenant General Michael Hayden, USAF, Director, National Security Agency

APPENDIX

INTERVIEWS CONDUCTED
IN THE COURSE
OF
THE JOINT INQUIRY

INTERVIEWS CONDUCTED IN THE COURSE OF THE JOINT INQUIRY [*]

[————————], *Assistant Legal Attache, Paris, Federal Bureau of Investigation*

[————————], *Program Manager, Counterterrorist Center, Central Intelligence Agency*

[————————], *Inspection Division, Federal Bureau of Investigation*

[————————], *Assistant General Counsel, Federal Bureau of Investigation*

[————————], *Directorate of Science and Technology, Central Intelligence Agency*

Maj. Gen. Keith Alexander, *Intelligence and Security Command, Land Information Warfare Agency*

[————————], *Counterterrorist Center, Central Intelligence Agency*

Charles E. Allen, *Associate Director of Central Intelligence for Collection*

[————————], *Special Agent, Newark Field Office, Federal Bureau of Investigation*

[————————], *Special Agent, Washington Field Office, Federal Bureau of Investigation*

[————————], *Associate Director for Intelligence, Joint Chiefs of Staff*

[————————], *New York Field Office, Federal Bureau of Investigation*

[————————], *New York Field Office, Federal Bureau of Investigation*

[————————], *Headquarters, Defense Intelligence Agency*

[*] Note: This is only a partial list of persons from whom the Joint Inquiry acquired information. It includes persons who were present for group discussions, as well as those who were interviewed individually. Foreign government officials are not included. Interviewee affiliations are as of the date of interview. Names have been redacted for both national security and privacy reasons.

John Arriza, *Director, TIPOFF Watchlist Program, Department of State*

[————————], *National Security Agency Representative to Counterterrorist Center*

Maureen Baginski, *Director, Signals Intelligence Directorate, National Security Agency*

James Baker, *Counsel for Intelligence Policy, Department of Justice*

[————————], *New York Field Office, Federal Bureau of Investigation*

[————————], *Assistant Legal Attache, Singapore, Federal Bureau of Investigation*

[————————], *New York Field Office, Federal Bureau of Investigation*

[————————], *Defense Attaché, U.S. Army, Tel Aviv, Israel*

[————————], *Counterterrorist Center, Central Intelligence Agency*

Samuel "Sandy" Berger, *Former Assistant to the President for National Security Affairs*

Richard Betts, *Professor, Columbia University*

[————————], *Counterterrorist Center, Central Intelligence Agency*

[————————], *Special Agent, Oklahoma City Field Office, Federal Bureau of Investigation*

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APPENDIX

COUNTERTERRORISM ORGANIZATIONS WITHIN THE INTELLIGENCE COMMUNITY

COUNTERTERRORISM ORGANIZATIONS WITHIN THE INTELLIGENCE COMMUNITY
(As of December 31, 2002)

The U.S. Intelligence Community currently consists of the Office of the Director of Central Intelligence, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, other specialized offices within the Department of Defense, the intelligence elements of the military services, the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, the Bureau of Intelligence and Research of the Department of State, and the Coast Guard.

PRIMARY COUNTERTERRORISM AGENCIES

Central Intelligence Agency (CIA)

The Counterterrorist Center (CTC) is the CIA's primary counterterrorism component. In 1993, a special unit was established within the CTC, the Bin Ladin Issue Station, with personnel from CIA, NSA, FBI and other agencies to develop intelligence on Bin Ladin and his organization. The CIA worked alone and with friendly foreign intelligence services to disrupt Bin Ladin, degrade his ability to engage in terrorism, and bring him to justice.

[Within CTC, several units focus on al-Qa'ida:

- The [———] Extremist CT Operations Group, the CTC operational arm, tracks al-Qa'ida and other [————] radical groups. In 1996, the CTC created [the Bin Ladin Issue] Station to target Bin Ladin and his network, [———————————————]. The CTC's [————] Extremist Branch also follows a range of radical [——] groups, which are not part of al-Qa'ida, but often share personnel, provide logistical support, or otherwise assist it.

- The Office of Terrorism Analysis, the CTC's analytic arm, is responsible for providing analytical products on terrorism. OTA now has approximately [——] analysts. Before September 11, its [———] analysts were part of the smaller Assessments and Information Group, which was organized into five branches, only one of which focused (partially) on Bin Ladin.

- [The Renditions Group (formerly the Renditions Branch) [————————————————————————————————————]. From 1986 to September 2001, the Renditions Branch was involved in several dozen renditions].

- [The Financial Operations Group, which was established after September 11, grew out of the Bin Ladin Station's efforts to track Bin Ladin's financial activities. [——].

The CIA developed an operational strategy, referred to as "the Plan," so that CTC could react quickly to operational opportunities, renditions, and analysis to disrupt and capture Bin Ladin and his principal lieutenants.

To execute its plan against Bin Ladin, CTC developed a program to train and position personnel and move experienced operations officers into the Center to identify, vet, and hire qualified personnel for counterterrorism assignments. They sought fluency in Mid-East and South-Asian languages, combined with police, military, business, technical, or academic expertise, and established an eight week advanced counterterrorism operations course.

From 1999 to September 11, human intelligence sources against terrorism grew by more than fifty percent. Working across agencies, and in some cases with foreign services, the CIA designed and built [————————————] for specific use against Al-Qa'ida inside Afghanistan. By September 11, sufficient collection programs and human networks were in place to cover almost all of Afghanistan.

Federal Bureau of Investigation (FBI)

The FBI within the Department of Justice is the principal law-enforcement arm of the government and the lead agency responsible for counterterrorism in the United States.

In 1999, the Counterterrorism Division was established in FBI Headquarters, incorporating the International Terrorism Operations Division, the Domestic Terrorism Division, the National Domestic Preparedness Office, and the National Infrastructure Protection Center. The Radical Fundamentalist Unit and the Bin Ladin Unit became operational units within the International Terrorism Operations Section. These units advise field offices on Attorney General Guidelines and coordinate field terrorism investigations.

Since the 1980s, the FBI's New York Field Office has had the principal role in the FBI's counterterrorism effort. It has been the lead field office for Bin Ladin investigations and was the first to establish a Joint Terrorism Task Force of state and federal law enforcement and intelligence personnel.

A reorganization of the FBI's Counterterrorism Division was announced in May 2002, which includes:

- Headquarters centralization of counterterrorism programs
- Joint Terrorism Task Forces in all field offices and a National JTTF at Headquarters
- Flying Squads to support field operations
- Enhanced counterterrorism and analytical training
- Shifting 518 field agents from criminal investigations to counterterrorism

National Security Agency (NSA)

Within NSA, a Department of Defense entity, responsibility for collecting, processing, analyzing, and reporting signals intelligence (SIGINT) is centered principally within the Signals Intelligence Directorate created in February 2001. Within SID, the Counterterrorism Product Line has the lead for SIGINT production on counterterrorism targets. CT Product Line personnel increased from approximately [——] before September 11 to about [——] in April 2002.

A portion of NSA's counterterrorism SIGINT reports comes from other product lines within SID:

- [————————————————————————————————].
- [————————————————————————————————].
- [————————————————————————————————].
- [————————————————————————————————].

Department of State

The Bureau of Intelligence and Research (INR), the intelligence arm of the Department of State, has three units involved in counterterrorism: the Office of Analysis for Terrorism, Narcotics and Crime, the Office of Intelligence Coordination, and the Office of Intelligence Operations. Outside INR, a Coordinator for Counterterrorism is responsible for developing counterterrorism policy.

The State Department also works closely with the Justice Department's Immigration and Naturalization Service to prevent terrorist suspects from entering the United States. To this end, the State Department maintains two key counter-terrorism databases:

- TIPOFF, a classified database within INR containing the names of foreigners who are not allowed to enter the United States because of ties to terrorism and other illegal activities and

- The Consular Lookout and Support System (CLASS), an unclassified database designed to assist in visa processing.

Information in TIPOFF and CLASS is derived from the Intelligence Community and other sources, such as the Immigration and Naturalization Service, the Drug Enforcement Agency, the Customs Service, and the Federal Aviation Authority. All consular officers must use the CLASS system before issuing visas.

Defense Intelligence Agency (DIA)

DIA is the Department of Defense element that produces and manages intelligence for the Secretary of Defense. Within DIA, the offices principally responsible for counterterrorism include the Defense Human Intelligence Service and the Joint Intelligence Task Force-Combating Terrorism.

Since July 2001, the Joint Terrorism Task Force – Counterterrism (JITF-CT) has been the focal point for all DIA counterterrorism analysis and production. The JITF-CT provides warnings, threat assessments, and all-source analysis and production and serves as a counterterrorism knowledge base within the Department of Defense.

Department of Transportation (DoT)

Within DoT, the U.S. Coast Guard and the Transportation Security Administration play a role in the government's counterterrorism mission. Pursuant to the Intelligence Authorization Act of 2002, the Coast Guard has become an Intelligence Community member. After September 11, DoT established the Transportation Security Administration, within which the Transportation Security Intelligence Service coordinates intelligence support and provides current and strategic warnings on threats to U.S. transportation.

Department of Treasury

Within Treasury, the Financial Crimes Enforcement Network is responsible for assisting U.S. intelligence and law enforcement agencies in tracking the movement of terrorist funds.

APPENDIX

EVOLUTION
OF THE TERRORIST THREAT
AND THE
U.S. RESPONSE

1983 – 2001

Evolution of the terrorist threat and U.S. response, 1983-2001

The Building Threat: Pre-1993

Year	"Big picture" view	Selected, major terrorist events	U.S. institutional responses to terrorism
1979	Soviet invasion of Afghanistan. Lebanese civil war already underway.		
1980			First FBI Joint Terrorism Task Force established in NY City.
1981			
1982	Jun. Israeli invasion of Lebanon. Sep. U.S. Marine peacekeeping presence established in Lebanon following assassination of Lebanese President.		
1983		18 Apr. Bombing of U.S. embassy in Beirut. 63 killed, including CIA's Middle East director. 120 injured. (Islamic Jihad.) 23 Oct. Marine barracks bombing in Beirut. 241 Marines killed. French base attacked. (Islamic Jihad.)	
1984	26 Feb. U.S. Marines depart Lebanon.	16 Mar. CIA officer William Buckley kidnapped in Beirut. Other U.S. citizens not connected to the U.S. government are kidnapped over the next two years. 12 Apr. Hezbollah bombed restaurant near U.S. airbase near Torrejon, Spain, killing 18 U.S. servicemen. 83 injured.	

		20 Sep. Hezbollah Bombing of U.S. embassy annex in Beirut. 14 Americans killed.	
1985		14 Jun. TWA 847 hijacked by Hezbollah terrorists. 7 Oct. *Achille Lauro* hijacking. Palestinian Liberation Front took 700 hostages. 1 U.S. citizen killed. 23 Nov. Egypt Air flight from Athens to Malta carrying several U.S. citizens hijacked by Abu Nidal Group. Dec. Rome/Vienna airport bombings by Abu Nidal Organization.	Dec. Vice President's Report on Combating Terrorism. 40 recommendations. Key recommendations: Presidential [directive] regarding terrorism, National Security Decision Directive 207, establish a CTC.
1986		30 Mar. Palestinian splinter group detonated a bomb as TWA 840 approached Athens, killing four U.S. citizens. 5 Apr. Bombing of La Belle disco in Berlin, Germany, killing two U.S. servicemen and one Turkish civilian. 200 wounded. Traced to Libyan perpetrators.	20 Jan. President signs NSDD-207, which delineates broad outlines of U.S. government policy for dealing with terrorism and set in place government-wide mechanisms for responding to the emerging threat. Feb/Mar. CIA establishes CTC. 9 Apr. Operation El Dorado Canyon. U.S. bombing of Libya. Spring. Directive signed that authorizes CIA to conduct certain counterterrorism activities.

			27 Aug. Omnibus Diplomatic Security and Antiterrorism Act expands FBI jurisdiction to include violence against U.S. nationals abroad.
1987		Sep. Rendition of Fawaz Yunis, wanted for hijacking Royal Jordanian airliner in which 6 Americans killed. [————————————]. [————————————].	
1988		17 Feb. U.S. Marine LtCol William Higgins kidnapped/murdered by Iranian-backed Hezbollah. 14 Apr. Organization of Jihad Brigades exploded a car bomb outside a USO club in Naples, Italy, killing one U.S. sailor. 21 Dec. Bombing of Pan Am 103 over Lockerbie, Scotland.	
1989	15 Feb. Soviet withdrawal from Afghanistan completed.		13 Oct. Terrorist Threat Warning System established.
1990	Aug. Iraq invades Kuwait. U.S. launches Operation Desert Shield.		

1991	Jan-Mar. Operation Desert Storm expels Iraqi forces from Kuwait. Apr. Operation Provide Comfort. Safe havens for Kurdish refugees in northern Iraq. This operation eventually becomes enforcement of no-fly zones over northern/southern Iraq, operations which continue to this day and resulted in a large, semi-permanent U.S. military presence in the Persian Gulf region.	Jan/Feb. CTC thwarts Iraqi agents' plans worldwide. 18-19 Jan. Iraqi agents planted bombs at the U.S. Ambassador to Indonesia's residence and at the USIS library in Manila.	
1992	Rise of jihadist movement. Dec. U.S. Operation Restore Hope to provide humanitarian relief to Somalia.	Dec. Attack on Aden hotel housing U.S. service members for the operation in Somalia. Possibly the first attack by UBL's network.	

The Hunt for bin Ladin, 1993-2001

Year	"Big picture" developments	Terrorist attacks and "tactical" counterterrorist actions	U.S. "strategic" responses to the terrorist threat	Other intelligence actions and issues
1993	Bin Ladin in Sudan. 26 Apr. [Intelligence warns that [————————] is increasingly convinced that U.S. is working for its overthrow, and may be preparing to sponsor terrorist attacks against U.S.	26 Feb. World Trade Center bombing. 20 Mar. Sarin gas attack in Tokyo subway kills 12, sickens 5000. Aum Shinrikyo responsible. 23 Mar. Rendition of Abu Halima, suspect in World Trade Center bombing [ ] to FBI custody. 14 Apr. Iraqi Intelligence Service attempt to assassinate former President Bush in Kuwait thwarted.	2 Apr. [CIA paper characterizes UBL as "independent actor [who] sometimes works with other individuals or governments [——] [———] [to] promote militant Islamic causes throughout the region…" [His group almost certainly played a role in an earlier bombing directed against U.S. interests]. 20 Apr. NID: [Hundreds of Islamic militants received training during the past year at military camps in Afghanistan. [————————] [————————————] [————————————] [————————————].	

	interests in the country. May. [————————————] [————————————] [————————————] [————————————] [————————————]. Sep. [————————————] [————————————] [————————————] [————————————] [————————].	24 Jun. Arrest of 8 subjects—including 5 Sudanese—plotting to bomb NY City landmarks—U.N. building, 26 Federal Plaza, and Lincoln/Holland tunnels. 2 Jul. Shaykh Abdel Rahman is detained by FBI in connection with the World Trade Center bombing. 25 Aug, Shaykh Rahman is indicted. Rahman is the spiritual leader of both Gama'at al-Islamiya and Egyptian Islamic Jihad.		Sep. [CIA file summary prepared on UBL reports that [————————————] [————————————] [————————————] [————————————] [————————————] Sep. CIA HQ sends requirements to overseas stations to assess vulnerability of UBL network [————————] [————————————] [————————————] [————————] 30 Nov. [Identification of intelligence targets associated with UBL and terrorist-related activities].

1994	[–] Feb. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]. 9 Mar. UBL denies link with terrorism in interview with London-based Saudi opposition paper, Al Quds Al-Arabi. 14 Aug. Sudan hands over Carlos the Jackal to France. Fall. Taliban movement established in Kandahar, Afghanistan.		30 May. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]. 11 Oct. CIA Office of Inspector General inspection of CIA's Counterterrorist Center finds that threats posed by some state-sponsored and leftwing terrorist groups have declined while threats from radical religious, ethnic, and	

		11 Dec. Philippines airliner bombed. 1 passenger killed. 24 Dec. Members of the Armed Islamic Group seized an Air France flight to Algeria; they apparently intended to crash it into the Eiffel Tower. The four terrorists were killed during a rescue effort.	non-government terrorist groups have increased… Biggest weakness was limited ability to warn of impending attack. Difficulty of penetrating terrorist groups caused this weakness.	
1995		7 Jan. Philippine police discover Ramzi Yousef's bombmaking lab and arrest accomplice Abdul Hakim Murad. Captured materials revealed Yousef's plot to blow up the Pope, U.S., and Israeli embassies in Manila, United Airlines aircraft flying Asian routes, and to crash a plane into CIA HQ. Murad also tells Philippine authorities that Yousef was involved in the World Trade Center bombing and planted bomb on the Philippine airliner in Dec 94. 10 Feb. Ramzi Yousef extradition from Pakistan. 19 Apr. Bombing of Murrah Federal Bldg in Oklahoma City.	25 Jan. CTC briefs NSC. [————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]. 2 Mar. President signs Presidential Decision Directive 35 providing overarching intelligence guidance. Terrorism is a Tier 1B issue. Intelligence requirements: collection information on plans/intentions inside terrorist circles, increase Near East, South Asia, and Islamic cultural and language expertise, expansion of	Spring. [————] provides most significant reporting on UBL to date. [————————] [————————————] [————————————] [————————————] [————————————].

		Jun. Assassination attempt on Mubarak in Addis Ababa. UBL-authorized operation. Linkages to Egyptian Islamic Jihad and Egyptian al-Gama'at Islamiya. [–] Jun. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]. [–] Jul. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————].	analytic cadre. 21 Jun. Presidential Decision Directive 39 supersedes NSDD-207. Calls for reducing terrorist capabilities; aggressive IC program, including covert action; return of indicted terrorist to U.S., including by force if necessary, as a matter of highest priority. Also confirmed and clarified FBI's role in counter-terrorism. Jul. National Intelligence Estimate on terrorism. Judges that foreign terrorists will attempt an attack in the U.S. in the next year or two. Bombing of World Trade Center crossed a threshold to more large-scale attacks. Most likely threat of attack in the U.S. would be from transient groupings of individuals similar to that drawn together by Ramzi Yousef. Threat also from established groups: Hezbollah, Gama'at al-Islamiya, Hamas, and Jama'a al-Fuqra. (Neither UBL nor al-Qa'ida mentioned. UBL is mentioned as a terrorist financier in a Mar 95 finished intelligence report from CIA's [————] office)	[-] Aug. [ ] [————————————] [————————————]. Late 1995. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————].

	[–] Nov. [————————————] [————————————] [————————————] [————————————] [————————————]	[–] Sep. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]. 13 Nov. Office of Personnel Management/Saudi National Guard facility in Riyadh bombed. Five Americans killed in this incident. Information eventually suggests UBL and CDLR were responsible. [————————————] [————————————]. [–] Dec. Ramzi Yousef associate and al-Qaida lieutenant Wali Khan Amin Shah is captured [————] [————————————]. He is deported to the United States and convicted. on terrorism charges.		

1996	Spring 1996. [————————] [————————] [————————] [————————] [————————] [————————].		8 Jan. [UBL] station established in CTC.	[–] Apr. [————————] [————————] [————————] [————————] [————————] [————————] [————————] [————————]..
	Spring 1996. [————————] [————————] [————————] [————————] [————————] [————————].	25 Jun. Khobar Towers bombing. 19 U.S. service members killed. [A June 2001 U.S. indictment charged that the Saudi Hezbollah, with support from Iran, carried out the attack. According to the indictment, Iran and its surrogate, the Lebanese Hezbollah, recruited and trained the bombers, helped direct their surveillance, and assisted in planning the attack].	15 Feb. U.S. Embassy Khartoum closes.	[-] May. [ ] [————————]].
	10 Jul. London daily, *The Independent*, publishes an undated interview with UBL in Afghanistan. UBL declares that the killing of Americans in the Khobar Towers bombing marked		24 Apr. Antiterrorism and Effective Death Penalty Act. Directs Secretary of State, in conjunction with Attorney General and Secretary of Treasury to designate any organization that meets certain criteria as a foreign terrorist organization (criteria: must engage in terrorist activity that threatens the security of U.S. nationals or the national security of the United States).	[Summer 1996. A volunteer claimed that [————————] [————————] [————————] [————————]
			[-] Aug. [————————] [————————]	

	the beginning of the war between Muslims and the U.S. 23 Aug. UBL issues a "fatwa" authorizing attacks against Western military targets in the Arabian Peninsula.		[redacted] 2 Aug. DCI briefs Democratic leaders: the terrorist threat is increasing, it is a national security issue and human intelligence is at the heart of the effort against terrorism.	[redacted] Summer 1996. [redacted] Summer 1996. [redacted]

	3-4 Sep. Operation Desert Strike. Cruise missile strikes against Iraq. 11 Sep. Egyptian government issues an arrest warrant for UBL. based on UBL's longtime support of Egyptian terrorist groups like EGI and EIJ. Sep. Taliban comes to power in Afghanistan; takes Kabul. Dec. [————————————] [————————————] [————————————] [————————————] [————————————]. [Winter. Information indicates UBL considers jihad worldwide.]		22 Oct. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————].	[————————————]. [Late 1996. [————] reports [————————] indicate that UBL is much more of a terrorist—rather than just a terrorist financier—than the CIA has previously thought. Reporting provides significant new details about UBL and his terrorist support infrastructure known as "Al Qaeda." [Note: first reference to Al Qaeda]. [Late 1996. Bin Ladin Unit develops most detailed information yet regarding UBL's intentions].

1997	Jan. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]. [–] Feb. [redacted] [redacted]		28 Jan. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]	[–] Jan. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]. 30 Jan. [redacted] [redacted] [redacted] [redacted]. One number in Kenya is associated with significant UBL-related activities and individuals, including Wadi el-Hage, one of UBL's most important lieutenants. El-Hage is a dual U.S.-Lebanese citizen. Early 1997. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]. Feb. CTC has identified Muhammed Atef as UBL's key lieutenant. Alias Abu Hafs al-Masri.

	[redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]. Spring 1997. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]. Spring 1997. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]		Early 1997. [redacted] [redacted] [redacted] [redacted] [redacted]. 10 Apr. [DDO briefs SSCI on covert action. UBL unit is running [redacted] operations. It is focusing these operations to collect data that can be used to build target packages, which, in turn, can be used in future contingencies to render UBL and/or dismantle the ability of his organization to wage terrorism. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [

	[————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————]. 26 May. Saudi government extends formal recognition of the Taliban government of Afghanistan. The decision immediately follows reports that the Taliban have extended their control into northern Afghanistan.	31 Oct. Kenyan authorities arrest and later deport [————————] [————————————] [————————————] reportedly connected to a terrorist plot against the U.S. embassy in Nairobi.	Apr. Update to 1995 terrorism National Intelligence Estimate. Spring 1997. Foreign liaison service says it is studying the early 1997 proposal for a joint operation [————————]. Nov. Secretary Albright trip to South Asia.	Spring 1997. [————————] [————————————] [————————————]. [Fall 1997. [————————] [————————————] [————————————] [————————————] [————————————] [————————————]

	Late 1997. [———————] [———————] [———————] [———————] [———————] [———————] [———————] [———————] [———————] [———————] [———————] [———————] [———————] [———————].			[———————]. Late 1997. [———————] [———————] [———————] [———————] [———————] [———————]. Late 1997. [———————] [———————] [———————] [———————] [———————] [———————] [———————] [———————].
1998	23 Feb. Bin Ladin fatwa calling for jihad against U.S. military and	Jan-Jun. [———————] [———————] [———————] [———————]	28 Jan. DCI Worldwide Threat Brief. "… issues range from the proliferation of WMD to international terrorism, drug trafficking,	

	civilian targets anywhere in the world. Fatwa represents a shift from criticizing the states in the region and attacks the U.S. instead. 16 Mar. Letter sent from UBL to Egyptian press complaining about U.S. occupation of the Arabian Peninsula. "Let them rest assured of the weakness and cowardice of American soldiers. They are fastest to fail and least persevering in the fire of war. We will never forget how they disappeared in the wake of Riyadh and Khobar incidents." May 11-13. India conducts nuclear tests. Pakistan conducts nuclear tests May 28. 26 May. UBL press conference. UBL declared his supporters would strike U.S. targets in the Gulf. Indicated the results of his jihad would be	[redacted].	information warfare, and international financial turmoil…" "In addition to traditional terrorist groups, the U.S. faces an increasing threat from transnational groups, such as UBL's organization..." 6 Mar. C/CTC, et al, brief Congressional staff on the CTC strategic plan for FY98…." [redacted]. Apr. U.S. Ambassador to U.N. Richardson visits Kabul and Sherbergan. 18 May. [redacted].	10 Mar. C/CTC briefs SSCI staff. [redacted].

	"visible" within weeks. He also talked about "bringing the war home to America." [Note: this is possibly a call for attacks in the U.S.] 12 Jun. In an interview with a U.S. journalist, UBL indicates he may attack a U.S. military passenger aircraft using antiaircraft missiles. At a press conference in the previous month, he indicated the results of his jihad would be "visible" within weeks. [–] Jul. [————————————] [————————————] [————].	May. Police in Europe arrest 60 members of the Algerian Armed Islamic Group (GIA) to pre-empt threats to the coming World Cup in Paris. Jun. Officers [————————————] [————————————] raid homes and NGO offices of Mustafa Majid and Mohammed Fouda, [————————————] linked to UBL. [————————————] [————————————] [————————————]. Summer 1998. Liaison service captured [————————————] a member of a UBL cell in Europe. [————————————] [————————————] [————————————].	22 May. President signs PDD-62 on counter-terrorism and PDD-63 on infrastructure protection. [————————————] [————————————] [————————————] [————————————] [————————————] PDD-63 establishes the National Infrastructure Protection Center. 10 Jun. UBL indicted by federal grand jury, Southern District of New York. Sealed indictment. Conspiracy to destroy national defense utilities.	[Summer [————————————] [————————————] suggest UBL is planning attacks in the U.S. [ ] says plans are to attack in NY and Washington. Information mentions an attack in Washington probably against public places. UBL probably places a high priority on conducting attacks in the U.S.… CIA has little information about UBL's operatives in the U.S.] Summer 1998. [————————————]. [————————————] [————————————] [————————————] [————————————] Summer 1998. [————————————] [————————————]

	Jul. UBL remains in Afghanistan, changing his location frequently. [———————————] [———————————] [———————————] [———————————] [———]. He remains on good terms with the Taliban, [Unconfirmed reporting] claimed UBL was considering attacks in the U.S. 21-23 Aug. [Media reports concerning UBL electronic communications].	7 Aug. UBL bombings of U.S. embassies in Nairobi and Dar Es Salaam. 224 killed, 5000 injured. 20 Aug. U.S. military strike against UBL terrorist training camps in Afghanistan and pharmaceutical plant in Sudan suspected of producing chemical weapons. Fall 1998 [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————]	[–] Aug. [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————].	[Information indicates that UBL is interested in publicity and attacks involving mass casualties]. 29 Jul. CTC warns of possible Chemical, Biological, Radiological, or Nuclear (CBRN) attack by UBL. [———] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————].

		[————————————————] [——]. 21 Aug. [Recap: DCI eight committee briefing regarding why CIA concluded that UBL was responsible for the bombings in Africa. DCI noted large number of renditions of UBL supporters]. [–] Sep. [————————————] [————————————], Abu Hajer, who is head of UBL's computer operations and weapons procurement, was arrested *abroad*. Hajer is the most senior-level UBL operative arrested to date. 18 Sep. DCI briefs members of Congress on bombings. [————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————]. DCI noted that the FBI is following 3 or 4 Bin Ladin operatives in the U.S.	2 Sep. DCI testimony to SSCI/HPSCI. "Key elements of CIA's offensive strategy against UBL include: hit UBL's infrastructure; work with liaison to break up cells and carry out arrests; disrupt and weaken bin Ladin's businesses and finances; [————] [————————]; recruit or expose his operatives; … pressure on the Taliban; and enhancing unilateral capability to capture him.	Sep. [Information indicates UBL has considered conducting attacks in the U.S. The near-term threat to Americans is greater in Europe, where UBL's infrastructure is better established]. [Fall 1998. [————] claimed that UBL's next target would possibly involve flying an explosives-laden aircraft into a U.S. airport and detonating it]. Fall 1998. [Information indicates al-Qa'ida is trying to establish an operative cell within CONUS to strike at the heart of U.S. interests and [——] [————————————] [————————————]

	1 Dec.	[–] Oct. [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————].	4 Nov. Bin Ladin and Mohammed Atef indicted in Southern District of New York. Also announcement made of reward for the two under State Department rewards program.	trying to recruit U.S. citizen Islamists and U.S.-based foreign nationals. No targets were mentioned but NYC was cited as a center of recruitment efforts]. Fall 1998. [———————————] [———————————] [———————————] [———————————] [———————————] [———————————]. Fall 1998. [Collection against UBL satellite phone ends, following media leaks]. Fall 1998. [UAE UBL cell is attempting to recruit a group of 5 to 7 young men from the United States to travel to the Middle East for training. This is in conjunction with planning to strike U.S. domestic targets.

	Intelligence Community assessment of UBL… "UBL is actively planning against U.S. targets and already may have positioned operatives for at least one operation…Multiple reports indicate UBL is keenly interested in striking the U.S. on its own soil. According to [————————] [————————], Al Qaeda is recruiting operatives for attacks in the U.S. but has not yet identified potential targets." 17 Dec. Operation Desert Fox. Strikes against Iraq. Late Dec. "It is a religious duty to acquire weapons of mass destruction to defend Muslims," according to a UBL interview in Christmas 1998. UBL has been seeking CBRN materials, expertise and other resources since the early 1990s.		4 Dec. DCI memo. "We are at war… I want no resources or people spared in this effort, either inside CIA or the Community." [–] Dec. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]	The report also mentions UBL affiliates in major U. S. cities]. Fall 1998. Several reports note that UBL is considering a new attack, using biological toxins in food, water, or ventilation systems of U.S. embassies. [————] [————————————] [————————————] [————————]. [-] Dec. [————————————] reports member of UBL was planning operations against U.S. targets. Plans to hijack U.S. aircraft proceeding well. Two individuals [————————] [————————] had successfully evaded checkpoints in a dry run at a NY airport. [————————————] [————————————] [————————].

			[————————————] [————————————] [————————————].	
1999	17 Feb. Operation Noble Anvil. U.S. combat operations against Serbia due to ethnic cleansing in Kosovo. Spring. [————————————] [————] the Taliban's fear of airstrikes had led the group to press UBL to act more discreetly. [————————————] [————————————] [————————————] [————————————] [————————]. Spring. [————————————], UBL supporters in Afghanistan are experimenting with enhancing conventional explosives with radioactive material. [————————————] [————————————] [————————————] [————————————] [————————————]. Jun. [————————————] [————————————] began staging first operation to attack a	[-] Jan. [Arrests [————————], including 2 senior operatives, have provided leads to potential targets. Information indicates U.S. naval facility was the principal target. Some terrorist planning continues, including one operation abroad and another in connection with associates in a foreign country. Another report states that [————] plans an attack soon]. 24 Jun. Eight Iraqis tied to al-Qaida arrested in Amman based on tip	4 Jan. U.S. Attorney General approved establishment of the National Threat Warning System. Feb. State Department demarches Taliban for supporting UBL. [————] [————————————] [————————]. [–] Feb. [————————————] [————————————] [————————————] [————————]. 7 Jun. Director FBI puts Bin Ladin on FBI's "10 Most Wanted List." 24 Jun. DCI at SSCI hearing: "… We have seen numerous	Jan. Counterterrorism supplemental enables NSA to initiate development [————————————] [————————————].. [–] Jan. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]. May. [————————————] [————————————] [————————————] [————————————] [————————————].

	U.S. ship in Yemen. Jul. Kargil crisis. Kashmir. [–] Jul. [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~]. Jul. [~~————————~~] [~~————~~] the Taliban leadership reaffirmed its commitment not to oust UBL.	[~~————————~~] [~~————————~~] [~~————————~~].	reports that bin Ladin and his associates are planning terrorist attacks against U.S. officials and facilities in a variety of locations, including in the U.S.” [-] Jul. [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~]. Jul. Tashkent diplomatic efforts on Afghanistan to influence Taliban, persuade it to expel UBL. Jul. CTC rethinking disruption operations. [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~] [~~————————~~]. [~~————————~~].	

	Aug. [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————]. Al Qaeda's capabilities have suffered from arrests of key operatives. 24 Aug. A truck bomb exploded at Mullah Omar's compound in Afghanistan. [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————]. Aug. Bin Ladin's organization has decided to target high-ranking U.S. officials, including the Secretary of Defense, Secretary of State, and the Director of Central Intelligence, though no particular plans have been made or approved [———————————].	[-] Aug. [———————————] [———————————].	[–] Sep. CTC has engaged with SOCOM and JSOC in capture discussions. JSOC has been tasked to begin planning. 10 Sep. [CTC conference on UBL. "We are at war with UBL. We have been working against UBL for over four years… during this period, we	Aug. [———————————] [———————————] [———————————] [———————————] [———————————] [———————————]. 23 Aug. A cooperating witness in the Africa bombings case mentioned that a former U.S. Special Forces member from California, Ali Mohammed, provided training to UBL operatives in Africa and a bombing suspect in Haroun.

	12 Oct. Pakistani Chief of Army Staff Musharraf ousts Prime Minister Nawaz Sharif in a bloodless military coup.	[–] Sep. [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~].	have been able to: • Stop at least two UBL attacks against U.S. interests abroad • Render over 30 foreign nationals abroad • Significantly damage UBL's infrastructure • Put doubt in UBL's mind about security of his operations and operatives] Oct 8. State Department designates Al Qaeda a foreign terrorist organization. Current state sponsors of terrorism: Iran, Iraq, Libya, Syria, Sudan, North Korea, Cuba. 15 Oct. UN deplores provision of safe haven to UBL and demands his rendering to some country. On 14 Nov 99, sanctions are to begin which ban most foreign flights of Ariana except for humanitarian need and the Hajj. Freezes funds for Taliban except on humanitarian groups. [–] Oct. [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~]. [–] Oct. [[~~————————————~~]	27 Sep. [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~].

	Fall 1999. [redacted] Late 1999. Al-Mihdhar at UBL camp in Afghanistan. Winter. Muhammad Atta reportedly sighted at UBL facility in Afghanistan. Marwan al-Shehhi at the UBL guesthouse in Kandahar [redacted].	[–] Nov. [redacted]. Dec. [Foreign authorities arrested a [redacted] team of terrorists which planned New Year's Eve attack on pilgrims in Jordan. [redacted]. Members of the team have direct links to al-Qa'ida, [redacted]. Dec. Senior al-Qaida operatives [redacted] detained based on CIA information.	[redacted]. 21 Nov. FBI elevates counter-terrorism to a standing division within FBI HQ separate from the National Security Division. FBI has 26 JTTFs in operation.	26 Oct. CTC's priorities are disrupting UBL operations and recruiting penetrations; [redacted]. Dec. [redacted]. 8 Dec. According to CTC, accepting the theory that UBL wants to inflict maximum casualties, cause massive panic, and score a psychological victory, then UBL may be seeking to attack between 5 and 15 targets on the Millennium. "Because the U.S. is UBL's ultimate goal… we must assume that several of these targets will be in the U.S…."

		[————————————] confirm [———] involvement in facilitating explosives and poisons training for UBL operatives. Dec 14. Ahmed Ressam arrested at U.S.-Canadian border with bomb-making chemicals and detonator components. Intended target was Los Angeles International Airport. [–] Dec. [————————————] [————————————] [————————————] [————————]. [–] Dec. Disruption operations: [————————————] [————————————] [————————————] [————————]. [————————————] [————————————] [————————————] [————————]. [————————————] [————————————] [————————————] [————————]. [————————————]	[–] Dec. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [———] 20 Dec. [DCI sends report on Millennium threat to all liaison services. The item describes arrest of Algerian in Seattle and mounting evidence that UBL and other extremists intend to launch attacks against U.S. interests abroad and at home].	[–] Dec. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————]. [————————————]

		[redacted] [redacted]. [redacted] [redacted] [redacted]. [redacted] [redacted] [redacted] [redacted]. [redacted] [redacted]. [redacted] [redacted] [redacted]. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted].		

2000	5 Jan. Khalid al-Mihdhar and Nawaf al-Hazmi hold meetings with a senior UBL field operative in Malaysia and Bangkok between 5 and 8 Jan 2000. [-] Mar. [UBL planning operations to kidnap U.S. diplomats or civilians in [———] [———] to hold as bargaining chips. [———] [———] [———] [———].	3 Jan. Bombing of *USS The Sullivans* aborted. An explosives-laden boat sank as it was launched in Aden harbor. Jan. Al-Qaida operative [———] detained at CIA behest. He is deported and admits he has received training at Al-Qaida camps in Afghanistan. Feb. [———] [———] [———] [———] [———] [———] [———] [———] [———] [———] [———] [———] [———]. 3 Mar. [———] [———] [———] [———] [———] [———] [———] [———] [———] [———]		Jan. DCI announces Abu Zubaida the #1 terrorist target. [-] Feb. [———] [———] [———] [———] [———] [———] [———] [———] [———] [———] [———] [———] [———]. Mar. [———] [———] [———] [———]. Mar. [———] [———].

	[–] Mar. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]. 1 Jul. Atta and al-Shehhi begin flight training at Huffman Aviation and Jones Flying Service.	[redacted] [redacted] [redacted] [redacted]. [–] Apr. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]. [-] Jun. [redacted] [redacted] [redacted] [redacted]. [-] Jul. [ ] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted].	[–] Jun. [redacted] [redacted] [redacted] [redacted].	Mar. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]. May. [redacted] [redacted] [redacted] [redacted]. Jun. [redacted] [redacted] [redacted] [redacted].

	[–] Sep. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]. 30 Sep. Taliban issued press statement on unknown aircraft seen over Kandahar allegedly looking for UBL.	[–] Jul. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————].	16 Jul. CTC briefing to House Committee on Government Operations and Reform. C/CTC lists accomplishments, i.e., [——] disruptions of terrorists' organizational planning over the past two years. Helped render more than 30 terrorists in other countries since [————], more than half of whom were associates of UBL's Al Qaeda.	Sep. [————————————] [————————————]. Sep. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]. Sep. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]. Sep. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————].

	[–] Oct. [UBL reportedly forced to postpone bombing of [—] U.S. embassies. Still planning attacks in several locations [————] [————]. Targets include U.S. facility abroad].	[-] Oct. [Four foreign extremists with links to UBL arrested abroad and then released due to insufficient evidence]. 12 Oct. *USS Cole* bombing. Aden, Yemen. 17 U.S. sailors killed. 13 Oct. Explosion damages UK Embassy in Yemen. Oct. [————] [————] [————		[————] [————] [————] [————] [——]. Sep. [————] [————] [————] [————].. Fall 2000. [————] [————] [————] [————]. Oct. [————] [————] [————]. Oct. [————] [————] [————]. Nov. [————] [————] [————].

		[————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————].. [–] Oct. [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————].. [–] Oct. [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————] [-] Nov. [————————————————] [————————————————] [————————————————]		[–] Dec. [————————————————] [————————————————] [————————].. [–] Dec. [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————].

	21 Dec. Hijackers Atta and Marwan al-Shehhi receive their pilots' licenses.	[————————————] [————————————] [————————————]. 10 Nov. [————] FBI rendition of al-Qaida operative based in Africa. Fall 2000. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————]. [–] Dec. North Africans in Frankfurt, Germany Meliani Group arrested. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————].	19 Dec. Adoption of UN Security Council Resolution (UNSCR) 1333 strongly condemning use of Afghanistan under control of Taliban for sheltering and training terrorists and demands its cessation. Also demands, per UNSCR 1267 (1999) that Taliban turn over UBL to appropriate country where he is indicted, etc., and close all terrorist camps under Taliban control. Issues list of sanctions including arms embargo, freezing of UBL and Al Qaeda assets, and other economic sanctions.	

2001		[-] Jan. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————].		Early 2001. [————————————] [————————————] [————————————].
				[-] Jan. Photos taken [————————] [————————] of al-Mihdhar and associates shown to shared CIA-FBI asset. Asset identifies associate as bin Atash, suspected planner of *Cole* bombing.
				[-] Jan. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————].
		[–] Jan. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————].		[-] Jan. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————].
				[–] Jan. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————].

			6 Feb. DCI classified worldwide threat brief: "…this year the thrust of terrorist attacks on U.S. facilities and interests come to the forefront… UBL, his associates remain most immediate and serious threat. UBL's commitment to striking against the U.S. undiminished… strong indications panning new operations… capable of mounting multiple attacks with little or no warning." 6 Feb. Senior Executive Intelligence Brief (SEIB): The discovery of multiple terrorist plots since October shows an energized international "jihad movement" is raising the threat to U.S. interests, particularly in the Middle East and Europe. Most significant spike in activity since the time of the Millennium. Stems in part from changes in bin Ladin's practices. To avoid implicating himself and his Taliban hosts, he has allowed cells in his network to plan attacks more independently. 9 Feb. As a result of an evaluation	29 Jan. CTC briefing on al-Qa'ida to SSCI: [~~————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————————~~] [~~————————~~]. Some 70,000 to 120,000 people trained in the camps in Afghanistan since 1979. [–] Feb. [~~————————~~]

		15 Feb. Recap: Since May 98, more than [————————] terrorists captured and delivered to U.S. or foreign law enforcement. Since summer 2000, these have included: [————————————] [————————————] [————————————] [————————————] [————————————] [————————]. 19 Feb. Four persons associated with UBL network arrested in Frankfurt, Germany. [–]1 Feb. [————————] confirms press accounts of two arrests in Yemen regarding *USS Cole*. [————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————]. [–] Feb. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]	by the *USS Cole* task force, DCI has directed CTC to form a strategic analysis group to help put context into threat reporting and to think out of the box.	[————————], a liaison service identified, and invited CIA to participate in tasking, a sensitive asset with [————————] [————————————] [————————————].

		[———————————] [———————————] [————————————].		
		[–] Feb. [———————————] [———————————] extremist tied to Ahmed Ressam, had been arrested [———————] [———————————] [———————————] [————————————].		Early 2001. [———————] [———————————] [———————————] [———————————] [———————————] [————————————].
		[-] Apr. [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————].		Apr. [———————————] [———————————] [———————————] [————————————].
		[-] Apr. [———————————] [———————————] [———————————].		

	19 Apr. [Bin Ladin organization is assessed to be in the throes of advanced preparations for a major attack, most probably on an American or Israeli target. The information does not mention the target of the attacks, nor the venue or dates. At the hub of activity is an al-Qa'ida figure. Target and date uncertain. The information implies a bomb against a major target]. 23 Apr. The second wave of 9-11 hijackers arrives throughout the eastern seaboard between late April and late Jun 2001. May. [———————————] [———————]extensive efforts [———————] to get a videotape of UBL the widest public airing. Just before East Africa bombings, UBL used media to predict news to [———————].	[–] Apr. [———————————] [———————————] [———————————]. Spring 2001. [———————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————] [———————————].	10 May. DCI tells Senate Appropriations Committee hearing terrorism is on the rise especially against the U.S. Eighty percent increase since 1998. Strategic initiative is to pre-empt terrorist plans, and it is paying off with disruptions that include [s] and bin Ladin plots. Despite successes, limits to what we can do. Generally not have specific time-and-place warning of attacks. Likely to be attack against U.S. interests over the next year.	Spring 2001. [———————] [———————————] [———————————] [———————————] [———————————] [———————————]. Spring 2001. [———————] [———————————] [———————————] [———————————]. May. [———————————] [———————————] [———————————] [———————————] [———————————] [———————————].

		[–] May. [Foreign authorities seize terrorist suspect. Links to Ressam Millennium cell]. May. UK law enforcement officials released all of the Algerian extremists who were recently arrested in London. [~~————~~] [~~————————————~~] [~~————~~]. One [~~————~~] [~~————————————~~] [~~————~~]. was immediately re-arrested on a French warrant. The leader of the cell [~~———~~] also was re-arrested on immigration charges pending possible deportation. Both individuals had prior knowledge of Ressam's abortive attack on LAX. [–] May. [Spanish police arrested Frankfurt terrorist cell member]. [–] May. [~~————————~~]		[–] May. [~~————————~~] [~~————————————~~] [~~————————~~].

	[-] Jun. [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————]. [–] Jun. [————————————] [————————————] [————————————] [————————————] [————————————].	[————————————] [————————————] [————————————] [————————————] [————————————] [————————————] [————————————].	5 Jun. DC/CTC briefing for HPSCI: "What worries me is that we're on the verge of more attacks that are larger and more deadly—not necessarily CBRN, but could go that way also." Jun. THREATCON Delta declared. U.S. naval ships in Persian Gulf ports head to sea. 24 Jun. Multiple current threats. Martyrdom threat possible in Jordan. USS Cole investigation threatens terrorists. Africa bombing sentences handed out. [————] [————] threats in Bahrain, Saudi Arabia, Israel. [————] [————————] threat in Europe. Yemen threat. [————————] [————] threat in Indonesia, India, Turkey, [————————] [————————————] threat to U.S. embassies, [————] [————————] in the Philippines.	Jun. [————————————] [————————————] [————————————] [————————————]. Spring 2001. [————————] [————————————] [————————————] [————————————] [————————————] [————————————]
	Jun. Reporting [————————] [————————————]	Jun. [Foreign officials arrested [————————————] individuals	28 Jun. "Based on a review of all-source reporting over the last five months, we believe that UBL will launch a significant terrorist attack against U.S. and/or Israeli interests in the coming weeks. The attack will	

	indicated operatives linked to UBL's organization expect their near-term attacks to have dramatic consequences such as destabilizing governments or causing major casualties. 4 Jul. Mihdhar enters U.S. at JFK Airport. Jul. Extremists associated with UBL [————————] continued to expect imminent attacks on U.S. interest but operational delays may persist, probably in response to enhanced U.S. security measures. Jul. [Reports indicate UBL planning unspecified attacks on U.S. facilities abroad]. Jul. [Over the last [————] weeks, there have been over 25 reports alluding to an impending attack. Never before has the Intelligence Community seen so many indicators].	who [————————] are members of Al Qaeda organization and were planning to bomb the U.S. embassy and other U.S. facilities [————————] [————————]. Jul. British re-arrest Algerian [————————] [————————] [————————] [————] knew of Ressam's terrorist plans. Ressam said UBL was aware of his terrorist plans and intentions in the U.S. Jul. [————————] [————————] a cell of international Islamic extremists [—] [————————] [————————] involved in anti-U.S. terrorist planning. Even with the arrests, attacks may still be planned [————————] [————————] [————————]. Jul. [————————] [————————] [———————————]	be spectacular and designed to inflict mass casualties against U.S. facilities or interests. Attack preparations have been made. Attack will occur with little or no warning. They are waiting us out, looking for a vulnerability."	[————————————] [————]. Jul. [————————] [————————] [————————].

		[redacted] [redacted] [redacted] [redacted]. Jul. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]. Jul. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted].	30 Jul. U.N. Security Council adopts Resolution 1363. Stresses obligation of U.N. member states to comply with UNSCRs 1267 and 1333, respectively, which calls on Taliban to cease its support of terrorists in the territory it controls and the turning over of UBL to appropriate authorities. Offers assistance to states including those bordering on Afghanistan to increase their capability to implement measures imposed by above resolutions, which include an arms embargo and freezing of UBL assets.	Summer 2001. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted].
	Aug. Clandestine [redacted] [redacted] and media reports indicate UBL has wanted to conduct attacks in the U.S. since 1997… Al-Qa'ida members—		1 Aug. CIA Inspector General report on CTC: "well-managed, fulfilling interagency responsibilities for DCI, made progress on problems previously identified,	

	including some who are U.S. citizens—have resided in or traveled to the U.S. for years, and the group apparently maintains a support structure that could aid attacks. 3 Aug. The IC continues to estimate that [————————] extremists associated with Al Qaeda are now prepared to conduct one or more terrorist attacks at any time. The IC continues to believe that the most likely locales for such attacks are on the Arabian Peninsula, the Middle East and Europe.		particularly relationship with FBI. Customers did identify gaps—plans and intentions of key terrorist groups and timely, specific warning of attack.	[-] Aug. [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————] [————————————————]. Summer 2001. [————————————] [————————————————] [————————].

	25 Aug. Between 25 and 31 Aug, 9/11 hijackers buy tickets for Sep 11, 2001. Aug. [redacted]	16 Aug. Zacarias Moussaoui detained by INS. Aug. [redacted]	16 Aug. CTC Assessment: for every UBL operative that we stop, an estimated 50 operatives slip through our loose net undetected. Based on recent arrest, it is clear that UBL is building up a worldwide infrastructure which will allow him to launch multiple and simultaneous attacks with little or no warning.	Aug. [redacted]. Aug. [redacted]. 23 Aug. Nawaf al-Hazmi and al-Mihdhar added to TIPOFF watchlist. Al-Hazmi arrived in U.S. January 15, 2000, no record of his departure. Al-Mihdhar departed June 10, 2000, returned July 4, 2001.

	[redacted] 9 Sep. Assassination of Afghan Northern Alliance leader Masood by Al Qaeda operatives posing as journalists.	[redacted] Sep. [redacted] 11 Sep. World Trade Center/Pentagon/Stony Creek attacks.	10 Sep. [redacted] 10 Sep. [redacted]	10 Sep. In the hours just prior to the 9/11 attacks, NSA obtains two pieces of information suggesting that individuals with terrorist connections believed something significant would happen on September 11. No specific indication of time, place, or type of expected event. Because of the nature of the processes involved, NSA is unable to report the information until September 12.

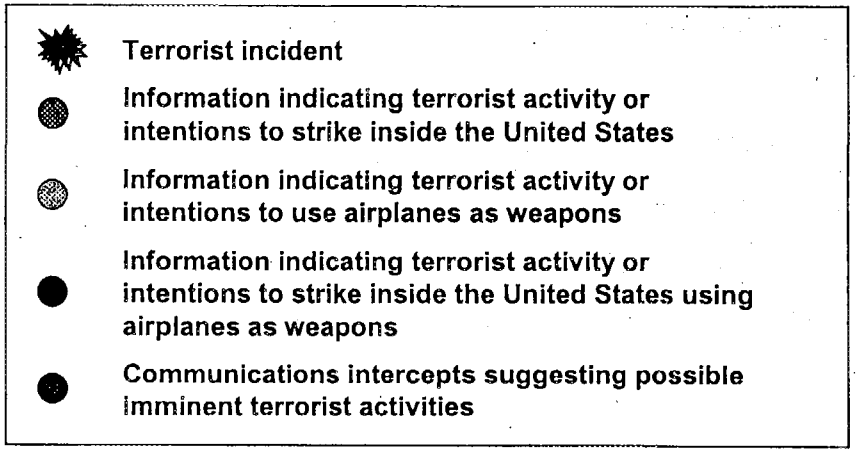
		7 Oct. Operation Enduring Freedom commences.	17 Sep. [———————————] [———————————————] [———].	

APPENDIX

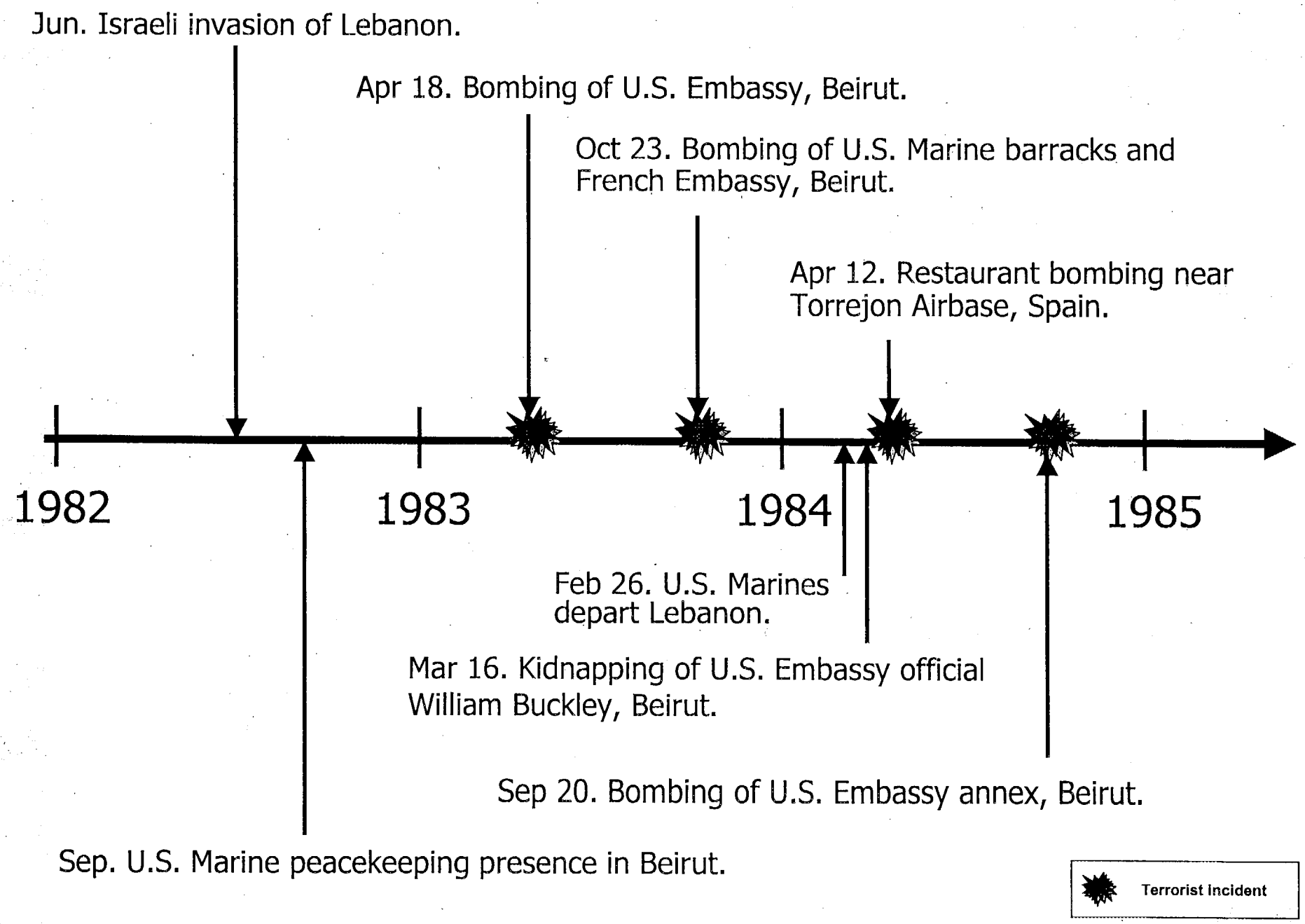
SELECTED EVENTS
IN THE
CHRONOLOGY
OF TERRORISM

1982 – 2001

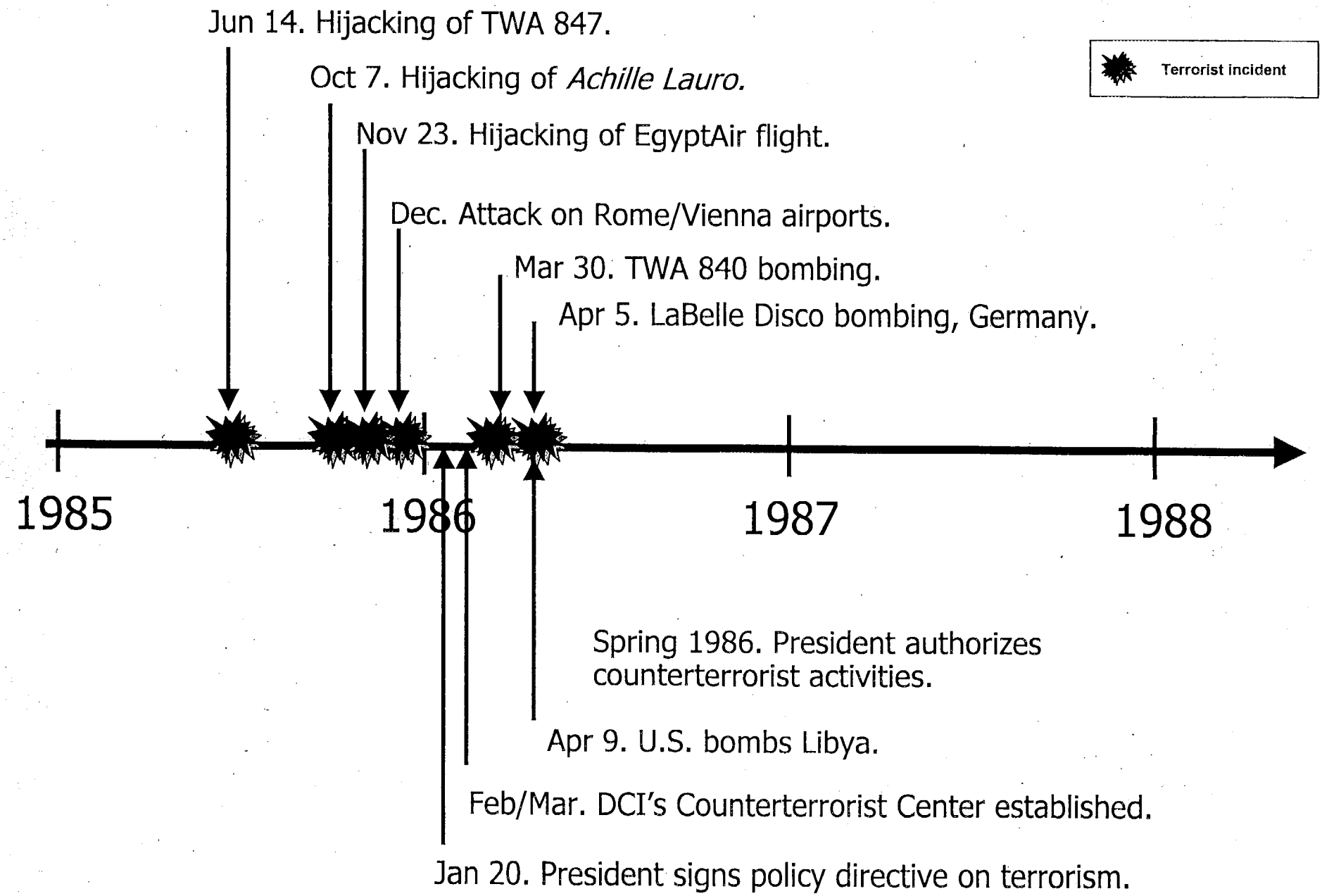
Selected events in the chronology of terrorism, 1982-2001

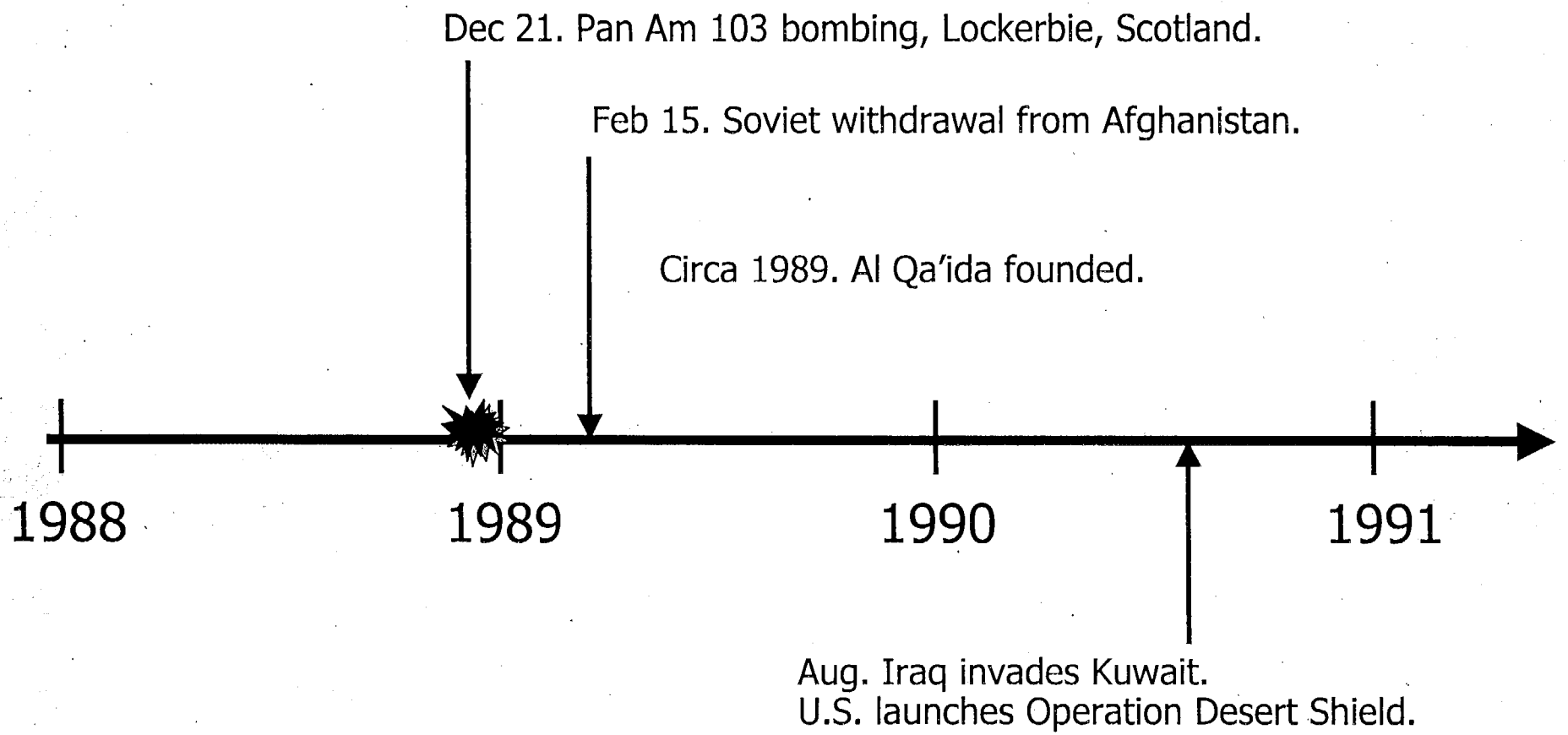


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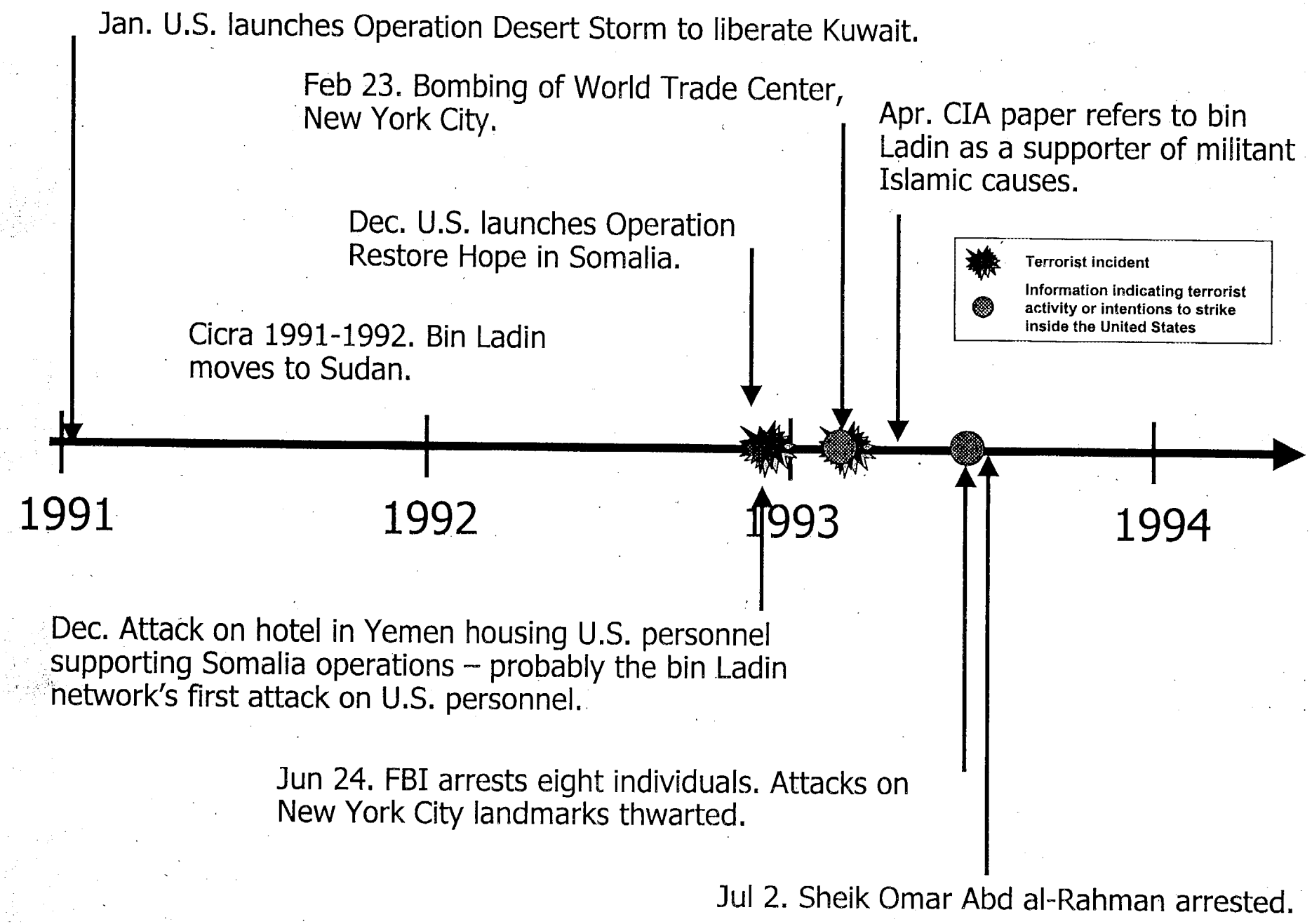


Unclassified

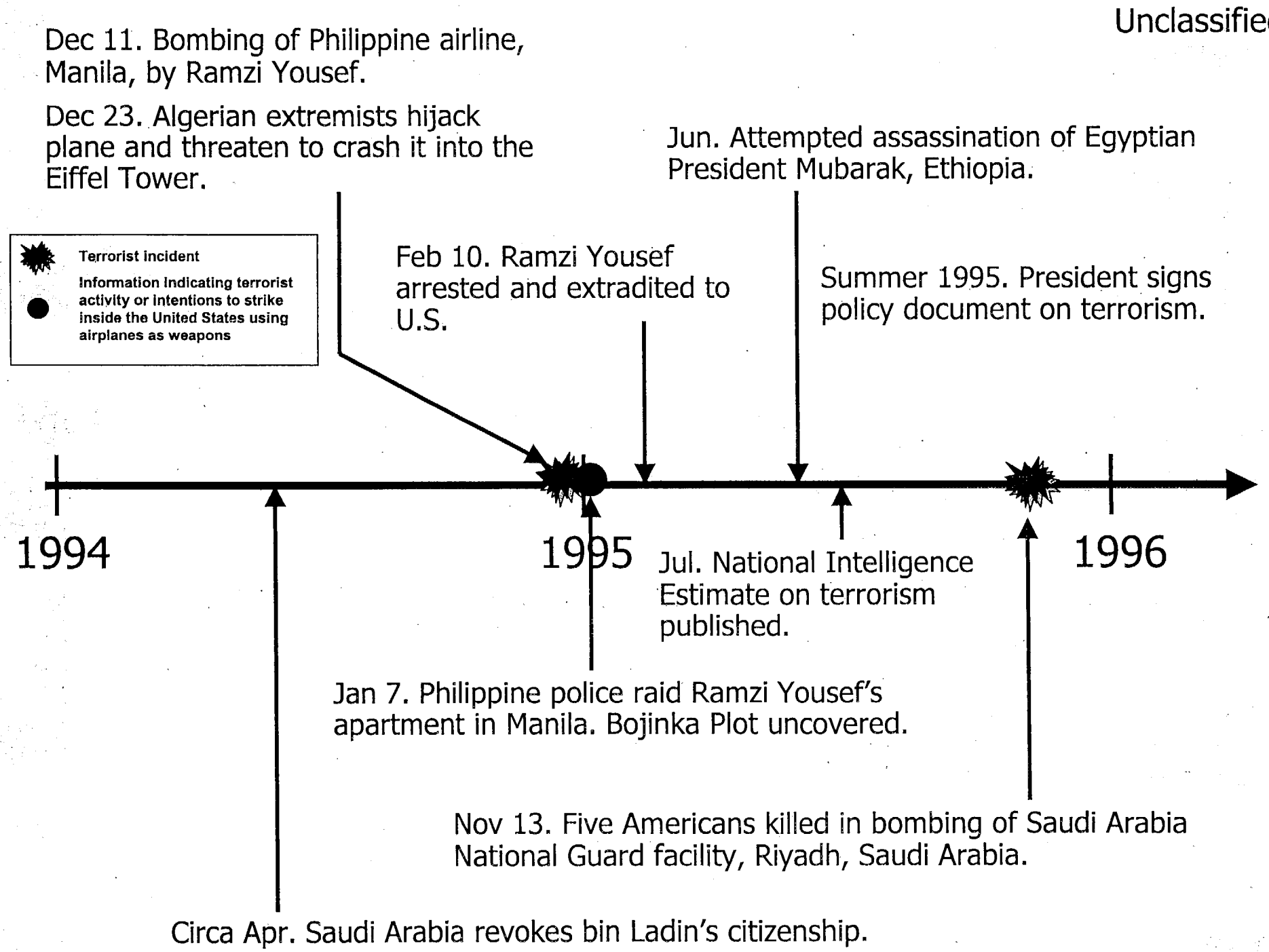


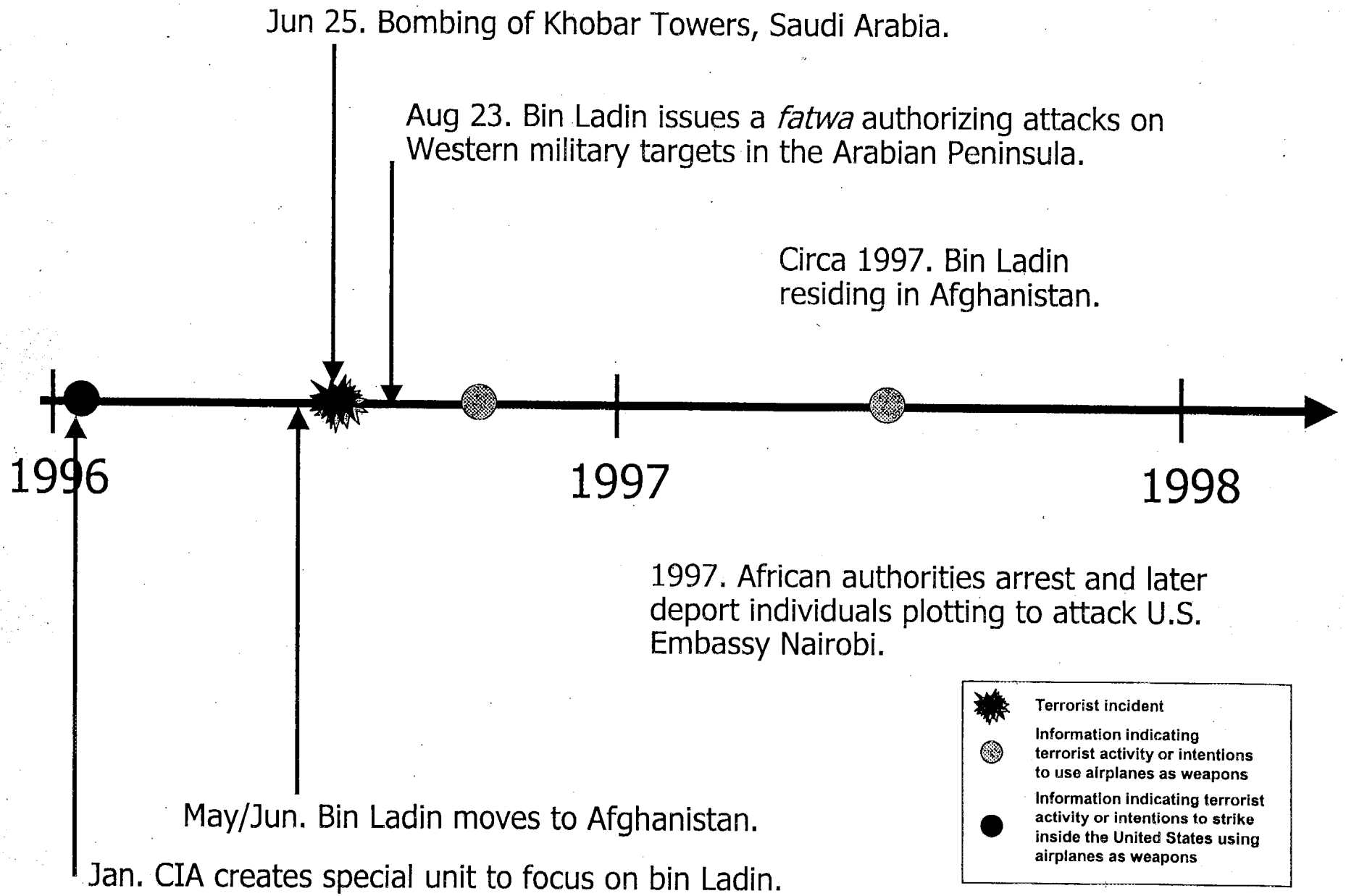

Dec 21. Pan Am 103 bombing, Lockerbie, Scotland.
Feb 15. Soviet withdrawal from Afghanistan.
Circa 1989. Al Qa'ida founded.
1988
1989
1990
1991
Aug. Iraq invades Kuwait.
U.S. launches Operation Desert Shield.
Terrorist incident

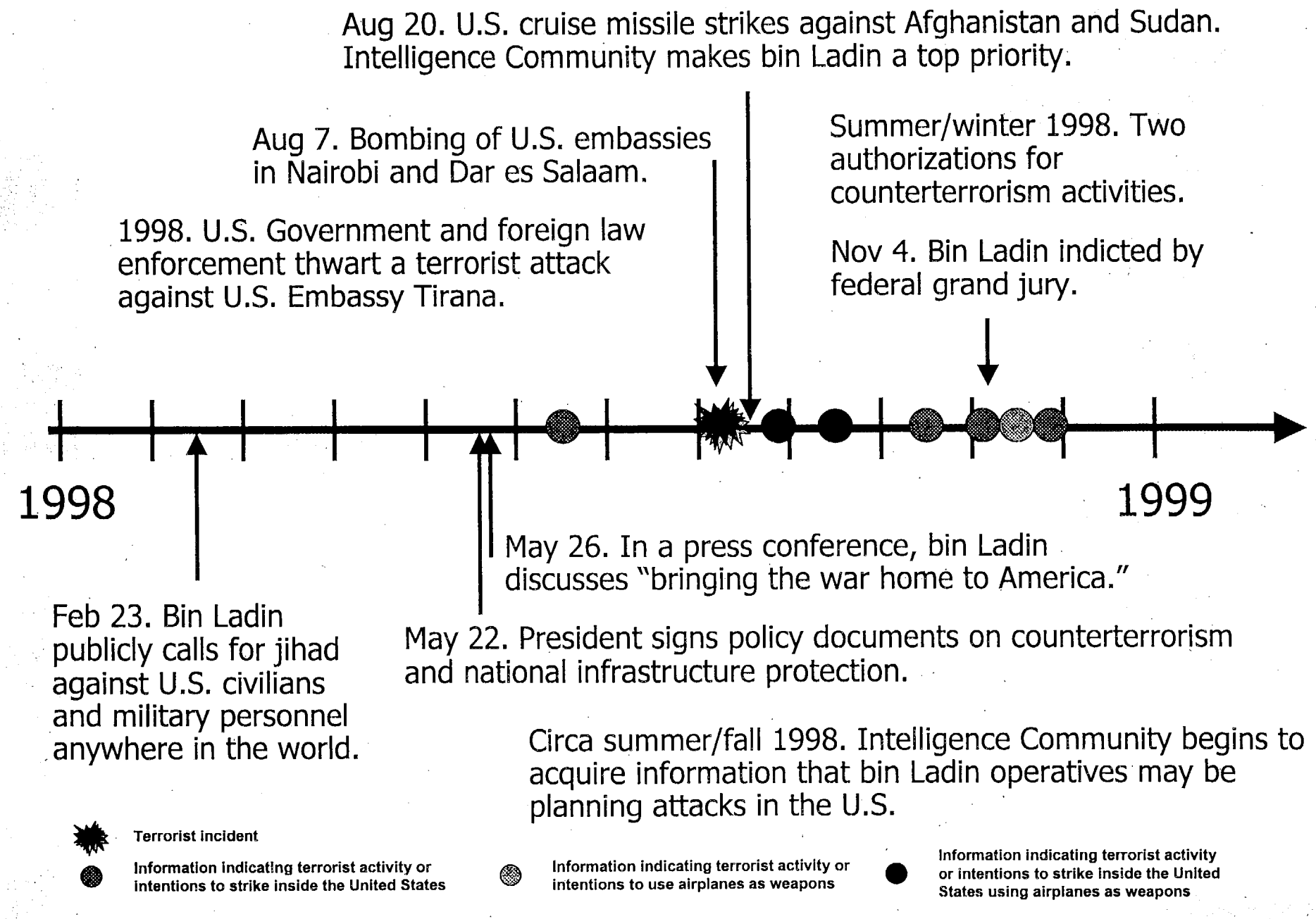
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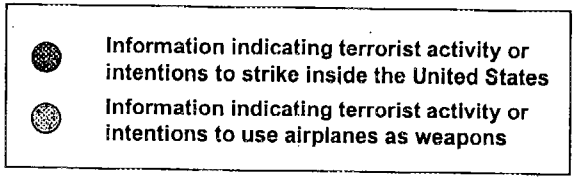


Unclassified




Jun 25. Bombing of Khobar Towers, Saudi Arabia.
Aug 23. Bin Ladin issues a *fatwa* authorizing attacks on Western military targets in the Arabian Peninsula.
Circa 1997. Bin Ladin residing in Afghanistan.
1996
1997
1998
1997. African authorities arrest and later deport individuals plotting to attack U.S. Embassy Nairobi.
May/Jun. Bin Ladin moves to Afghanistan.
Jan. CIA creates special unit to focus on bin Ladin.
Terrorist incident
Information indicating terrorist activity or intentions to use airplanes as weapons
Information indicating terrorist activity or intentions to strike inside the United States using airplanes as weapons

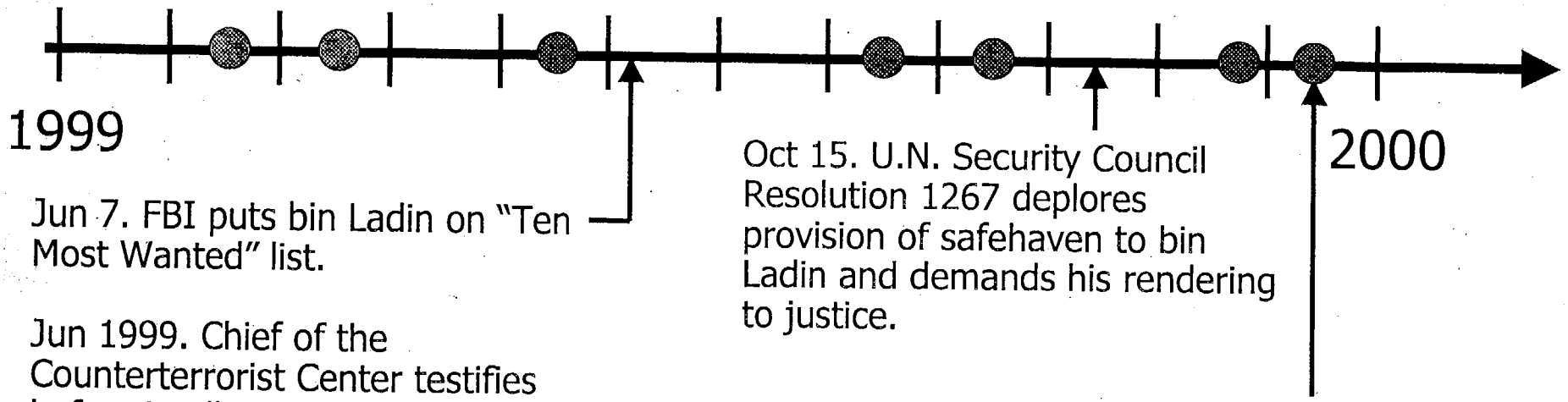

Aug 20. U.S. cruise missile strikes against Afghanistan and Sudan. Intelligence Community makes bin Ladin a top priority.
Aug 7. Bombing of U.S. embassies in Nairobi and Dar es Salaam.
1998. U.S. Government and foreign law enforcement thwart a terrorist attack against U.S. Embassy Tirana.
Summer/winter 1998. Two authorizations for counterterrorism activities.
Nov 4. Bin Ladin indicted by federal grand jury.
1998
1999
May 26. In a press conference, bin Ladin discusses "bringing the war home to America."
Feb 23. Bin Ladin publicly calls for jihad against U.S. civilians and military personnel anywhere in the world.
May 22. President signs policy documents on counterterrorism and national infrastructure protection.
Circa summer/fall 1998. Intelligence Community begins to acquire information that bin Ladin operatives may be planning attacks in the U.S.
Terrorist incident
Information indicating terrorist activity or intentions to strike inside the United States
Information indicating terrorist activity or intentions to use airplanes as weapons
Information indicating terrorist activity or intentions to strike inside the United States using airplanes as weapons



Circa late 1998 to Spring 2000. Hijackers Atta, al-Shehhi, and Jarrah are together in Hamburg, Germany.

Dec 1999. Atta, al-Shehhi, and Jarrah travel to Afghanistan.

On three separate occasions during the year, the President authorizes counterterrorism activities.



Jun 7. FBI puts bin Ladin on "Ten Most Wanted" list.

Jun 1999. Chief of the Counterterrorist Center testifies before intelligence committees that bin Ladin and associates are planning attacks in the U.S.

Oct 15. U.N. Security Council Resolution 1267 deplores provision of safehaven to bin Ladin and demands his rendering to justice.

Dec 14. Ahmed Ressam arrested attempting to enter Washington State. Numerous foreign intelligence and law enforcement services arrest, detain, or surveil suspected terrorists worldwide.

2000. Attack on a U.S. warship aborted.

Jan 5-8. Meeting of Al Qa'ida operatives in Malaysia.

Jan 15. Two individuals from the Malaysia meeting – al-Mihdhar and al-Hazmi – enter the U.S. Over the next several months, they take flight lessons in San Diego but abandon that effort.

Oct 12-13. Bombing of *USS Cole*, Aden, Yemen. Attack on British Embassy Yemen.

Mar. CIA receives information that al-Hazmi entered the U.S. on Jan 15.



2000

2001

Spring/summer/fall 2000. Hijackers Atta, al-Shehhi, Jarrah enter the U.S. and take flight lessons in Florida.

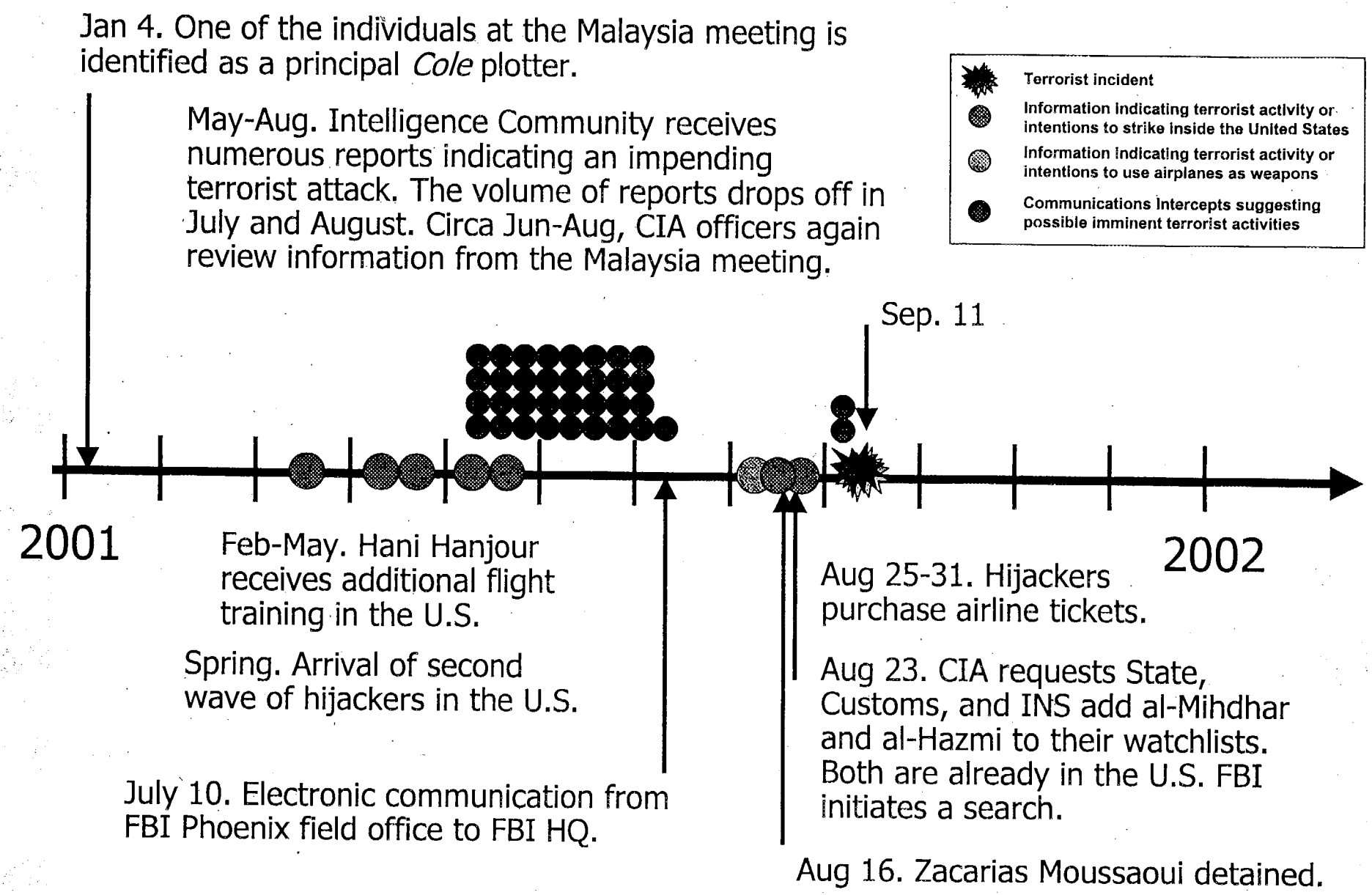
Dec 19. U.N. Security Council Resolution 1333 strongly condemns Taliban for sheltering and training terrorists.

Circa Dec 2000-Feb 2001. *Cole* investigation triggers renewed CIA interest in the Malaysia meeting.

Terrorist incident

Information indicating terrorist activity or intentions to strike inside the United States

Information indicating terrorist activity or intentions to use airplanes as weapons


Jan 4. One of the individuals at the Malaysia meeting is identified as a principal *Cole* plotter.
Terrorist incident
Information indicating terrorist activity or intentions to strike inside the United States
Information indicating terrorist activity or intentions to use airplanes as weapons
Communications intercepts suggesting possible imminent terrorist activities
May-Aug. Intelligence Community receives numerous reports indicating an impending terrorist attack. The volume of reports drops off in July and August. Circa Jun-Aug, CIA officers again review information from the Malaysia meeting.
Sep. 11
2001
2002
Feb-May. Hani Hanjour receives additional flight training in the U.S.
Spring. Arrival of second wave of hijackers in the U.S.
July 10. Electronic communication from FBI Phoenix field office to FBI HQ.
Aug 25-31. Hijackers purchase airline tickets.
Aug 23. CIA requests State, Customs, and INS add al-Mihdhar and al-Hazmi to their watchlists. Both are already in the U.S. FBI initiates a search.
Aug 16. Zacarias Moussaoui detained.
Jan-Sep. New Administration conducting terrorism policy review. New policy ready for President's consideration on Sep. 10.

APPENDIX

CIA/FBI FAILURES
IN REGARD TO
TWO OF THE SEPTEMBER 11 HIJACKERS,
THE PHOENIX ELECTRONIC COMMUNICATION,
AND
THE MOUSSAOUI INVESTIGATION

**(ADAPTED FROM A CHART PRESENTED
BY SENATOR CARL LEVIN
AT THE OCTOBER 17, 2002
JOINT INQUIRY HEARING)**

**CIA/FBI FAILURES IN REGARD TO TWO SEPTEMBER 11 HIJACKERS,
THE PHOENIX ELECTRONIC COMMUNICATION, AND THE MOUSSAOUI INVESTIGATION
(BASED ON CHART PRESENTED BY SENATOR CARL LEVIN AT OCTOBER 17, 2002 JOINT INQUIRY HEARING)**

CIA Failures

al-Mihdhar	Al-Hazmi
1. 1/5/00 – CIA acquires Midhar's passport information with multiple entry U.S. visa but does not watchlist him.	1. 1/9/00 – CIA has information to determine Hazmi's full name and learns that Hazmi left Malaysia with Mihdhar on 1/8/00 but does not watchlist Hazmi. Nor does it notify the FBI about the Hazmi travel.
2. 1/8/00 – CIA does not notify FBI when it learns Mihdhar has left Malaysia and, again, does not watchlist him.	2. 1/9/00 – CIA does not check U.S. immigration records to determine whether Hazmi, like Mihdhar, has a U.S. multiple entry visa (which had been used on 4/3/99).
3. 3/5/00 – CIA Headquarters does not read cable on Hazmi travel to U.S., so does not consider likelihood that Mihdhar traveled with him. CIA does not check to determine whether Mihdhar is in the U.S. until 8/21/01 - 17 months later.	3. 3/5/00 – CIA Headquarters does not read cable noting Hazmi travel to U.S., so does not watchlist Hazmi or notify the FBI that he is in the country.
4. 1/2001 – CIA does not watchlist Mihdhar after learning he was in Malaysia with Khallad, aka Tawfiq bin Attash, planner of the bombing of *USS Cole*.	4. 1/2001 – CIA does not watchlist Hazmi after learning he was in Malaysia with Khallad, aka Tawfiq bin Attash, planner of the bombing of *USS Cole*.
5. 6/11/01 – CIA analyst at N.Y. meeting with FBI is aware of Mihdhar travel and visa information but does not pass it on to FBI because "it does not mean anything to [him]" and he does not have permission to reveal operational details.	

FBI Failures

al-Mihdhar	al-Hazmi
1. 1/5/00 – CIA notifies FBI about Malaysia meeting, but FBI does not watchlist Mihdhar.	1. 8/28/01 – After Mihdhar and Hazmi are placed on watchlist, FBI opens investigation on Mihdhar, but not Hazmi. FBI does not check whether Hazmi extended his original U.S. visa (an extension applied for on 7/12/00, and granted on 6/18/01).
2. 8/28/01 – FBI NY agent request for full criminal investigation is denied by FBI Headquarters official. Agent decries the "wall: preventing the sharing of intelligence information with criminal investigators.	

Phoenix 7/10/01 Electronic Communication	Moussaoui Investigation, August – September 2001
1. FBI RFU does not direct that FBI field offices establish liaisons with aviation schools around the country, as requested by the Phoenix agent who wrote the Electronic Communication.	1. FBI Headquarters and agents in Minneapolis misunderstand legal standard for obtaining a FISA order, believing they have to link Moussaoui to a "recognized foreign power." Minneapolis wastes time and resources trying to connect Chechen rebels, which FBI did not consider a "recognized foreign power," to al-Qa'ida.
2. FBI RFU fails to share the Phoenix Electronic Communication with other agencies prior to September 11, the FBI's analytical unit, or any of the FBI's field offices.	2. On August 24, CTC alerts CIA stations worldwide about Moussaoui. FBI waits until September 4 to send teletype to Intelligence Community and other government agencies, noting that Moussaoui was in custody, but not describing any particular threat, i.e., that he might be connected to a larger plot. The teletype did not recommend that addressees take action or look for additional indicators of a terrorist attack.
3. FBI's New York field office receives the Phoenix Electronic Communication, but does not to take action, although personnel there knew that al-Qa'ida had previously received flight training in the U.S.	3. FBI does not connect Moussaoui with heightened threat in Summer 2001, the Phoenix Electronic Communication, or Mihdhar and Hazmi's entry into U.S.

APPENDIX

THE
PHOENIX
ELECTRONIC COMMUNICATION

(Rev 08-28-2000)

SECRET

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE Date: 07/10/2001

To: Counterterrorism Attn: RFU
SSA [redacted]
IRS [redacted]

New York

From: Phoenix
[redacted]
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: (S) [redacted] (Pending)

Title: (S) [ZAKARIA MUSTAPHA SOUBRA;
IT-OTHER [redacted]]

Synopsis: (S) UBL [redacted] supporters attending civil aviation universities/colleges in the State of Arizona.

(S) Derived From : G-3
Declassify On: X1

(U) (S) Full Field Investigation Instituted: 04/17/2000 (NONUSPER)

Details: (S) [The purpose of this communication is to advise the Bureau and New York of the possibility of a coordinated effort by USAMA BIN LADEN (UBL) to send students to the United States to attend civil aviation universities and colleges. Phoenix has observed an inordinate number of individuals of investigative interest who are attending or who have attended civil aviation universities and colleges in the State of Arizona. The inordinate number of these individuals attending these type of schools and fatwas [redacted]

SECRET

[redacted] 60267 1 of 4
c/d
[redacted] 1,6

To: Counterterrorism From: Phoenix
Re: [redacted] 07/10/2001

(S) [redacted] gives reason to believe that a coordinated effort is underway to establish a cadre of individuals who will one day be working in the civil aviation community around the world. These individuals will be in a position in the future to conduct terror activity against civil aviation targets.

(S) Phoenix believes that the FBI should accumulate a listing of civil aviation universities/colleges around the country. FBI field offices with these types of schools in their area should establish appropriate liaison: FBIHQ should discuss this matter with other elements of the U.S. intelligence community and task the community for any information that supports Phoenix's suspicions. FBIHQ should consider seeking the necessary authority to obtain visa information from the USDOS on individuals obtaining visas to attend these types of schools and notify the appropriate FBI field office when these individuals are scheduled to arrive in their area of responsibility.

(S) Phoenix has drawn the above conclusion from several Phoenix investigations to include captioned investigation and the following investigations: [redacted], a Saudi Arabian national and two Algerian Islamic extremists [redacted]

(S) Investigation of ZAKARIA MUSTAPHA SOUBRA was initiated as the result of information provided by [redacted] a source who has provided reliable information in the past. The source reported during April 2000 that SOUBRA was a supporter of UBL and [redacted]. SOUBRA arrived in Arizona from London, England on 08/27/1999 on an F-1 student visa to attend EMBRY RIDDLE UNIVERSITY (ERU), Prescott, Arizona. ERU only teaches courses related to the field of aviation. SOUBRA is an Aeronautical Engineering student at ERU and has been taking courses in "international security" relating to aviation. SOUBRA, within weeks of his arrival at Prescott, Arizona, [redacted] supporting UBL, at Mosques located throughout Arizona. SOUBRA has also organized anti United States and Israeli demonstrations in the area of ARIZONA STATE UNIVERSITY (ASU), Tempe, Arizona. He has also established and organized an Islamic student association on the ERU campus organizing the Muslim student population on the ERU campus.

(S) Phoenix has identified several associates of SOUBRA at ERU who arrived at the university around the same time that he

To: Counterterrorism From: Phoenix
Re: (S) [redacted] 07/10/2001

did. These individuals are Sunni Muslims who have the same radical fundamentalists views as SOUBRA. They come from Kenya, Pakistan, United Arab Emirates, India, Saudi Arabia and Jordan. SOUBRA's associates are (S)

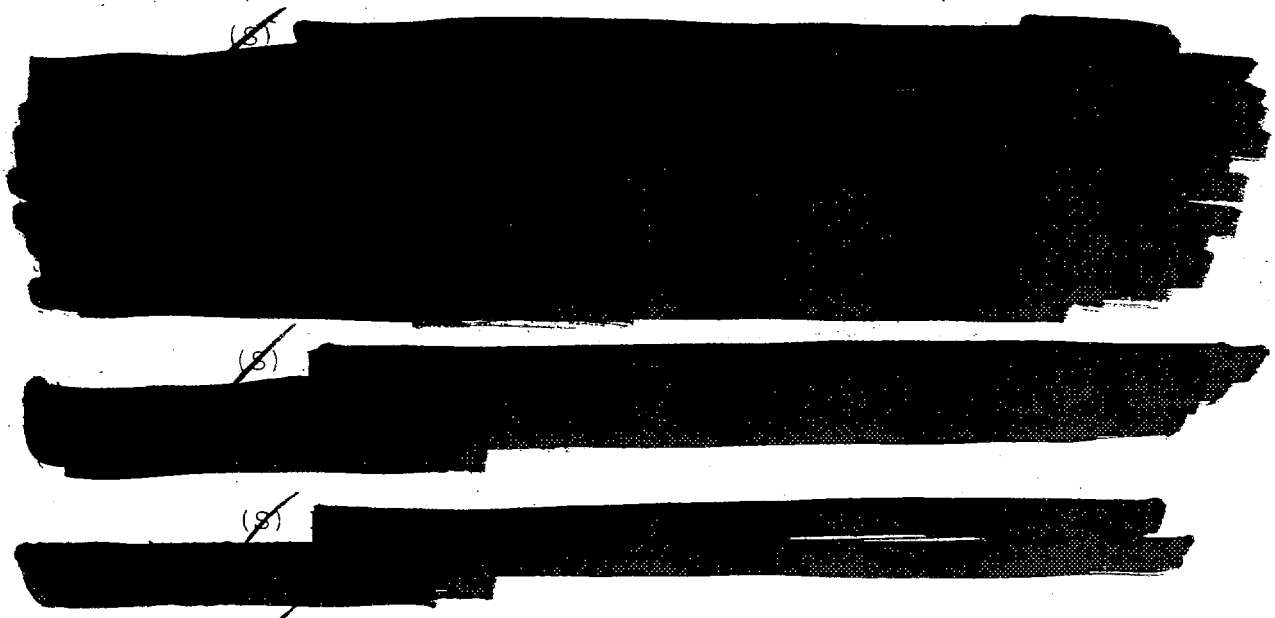
(S) [redacted]

(S) The above individuals are involved with SOUBRA and regularly participate in meetings with him in Prescott, Arizona.

(S) FBIHQ, IRS [redacted] RFU, wrote an analytical paper on the [redacted] dated 11/09/1999, in support of FBINY investigation captioned: [redacted]

[redacted] research paper can be found in [redacted] The following information was gleaned from IRS research paper.

To: Counterterrorism From: Phoenix
Re: (S) [redacted] 07/10/2001



(S) " The Fatwa is jihad against the U.S. and British government, armies, interests, **airports** (emphasis added by FBI Phoenix), and instructions and it has been given because of the U.S. and British aggression against Muslims and the Muslim land of Iraq...we...confirm that the only Islamic Fatwa against this explicit aggression is Jihad. Therefore the message for the British governments or any other government of non-Muslim countries is to stay away from Iraq, Palestine, Pakistan, Arabia, etc...or face full scale war of Jihad which it is the responsibility and the duty of every Muslim around the world to participate in...We...call upon...Muslims around the world including Muslims in the USA and in Britian to confront by all means whether verbally, financially, politically or militarily the U.S. and British aggression and do their Islamic duty in relieving the Iraqi people from the unjust sanctions."

(S) SOUBRA was interviewed by FBI Phoenix on 04/07/2000 and 05/11/2000 at his residence. On 04/07/2000, interviewing Agents observed photocopied photographs of UBL, IBN KHATTAB and wounded Chechnyan Mujahadin tacked to his livingroom wall. SOUBRA admitted to [redacted] in the State of Arizona. SOUBRA stated that he considers the United States Government and U.S. Military forces in the Gulf as "legitimate military targets of Islam." He also stated that the targeting of the U.S. Embassies in Africa was "legitimate." SOUBRA denied having received any military training. However; Phoenix believes that SOUBRA was being less than truthful in this

regard. SOUBRA was defiant towards interviewing Agents and it was clear that he was not intimidated by the FBI presence. It is obvious that he is a hardcore Islamic extremist who views the U.S. as an enemy of Islam. Investigation of SOUBRA is continuing.

(S)

[redacted]

(S)

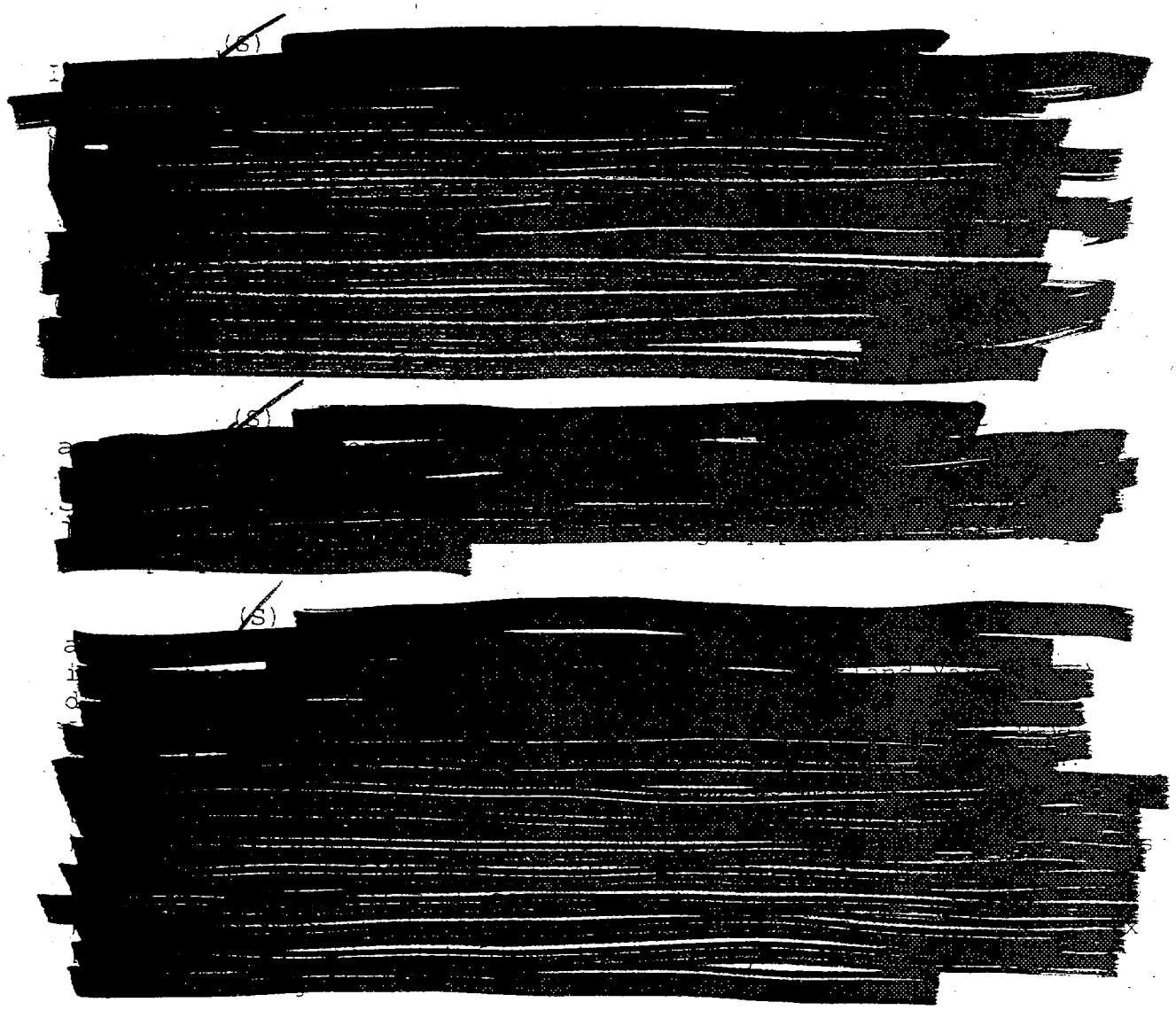
[redacted]

(S)

[redacted]

(S)

[redacted]



(S) Phoenix believes that it is more than a coincidence that subjects who are supporters of UBL are attending civil aviation universities/colleges in the State of Arizona. As receiving offices are aware, Phoenix has had significant UBL associates/operatives living in the State of Arizona and conducting activity in support of UBL. [WADIH EL-HAGE, a UBL lieutenant recently convicted for his role in the 1998 bombings of U.S. Embassies in Africa, lived in Tucson, Arizona for several years during the 1980s. [redacted]

To: Counterterrorism From: Phoenix
Re: [redacted] 07/10/2001

[redacted]

(S) This information is being provided to receiving offices for information , analysis and comments.

To: Counterterrorism From: Phoenix
Re: (S) [redacted] 07/10/2001

LEAD(s):

Set Lead 1:

COUNTERTERRORISM

AT WASHINGTON, DC

(S) The RFU/UBLU is requested to consider implementing the suggested actions put forth by Phoenix at the beginning of this communication.

Set Lead 2:

NEW YORK

AT NEW YORK, NEW YORK

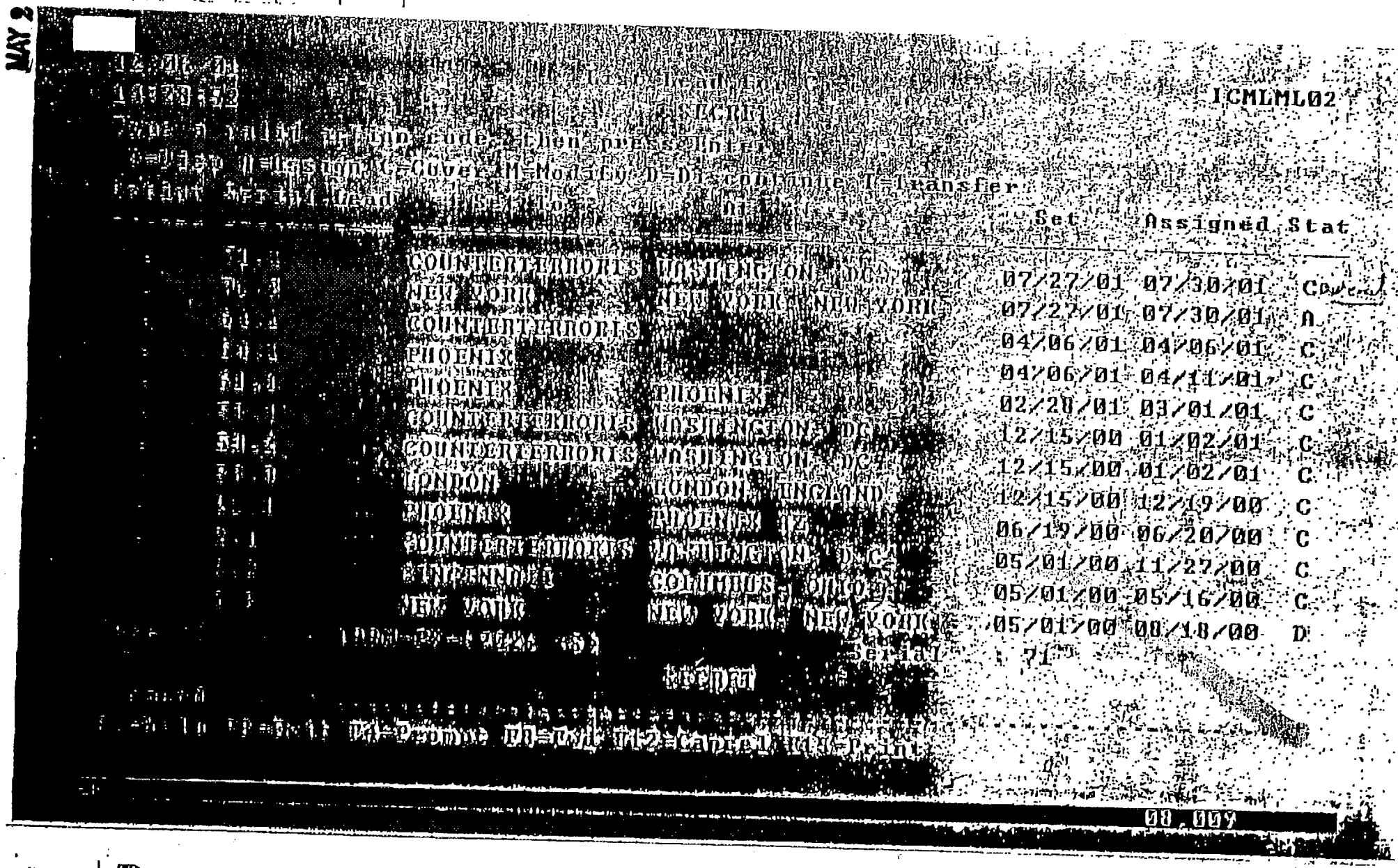
(S) Read and Clear

♦♦

ENTIRE Connection - EntireConnection - [1]

MAY 2 9 2003

MAY. 3.2002 1:25PM NO.070 P.11



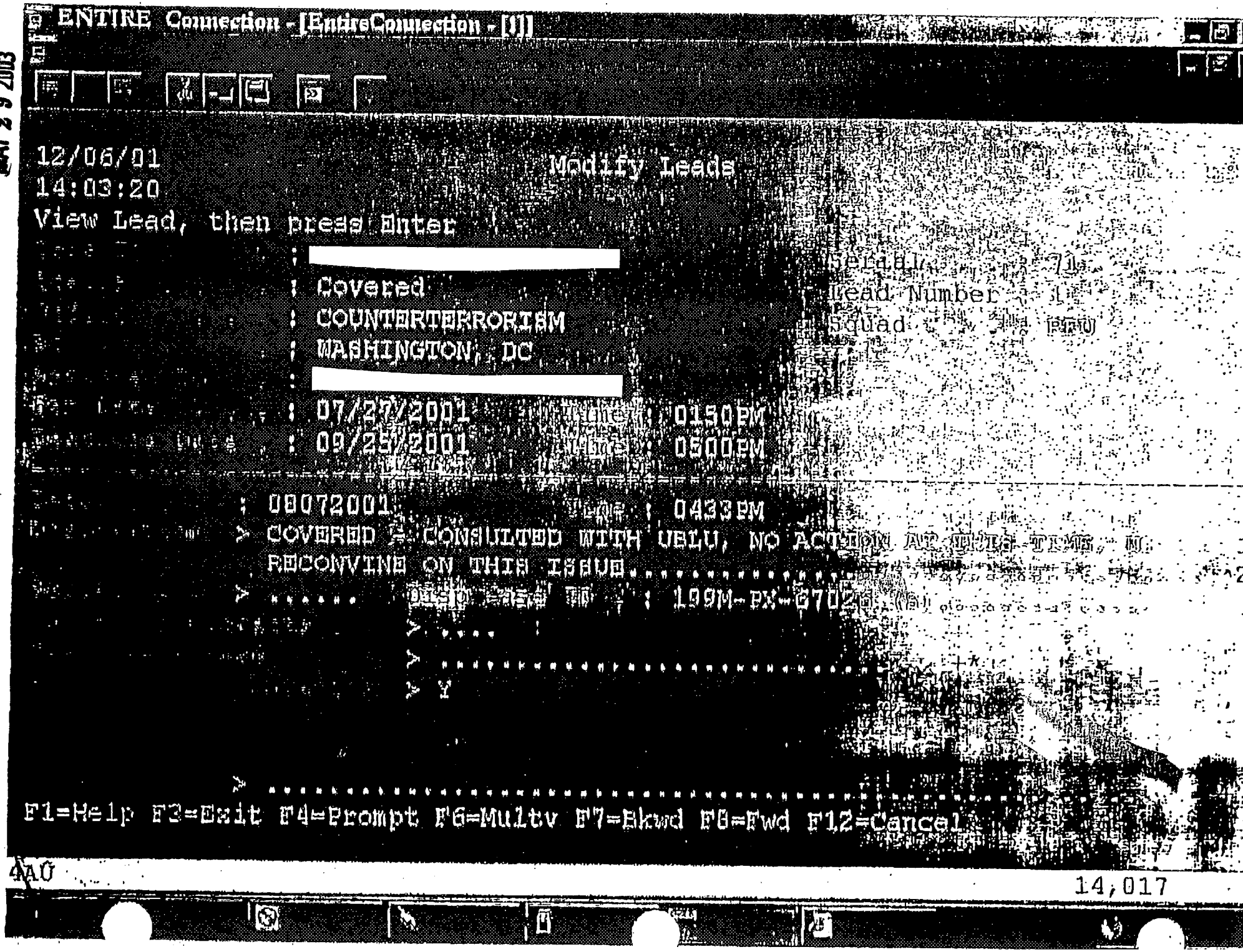
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COUNTERTERRORIS WASHINGTON DC	07/27/01	07/30/01	Cp
NEW YORK NEW YORK NEW YORK	07/27/01	07/30/01	A
COUNTERTERRORIS	04/06/01	04/06/01	C
PHOENIX	04/06/01	04/11/01	C
PHOENIX PHOENIX	02/20/01	03/01/01	C
COUNTERTERRORIS WASHINGTON DC	12/15/00	01/02/01	C
COUNTERTERRORIS WASHINGTON DC	12/15/00	01/02/01	C
LONDON LONDON ENGLAND	12/15/00	12/19/00	C
PHOENIX PHOENIX AZ	06/19/00	06/20/00	C
COUNTERTERRORIS WASHINGTON DC	05/01/00	11/27/00	C
COLUMBUS COLUMBUS OHIO	05/01/00	05/16/00	C
NEW YORK NEW YORK NEW YORK	05/01/00	08/18/00	D

Serial : 71

08 009

MAY 29 2003 NO.070 P.10



MAY. 3.2002 1:23PM

APPENDIX

MOUSSAOUI-RELATED
FBI FIELD AGENT NOTES
AND
FIELD OFFICE/HEADQUARTERS E-MAILS*

* The contents of this Appendix have been withheld at the request of the Department of Justice so as to avoid any impact on the prosecution of Zacharias Moussaoui.

APPENDIX

GENERAL ACCOUNTING OFFICE ANALYSIS OF U.S. ANTHRAX ATTACKS

SUMMARY
OF
JOINT INQUIRY REVIEW
OF
ANTHRAX ATTACKS

In October 2001, the Congress, the United States Postal Service (USPS), and elements of the domestic infrastructure were the targets of anthrax attacks that eventually killed five Americans. The Joint Inquiry requested that the General Accounting Office review those attacks, focusing on the difficulty of producing and spreading anthrax, mail as a delivery system, the status of USPS efforts to detect anthrax, the federal investigation into the attacks, and how the government is preparing for other incidents.

When the Joint Inquiry report was filed, the GAO investigation had been substantially completed, with an initial finding that no consensus exists among experts regarding the ease with which terrorists or a disgruntled scientist could effectively produce and disseminate anthrax on U.S. soil. According to the GAO, technical experts believe that it would be very difficult to overcome technical and operational challenges to produce and deliver biological warfare agents sufficient to cause mass casualties.

According to the experts the GAO interviewed, delivery of anthrax by mail is not as efficient a method of producing mass casualties as military technologies. However, in the public's mind and in terms of economic damage, anthrax powder in the mail represents a potentially significant problem. The USPS effort to defend against biological agents illustrates a key aspect of homeland defense: the distinction between reactive and proactive operational environments. Whereas the nation's posture had been to prevent attacks against military facilities, the anthrax attacks targeted civilian facilities that unprepared to react.

According to the GAO, the FBI is aware of numerous anthrax incidents throughout the United States, which were random in nature and determined to be hoaxes. Because this was the first time the FBI responded to an actual attack, however, there was some initial confusion about the investigative roles and responsibilities of various agencies. The Bureau has recognized the need to involve subject-matter experts and, as a result, its investigative teams include scientists, criminal investigators, hazardous-material experts, investigators from other federal agencies, and federal laboratories.

As a result of the anthrax attacks, the FBI and other investigative agencies have increased attention on chemical and biological threats. These agencies have reached agreements delineating roles and responsibilities, increased liaison with public health officials, developed a Center for Disease Control and FBI handbook for conducting investigations, and identified state and local officials who need security clearances for access to classified information.

To date, no connection has been established between the anthrax attacks and the terrorist attacks of September 11.

A copy of the GAO report follows.

GAO
Accountability * Integrity * Reliability
United States General Accounting Office
Washington, DC 20548

December 6, 2002

The Honorable Bob Graham,
Chairman, Select Committee on Intelligence
United States Senate

The Honorable Richard Shelby
Vice Chairman, Select Committee on Intelligence
United States Senate

The Honorable Porter J. Goss
Chairman, Permanent Select Committee on Intelligence
House of Representatives

The Honorable Nancy Pelosi
Ranking Minority Member
Permanent Select Committee on Intelligence
House of Representatives

Subject: Analysis of U.S. Anthrax Attacks

The purpose of this letter is to transmit a copy of our statement for inclusion in the Committee record, regarding our response to your request to collect information on the October 2001, anthrax in the United States using the United States Postal Service (USPS) as a vehicle. To address this objective, we specifically drew upon the biodetection work we are conducting at the USPS and the chemical-biological defense work we are performing at the Department of Defense. We have also collected the Federal Bureau of Investigation's response to last year's anthrax attacks, and analyzed new information regarding the steps necessary to produce dry anthrax spores.

This statement has been designated "Limited Official Use Only" because of the sensitive nature of the information it contains. Release to the public could be detrimental to the government and/or public safety. Recipients should not discuss or release this report to anyone whose official duties do not require access to the information it contains. This report should be safeguarded when not being used and destroyed when no longer needed. It is my understanding that your procedures for handling materials submitted to the Committee will fully address these concerns.

This assignment was conducted by staff from our Applied Research and Methods team and Office of Special Investigations under assignment code 460539. If you have any questions, please contact Sushil Sharma, Assistant Director, Center for

Technology and Engineering, at (202) 512-3460, Don Fulwider, Assistant Director, Office of Special Investigations at (202) 512-7413, or me at (202) 512-6412. We can also be reached at SharmaS@gao.gov, FulwiderD@gao.gov, or RhodesK@gao.gov, respectively.

Sincerely yours,

Keith A. Rhodes
Chief Technologist
Director, Center for Technology and Engineering
Applied Research and Methods

United States General Accounting Office

GAO

Testimony

Before the Select Committee on Intelligence, U.S. Senate, and the Permanent Select Committee on Intelligence, House of Representatives

Tuesday, December 10, 2002

DIFFUSE SECURITY THREATS

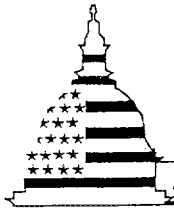
Information on U.S. Domestic Anthrax Attacks

Statement for the Record by Keith Rhodes,
Chief Technologist,
Center for Technology and Engineering

~~LIMITED OFFICIAL USE ONLY~~

~~This statement has been designated "Limited Official Use Only" because of the sensitive nature of the information it contains. Release to the public could be detrimental to the government. Recipients should not discuss or release this statement to anyone whose official duties do not require access to the information it contains. This statement should be safeguarded when not being used and destroyed when no longer needed.~~

Released by GAO 6/12/03



GAO

Accountability * Integrity * Reliability

Mr. Chairman and Members of the Joint Committee:

As you requested in your letter of October 31, 2002, we are pleased to submit our statement for the record on the anthrax threat. We collected this information as part of several ongoing and completed projects dealing with the anthrax threat, the anthrax vaccine, and technologies to detect and identify anthrax spores,[1] that is, anthrax in a powder form. As you requested, my testimony will focus on the following questions: (1) How easy is it to produce and weaponize anthrax? (2) What studies were conducted to test mail as a weapon delivery system? And (3) what is the status of the United States Postal Service's (USPS) efforts to detect anthrax in the mail? You also requested that we provide an overview of federal law enforcement agencies' initial investigation in response to the October 2001 anthrax attack and how these agencies are preparing for similar incidents in the future.

In conducting our work on anthrax production processes, we identified and consulted with a wide range of current and retired experts in anthrax and biological weapons production processes from the U.S. Army's Dugway Proving Grounds, Utah, a principal site of biological weapons testing; the U.S. Army Medical Research Institute of Infectious Diseases, Ft. Detrick, Maryland; the Institute of Genomic Research, Bethesda, Maryland; the University of Arizona, Tucson, Arizona; and the United Kingdom.

In conducting our work on USPS's efforts to detect anthrax in the mail, we reviewed documents associated with USPS efforts to procure anthrax detection devices, met with USPS officials, and also met with industry experts and vendors representing the technologies USPS is considering. We also met with officials of the Canadian Defense Research Establishment Suffield (DRES) and observed the results of their tests of anthrax in mail in an office setting.

Finally, in conducting our work on how law enforcement agencies responded to the October 2001 anthrax attack, we contacted representatives from the Federal Emergency Management Agency; the Environmental Protection Agency's (EPA) Office of Criminal

[1]See U.S. General Accounting Office, *Diffuse Security Threats: Technologies for Mail Sanitization Exist, but Challenges Remain*, GAO-02-365 (Washington, D.C.: April 23, 2002) and *Diffuse Security Threats: USPS Air Filtration Systems Need More Testing and Cost Benefit Analysis before Implementation*, GAO-02-838 (Washington, D.C.: August 22, 2002).

Enforcement, Forensics and Training (OCEFT); the Federal Bureau of Investigation's (FBI) Weapons of Mass Destruction Unit and Washington Field Office; USPS's Manager for Environmental Management, Incident Commander for the Brentwood facility, and Postal Inspector; and the Department of Health and Human Services' Office of Public Health Preparedness and Centers for Disease Control and Prevention (CDC).

The work on which this statement is based began in November 2001 and has continued through November 2002, and it was conducted in accordance with generally accepted government auditing standards.

Background

As of October 2002, intelligence assessments have not changed since 1990 for chemical and biological warfare threats on the battlefield or by terrorists, This is especially true, intelligence analysts told us, in terms of the numbers of countries suspected of developing anthrax spores, the types of biological agents these countries are known to possess, and their ability to weaponize and deliver such agents.[2] Unfortunately, for assessing a similar nonbattlefield threat, there are no current data on which to base an estimate apart from data on the October 2001 attack.

As to the terrorist threat, according to officials at the State Department's Diplomatic Security and at the Central Intelligence Agency, no clear evidence exists at this time that U.S. missions or interests overseas are threatened by foreign states or terrorist attacks using chemical and biological agents. According to these officials, terrorist attacks involving the use of conventional bombs are considered the greatest threat to U.S. overseas missions.[3]

In 1998, at least 12 U.S. abortion clinics received letters that claimed to contain anthrax powder, followed by more than 35 such letters in 1999 and over 30 in 2000. All of these were found to be hoaxes. In addition, DOD committed to a program on December 15, 1997, to vaccinate the entire military because it considered anthrax powder to be a major battlefield

[2]See also U.S. General Accounting Office, *Medical Readiness: Safety and Efficacy of the Anthrax Vaccine*, GAO/T-NSIAD-99-148 (Washington, D.C.: April 29, 1999).

[3]See U.S. General Accounting Office, *State Department: Serious Problems in the Anthrax Vaccine Immunization Program*, GAO-01-21 (December 13, 2000).

threat.[4] Simultaneously, the American public was introduced to biological warfare threats in a series of evening prime-time television addresses, including one by then-Secretary of Defense William Cohen, showing the relative power of bio-weapons. There was much attendant publicity, both about the importance of the threat and concerns about the safety and efficacy of the vaccine. From 1998 to September 2001, more than 400 anthrax powder hoaxes occurred in the United States. While much attention has been paid to the anthrax letters sent in October 2001, more than 750 hoax letters involving anthrax threats were sent worldwide in October and November 2001. According to a non-profit center specializing in issues related to weapons of mass destruction, a single group, called the Army of God, sent more than 550 hoax letters to abortion clinics in the United States.

Ease of Production of Anthrax Spores

As you know, many conflicting statements have been made in public testimony before Congress and in the press concerning the ease or difficulty with which terrorists or a lone scientist could effectively disseminate, on U.S. soil, a chemical or biological agent, specifically anthrax, and cause mass casualties. As to the biological agents, all of the experts we met with agreed that while a laboratory scientist may be able to grow cultures of some bio-agents, the production and use of most biological warfare agents would require a relatively high degree of sophistication in terms of both expertise and equipment.

According to technical experts in the many fields associated with biological agents, including those formerly with state-sponsored offensive biological weapons programs, it would be very difficult for a terrorist to overcome major technical and operational challenges to effectively and successfully weaponize and deliver a biological warfare agent to cause mass casualties.[5] If terrorists could overcome these obstacles, experts believe that those without a prior knowledge of these agents would have to conduct extensive experimentation to perfect their skills, which would

[4]In July 2000, DOD ordered a temporary slowdown of its program because the U.S. anthrax vaccine manufacturer could not win Food and Drug Administration (FDA) approval of its manufacturing process and facilities. In January 2002, FDA approved the U.S. manufacturer's facilities and vaccine manufacturing process and DOD announced the resumption of its anthrax vaccination program in June 2002.

[5]See U.S. General Accounting Office, *Combating Terrorism: Need for Comprehensive Threat and Risk Assessments of Chemical and Biological Attacks*, GAO/NSIAD-99-163 (Washington, D.C.: September 7, 1999).

result in their increased risk of discovery. Specialized knowledge is needed to acquire the right biological warfare agent, process it, improvise a weapon or device, and effectively deliver it to cause mass casualties.

To make high-quality anthrax powder, a number of challenging steps and specialties are involved:

- Acquisition of a virulent strain of anthrax (such as the Ames strain), by (1) locally isolating a strain from a dead animal, (2) purchasing a small sample from an organization that already possessed it, or (3) stealing or by other means obtain it from a laboratory known to possess it.
- Culturing or growing the organism to yield a large quantity, which could be done in commercially available fermenters or on agar plates (if fermented, the result is a slurry or liquid concentrate; if on an agar plate, the result is a wet paste).
- Harvesting, washing, and concentrating the cultured sample, typically done in a centrifuge, which also removes most of the liquid and results in a wet paste.[6]
- Drying and grinding or milling the sample to sufficiently small size,[7] including milling the spores to achieve the required particle size, and, possibly, adding appropriate chemicals to prevent aggregation of spores and to reduce static charge.[8]
- Testing to confirm dispersion patterns and potency to cause mass casualties, unless the perpetrators are highly confident of their abilities.

Studies Conducted to Test Mail as a Delivery System for Anthrax

Prior to 1998, the military did not envision mail as a delivery system for anthrax powder. In 1998, SAIC, a defense contractor, asked a scientist from the former U.S. offensive biological weapons program, to articulate in a paper several scenarios for delivery of biological warfare agents to support decontamination and containment. One of these scenarios included anthrax powder being sent through the mail. According to this

[6]Experts told us that anthrax production is not an exact science. The yield and quality of each batch is variable even when produced legitimately in a highly sophisticated facility.

[7]There are several drying and milling methods. Some will greatly increase the static charge, and some will reduce the efficiency of the production. Any anthrax powder of < 5 microns is essentially a vapor.

[8]While it has been suggested that static charge could be reduced without adding chemicals, we have not been provided data to support this assertion. At this point, containment becomes imperative if the perpetrator wants to leave no evidence and protect himself or herself.

paper, if a letter contained more than 2 to 3 grams of powder, it would be relatively easy to detect by its visible shape. In addition, the author believed, by sending the anthrax in a letter, the area of contamination would be limited, so decontamination procedures could be implemented successfully. In this paper, however, the operational environment of automated mail processing was not considered.

In Canada, the first Canadian anthrax hoax letter incident occurred on January 30, 2001, at the Citizenship and Immigration Office. Since no experimental study on which to base a realistic assessment of the threat posed by these "anthrax letters" could be found, Defense Research Establishment Suffield (DRES), a Canadian defense research and development organization, undertook a series of experiments to determine the extent of the hazard. This study was an attempt to (1) mimic what might occur in an office or mailroom if an envelope containing anthrax powder was received and opened and (2) estimate the aerosol release of the anthrax powder from the letters. This study also did not consider the operational environment of automated mail processing. Although this study was not published until October 1, 2001, DRES officials provided a schedule of briefings that were conducted through the spring and summer of 2001, when the results of the study were discussed.

The results indicated that dispersion of spores in an office setting would be far more effective than had initially been suspected. Significant numbers of aerosolized particles (>99% in the 2.5 to 10 micron size range) were released when envelopes, containing 0.1 or 1.0 grams of anthrax powder, were opened. A lethal dose could be inhaled within seconds of opening such an envelope. In addition, the powder quickly spread throughout the room so that if other workers were present, depending on their location and the airflow within the office, they would also be likely to inhale a lethal dose. The results also indicated that envelopes with corners not totally sealed could pose a threat to individuals in the mail-handling system. However, it is important to note that the scientists were only evaluating the anthrax threat that could result from opening an anthrax-contaminated letter. They did not evaluate whether the mail going through the pinch rollers in a postal sorting machine could also result in secondary contamination. Although these results are significant with respect to local area contamination, overall, the mail as a means of producing mass casualties remains an inefficient method of dissemination as compared with the various military technologies. Nonetheless, in terms of public concerns and economic damage, anthrax powder in the mail represents a potentially significant problem.

USPS Efforts to Detect Anthrax in the Mail

USPS has been pursuing several approaches, including procedural changes and a number of currently available technologies, to reduce risk through early detection of biohazards, primarily anthrax. USPS has identified several key areas of focus, including (1) redesign of mail collection boxes for both risk reduction and detection, (2) development of technology and procedures to reduce the volume of "anonymous" mail, (3) deployment of vacuum/filtration technology on automated sorting equipment, (4) use of mass spectrometry for detection, and (5) pursuit of a variety of technologies to aid investigators in finding whoever was responsible for earlier anthrax attacks through the mail and deterring future attempts at placing biohazards in the mail.

To date, USPS has focused on systemwide detection technology—centered mainly on Polymerase Chain Reaction (PCR) detection—placed on the initial operation in processing facilities for mail with the greatest risk, which is picked up at collection boxes, residences, and small businesses.[9] USPS continues to face challenges in developing this technology for its operational environment. USPS continues to work with the manufacturers of several different technologies and is conducting additional testing and prototyping to fully determine the viability of these technologies in a mail processing environment. We are continuing to monitor USPS efforts to procure and deploy these technologies.

The USPS efforts to defend against biological agents illustrate a key aspect of homeland defense—namely, the distinction between reactive and proactive operational environments. Prior to the October 2001 letters containing anthrax powder, the vast majority of technologies and techniques for defending against biological agent attacks were based on a post-release reaction approach. This post-release approach assumed that the delivery of the biological warfare agent would be via a known weapon system; that the target would be an active military site; that the soldiers at the site would be protected by adequate training, clothing, and prophylaxis; and that a high number of false positive detections would not hinder the site's operations in any significant way.

The USPS efforts illustrate a completely new proactive environment and concept of operations for these techniques and technologies. The USPS

[9]PCR technology is able to detect small quantities of DNA with a particular genetic sequence (e.g., anthrax) and is the nucleus of the biohazard detection system (BDS) specifically designed for USPS.

environment is a civilian one, in which the assumptions are that affected people would not have the full protection and training that would be available in a battlefield setting; that the biological warfare agent would have to be intercepted prior to its release, to minimize the impact on both humans and operations; that the delivery mechanism may not be obvious; and that the rate of false positive detection must be minimal in order to avoid unnecessary interruption to normal mail processing activities. As we stated earlier, overcoming the lack of data on the threat in this domestic civilian environment will be critical to USPS success in establishing a biological agent defense.

Overview of Law Enforcement's Initial Response to the Anthrax Attack

The FBI as lead investigative agency is currently investigating a series of bioterrorism incidents using anthrax spores that were sent through the mail and which resulted in 22 anthrax cases, including five deaths, since October 3, 2001. This is the first time the FBI has conducted this kind of investigation. The FBI's investigative team includes criminal investigators with scientific knowledge. In addition, the FBI has reached out to the scientific community to gain additional scientific knowledge about anthrax. Further, the FBI's HAZMAT Response Team was used to gather evidence at various crime scenes contaminated by anthrax utilizing Personal Protection Equipment. [10] The FBI also utilized the expertise of (1) EPA's Office of Criminal Enforcement, Forensics and Training (OCEFT) to assist in gathering evidence at one of the crime scenes, the Senate Hart Building; (2) USPS's Postal Inspector in collecting evidence involving the contamination of the mail system; (3) CDC and the Florida health unit that initially reported the first anthrax case; and (4) Department of Defense laboratories.

The FBI had previously been made aware of numerous anthrax incidents throughout the United States, which were random in nature and determined to be hoaxes. Because this was the first time the FBI responded to an actual anthrax attack, there was some confusion about the investigative roles and responsibilities of relevant agencies. As a result, the FBI recognized the need for increased coordination with public health officials, including CDC, and other investigative agencies. The CDC particularly is a key agency in any biological terrorist threat because it is

[10]The FBI has 17 Field Offices that have HAZMAT Response Teams that are fully trained and equipped to respond to a hazardous material incident. These teams work in conjunction with the state and local first responders, to assess and evaluate the incident and provide direction to obtain evidence that could be used in subsequent prosecutions.

able to identify biological agents and has the tools to investigate and respond quickly.

Current Efforts to Prepare for Future Bioterrorist Attacks

The anthrax investigation has prompted the FBI and other investigative agencies to focus additional attention on the chemical and biological threat. Some of these efforts include (1) agreements among the FBI, other federal agencies, and state and local governments delineating each organization's role; (2) increasing liaison efforts with public health officials; (3) preparation by the FBI and CDC of a handbook for conducting investigations involving biological agents; and (4) identification of key state and local officials needing security clearances to allow access to classified information.

Mr. Chairman, thank you for giving us the opportunity to submit this statement. If you have any questions on the statement or follow-up questions, we will be happy to respond.

APPENDIX

CTC WATCHLISTING GUIDANCE
DECEMBER 1999

CTC WATCHLISTING GUIDANCE

December 1999

Questions raised by Senator Shelby and his staff in December 2002 prompted the Joint Inquiry to inquire further regarding whether CIA's Counterterrorist Center (CTC) had any established guidance concerning the watchlisting program. The Joint Inquiry had asked CTC about such watchlisting guidance in April 2002,and had been told in a written CIA response that no such guidance existed.

As a result of this renewed request, the Joint Inquiry was able to determine that CTC had sent a cable in December 1999 to all Directorate of Operations (DO) stations and bases, the subject of which was "Terrorism Guidance." The cable was designated as "Read and Retain," and its purpose was to remind DO personnel of pre-existing, periodically republished guidance regarding several important subjects of relevance to their counterterrorism efforts. The Joint Inquiry also determined that the unit in CTC that was responsible for matters relating to Usama Bin ladin and al-Qa'ida received a copy of the cable.

One paragraph of the nine paragraph "Terrorism Guidance" cable (see attached copy) reminded recipients of the procedures for watchlisting "potential," "possible," "known," or "suspected" terrorists. The guidance stated, in part, that:

> . . . It is important to flag terrorist personality information in DO intelligence reporting for [the State Department watchlist program] so that potential terrorists may be watchlisted. Information for inclusion in [the State Department watchlist program] must raise a reasonable suspicion that the individual is a possible terrorist . . . . Information for [the State Department watchlist] program should be based on the following priorities:
>
> -- known or suspected terrorists who pose or may pose a present threat to U.S. interests in the United States or abroad:
>
> . . . .

Thus, CTC personnel and CIA station and base personnel abroad were reminded in December 1999 of the existence, importance and thresholds of the watchlisting program shortly before CTC learned in January 2000 that a known al-Qa'ida associate – al-Mihdhar – possessed a multiple entry U.S. visa; one month before the Malaysia meeting; and three months before CTC received information from the field indicating that at least one known al-Qa'ida associate – Nawaf al-Hazmi – had traveled to the United States.

~~SECRET~~

DOSB

DIRECTOR 676309

11 DECEMBER 1999

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5. VISAVIPER PROGRAM:

THE VISAVIPER PROGRAM PROVIDES A CONSULAR CHANNEL FOR WATCHLISTING POTENTIAL TERRORISTS BY CONTRIBUTING TERRORIST PERSONALITY INFORMATION FOR THE STATE DEPARTMENT'S UNCLASSIFIED CLASS AND CLASSIFIED TIPOFF DATABASES. IT IS IMPORTANT TO FLAG TERRORIST PERSONALITY INFORMATION IN DO INTELLIGENCE REPORTING FOR VISAVIPER SO THAT POTENTIAL TERRORISTS MAY BE WATCHLISTED. INFORMATION FOR INCLUSION IN VISAVIPER MUST RAISE A REASONABLE SUSPICION THAT THE INDIVIDUAL IS A POSSIBLE TERRORIST, ANDBIOGRAPHIC DATA MUST BE SUFFICIENT FOR IDENTIFICATION PURPOSES OR STATE DEPARTMENT WILL NOT MAKE A VISAVIPER ENTRY. INFORMATION FOR THE VISAVIPER PROGRAM SHOULD BE BASED ON THE FOLLOWING PRIORITIES:

--KNOWN OR SUSPECTED TERRORISTS WHO POSE OR MAY POSE A PRESENT THREAT TO U.S. INTERESTS IN THE UNITED STATES OR ABROAD;

--KNOWN OR SUSPECTED TERRORISTS NOT NOW KNOWN TO BE ENGAGED IN TERRORIST ACTIVITIES AGAINST U.S. INTERESTS BUT WHO WERE SO ENGAGED WITHIN THE PAST 15 YEARS;

--KNOWN OR SUSPECTED TERRORISTS WHO ARE CURRENTLY ENGAGING IN TERRORIST ACTIVITY AGAINST NON-U.S. INTERESTS, OR WHO WERE SO ENGAGED WITHIN THE PAST TEN YEARS.

APPENDIX

THE JOINT INQUIRY IN COURT

THE JOINT INQUIRY IN COURT

On August 20, 2002, the Department of Justice (DOJ) filed a motion in *United States v. Moussaoui*, Crim. No. 01-455-A, in the Eastern District of Virginia, concerning potential disclosure in the Joint Inquiry's public hearings and reports of information provided by the Federal Bureau of Investigation (FBI) and other Executive Branch agencies about the Government's investigation of Zacarias Moussaoui. The relief sought by DOJ would have imposed significant limitations on the Joint Inquiry's ability to inform the public about the FBI's conduct of its Moussaoui investigation in the weeks leading up to September 11, 2001. For that reason, the Joint Inquiry appeared before Judge Leonie Brinkema, the presiding judge in the Moussaoui prosecution, to oppose DOJ's motion. The issue was finally resolved favorably for the Joint Inquiry in a court order on September 23, 2002 that effectively cleared the way for FBI testimony at the Joint Inquiry's public hearing the next day on the FBI's conduct of the Moussaoui investigation.

This portion of the Appendix briefly describes the issues that were presented and the orders that were issued in conjunction with the Moussaoui litigation. Although begun as a nonpublic, or "sealed" proceeding, the pleadings in the case were unsealed by the court and the orders were also filed on the public record.

At the outset of the Joint Inquiry, representatives of the Joint Inquiry and DOJ discussed procedures for access to FBI and DOJ information that would recognize the need for a thorough Congressional inquiry and yet avoid interfering with the Moussaoui case and other pending criminal prosecutions and investigations. On April 9, 2002, the Joint Inquiry Staff Director wrote to the Director of Central Intelligence -- with copies to the FBI and other Intelligence Community agencies -- to describe procedures for meeting this goal that were being adopted by the Joint Inquiry. These procedures included a commitment by the Joint Inquiry to consult with the Justice Department "before any information that is obtained from Intelligence Community records and that may constitute evidence in a criminal proceeding is made public."

Over the following weeks, it became clear that DOJ believed there were legal bars to the Joint Inquiry's public disclosure of materials about the FBI's Moussaoui investigation. As a result of these concerns, DOJ advised the Joint Inquiry in a May 31, 2002 letter that "the Department may have to oppose efforts to release publicly certain protected information prior to the trial, to the extent that it would impair the government's ability to present its case, infringe upon the defendant's right to a fair trial, or compromise the integrity of other investigations."

One bar, in DOJ's view, was a Protective Order in the Moussaoui case that had been prepared by DOJ and entered by the District Court on February 5, 2002. That Order provided, among other things, "that none of the discovery materials produced by the government to the defense shall be disseminated to the media by the government."

The other bar, in DOJ's view, was Eastern District of Virginia Local Criminal Rule 57. That Rule bars several categories of out-of-court statements by the prosecution or defense "which a reasonable person would expect to be further disseminated by any means of public communication," but also contains a specific proviso that nothing in it is intended to preclude "hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies."

In the next several months, as the date for the first public hearings approached, the Joint Inquiry sought to assure DOJ that its concerns could be accommodated by the Inquiry. A June 27, 2002 letter to the Attorney General from the leaders of the Joint Inquiry stated that the objective of the Inquiry's planned public hearing on the Moussaoui matter was "not to consider the guilt or innocence of Mr. Moussaoui, which is a matter for the Judicial Branch, but to examine the counterterrorist efforts of U.S. Government personnel and the organizations and authorities under which they operate." The letter also informed the Attorney General that the Offices of Senate Legal Counsel and House General Counsel had advised the Joint Inquiry that neither the Protective Order nor the Local Rule governed the public proceedings of Congress.

In July 2002, DOJ's Criminal Division asked for a further description of the subjects that would be addressed in the Joint Inquiry's public hearings, which were scheduled to begin in September. On August 5, 2002, the Joint Inquiry Staff Director wrote to the Assistant Attorney General for the Criminal Division and explained that the scope of the Inquiry's planned public examination of the Moussaoui matter would include "FBI activity concerning Zacarias Moussaoui from August 15, 2001, when an intelligence investigation was opened, through September 11, 2001."

On August 20, 2002, DOJ filed an "Expedited Motion of the United States for Clarification Regarding the Applicability of the Protective Order for Unclassified but Sensitive Material and Local Criminal Rule 57 to Information that May be Made Public in Congressional Proceedings." DOJ asked the District Court to order that "[t]he Protective Order and Local Rule would preclude the provision of information regarding 'The Moussaoui Investigation,' as described [in the Joint Inquiry letter of August 5], for public use . . . ." The Department also submitted an order, which the District Court granted, "to authorize the service of its Expedited Motion with its attachments on the representatives of the House and Senate Intelligence Committees who are involved in the Joint 9/11 Inquiry, and to enable these committees to reply to the motion and attend any scheduled hearing."

With the assistance of the Offices of Senate Legal Counsel and House General Counsel, the General Counsel of the Joint Inquiry filed a reply on behalf of the Joint Inquiry on August 26 and participated in the argument on August 29, 2002. The reply asked that the District Court deny DOJ's requested relief for three main reasons: "(1) the protective order does not govern testimony before Congress, nor does it govern the production of documents to Congress, the use of documents by it, or the issuance of its reports; (2) Local Criminal Rule 57 specifically does not preclude the holding of legislative hearings or the issuance of legislative reports, and (3) the proposed expansion of the order by the Department of Justice runs afoul of the separation of powers."

On August 29, the District Court entered an order that denied DOJ's motion. Stating that the Protective Order "is too complicated in its present form," the order directed the submission of a new Protective Order. The August 29 order also stated "that nothing in this Order is intended to affect the applicability of Local Rule 57 to the participants in this case."

The transcript of the August 29 hearing was released publicly on August 30. Representatives of DOJ and the Joint Inquiry discussed, but could not agree on, the import of the Court's ruling, particularly regarding the applicability of the Local Rule to the testimony of FBI witnesses at the public hearing. During the first week of September 2002, DOJ asked the Joint Inquiry to advise it regarding which of the documents that had been provided to the Joint Inquiry by the FBI were believed to be relevant to a public hearing concerning the Moussaoui investigation. On September 11, 2002, the Joint Inquiry's General Counsel provided DOJ with a list of documents that were substantially likely to be included in public questioning of FBI witnesses at public hearings.

On September 20, DOJ filed a "Renewed Expedited Motion of the United States for Clarification Regarding the Applicability of Local Criminal Rule 57 to Information to be Made Public in Congressional Proceedings." Focusing only on the Local Rule, the Department did not renew its earlier arguments about the applicability of the Protective Order to Congressional proceedings. The Department asked the District Court to enter an order that "Local Criminal Rule 57 applies to Department of Justice personnel who are testifying at public Congressional hearings, including but not limited to, all statements such personnel make in response to questions asked by Members and staff at such hearings."

Again assisted by the Offices of Senate Legal Counsel and House General Counsel, the Joint Inquiry General Counsel replied in writing that:

> . . . the order sought by the United States would substantially shut down the opportunity of the full Congress and the public to understand the important issues involved in the FBI's handling of the Moussaoui investigation prior to September 11. The relief sought by the United States would, in effect, amount to an injunction blocking a proceeding of the Congress that no Court has ever issued.

On September 23, 2002, the District Court denied the DOJ motion, as follows:

> The Joint Inquiry made clear in its August 5, 2002 letter to the Assistant Attorney General for the Criminal Division the limited parameters of the inquiry and has reiterated in its Reply that the Committees will not ask witnesses to comment about the merits of this case. Indeed, the questions are expected to focus on "what government officials heard, observed, reasoned, recommended, and acted on (or did not act on) prior to September 11." [Quoting Joint Inquiry Reply.] The Committees are not interested in "expressions of current judgment from government witnesses about the defendant's guilt or innocence or the government's plans for presenting its case." [Quoting Joint Inquiry Reply.] Given the ground rules articulated by the Joint Inquiry, FBI personnel should have no difficulty responding to Congress' questions without violating Local Rule 57 or any other order of this Court. Accordingly, the Renewed Expedited Motion for Clarification is DENIED.

In accordance with its commitment to consult with the Department of Justice, the Joint Inquiry continued to allow DOJ to review and comment regarding the contents of staff statements related to the Moussaoui case and other matters. At the Joint Inquiry's September 24 public hearing and the closed hearing that followed concerning the Moussaoui matter, the Joint Inquiry permitted a DOJ representative to attend with FBI witnesses for the purpose of advising whether any question called for an answer that might impair the Moussaoui prosecution. Thus, the Inquiry was able to proceed with a full public exposition of the issues raised in the Moussaoui investigation without impeding the due process and fair trial interests of Moussaoui and DOJ.

APPENDIX

ACCESS LIMITATIONS ENCOUNTERED BY THE JOINT INQUIRY

ACCESS LIMITATIONS ENCOUNTERED BY THE JOINT INQUIRY

The Joint Inquiry received assurances from the White House, the Director of Central Intelligence and the heads of the Intelligence Community agencies that its access would be complete and unprecedented and that the agencies would "bend over backwards" and "be forward leaning" in response to requests for information made in the course of the Inquiry. While the major agencies in the Inquiry – CIA, FBI and NSA – provided substantial support and allowed access to large volumes of information, there were certain areas in which no access was allowed, and others where access was achieved only after extensive discussions and delays or under conditions that limited the scope of the Inquiry's work.

Access Denied

-- The President's Daily Brief (PDB): the White House determined, and the DCI and CIA agreed, that the Joint Inquiry could have no access to the contents of the PDB. Ultimately, this bar was extended to the point where CIA personnel were not allowed to be interviewed regarding the simple process by which the PDB is prepared. Although the Inquiry was inadvertently given access to fragments of some PDB items early on, this decision limited the Inquiry's ability to determine systematically what Presidents Clinton and Bush, and their senior advisors, were being told by the Intelligence Community agencies, and when, regarding the nature of the threat to the United States from Usama Bin Ladin and al-Qa'ida. Despite the White House decision, the Joint Inquiry was advised by Intelligence Community representatives of the content of an August 2001 PDB item that is discussed in the report. This glimpse into that PDB indicated the importance of such access [————————————————]

[———].[*]

-- Foreign Liaison Relationships: The DCI refused to allow the Joint Inquiry to have access to a series of reports that had been prepared within CTC regarding the strengths and weaknesses of the CIA's liaison relationships with a variety of foreign governments. This decision affected the Inquiry's ability to determine the extent to which some foreign governments had or had not cooperated and shared information with the United States in countering Bin Ladin and al-Qa'ida prior to September 11.

-- Budget Information: Because a lack of resources was raised repeatedly by Intelligence Community representatives throughout the Inquiry, it became important to review the budget requests that had been made by the various agencies through the relevant years and to compare the treatment of those requests within the agencies from which they originated, within the Administration, and by Congress. While certain information was made available regarding agency and Congressional action, the Office of Management and Budget (OMB) and the White House prevented the agencies from sharing information regarding budget requests that were submitted by the agencies to OMB and the actions OMB took to increase or decrease those requests before they were submitted to Congress. This limited the Inquiry's ability to determine where in the budget process requests for additional counterterrorism resources were changed.

-- [Covert Action Programs: Covert action was an important part of CIA's overall effort to counter the threat posed by Bin Ladin prior to September 11, 2001. [———]. The NSC denied the Joint Inquiry access to documents, thereby limiting its ability to inquire into this area].

[*] National Security Advisor Condoleeza Rice stated in a May 16, 2002 press briefing that, on August 6, 2001, the President's Daily Brief (PDB) included information about Bin Ladin's methods of operation from a historical perspective dating back to 1997. One of the methods was that Bin Ladin might choose to highjack an airliner in order to hold passengers hostage to gain release of one of their operatives. She stated, however, that the report did not contain specific warning information, but only a generalized warning, and did not contain information that al-Qa'ida was discussing a particular planned attack against a specific target at any specific time, place, or by any specific method.

-- NSC-Level Information: There were several areas of counterterrorism intelligence policy development where insight into discussions involving the DCI, CIA and other Intelligence Community officials, and personnel at the National Security Council and White House levels would have been helpful in determining why certain options and programs were or were not pursued in particular time frames. Access to most information that involved NSC-level discussions was blocked, however, by the White House. Even agency documents that were drafted in anticipation of NSC discussion were denied to the Inquiry as "pre-decisional." The Inquiry also was denied access to, or a briefing concerning, the findings and conclusions of the report of the National Security Presidential Directive-5 Commission on Intelligence Reform chaired by Lt.Gen. Brent Scowcroft.

-- Interview of the DCI: The Joint Inquiry attempted to schedule an interview of DCI George Tenet in order to solicit his recollections, understandings and opinions regarding a host of questions relating to policy, resource, organizational, authority, priorities, and other issues that had been developed during the Inquiry. Such an interview was at first delayed and then made conditional on further discussions with DCI staff. Ultimately, the DCI testified at length in closed and open sessions before the Joint Inquiry and the interview was denied on that basis.

-- [Interview of FBI Informant: On August 8, 2002, the FBI informed the Joint Inquiry that two of the hijackers had numerous contacts with a long time FBI counterterrorism informant. The Joint Inquiry made numerous requests to the FBI to interview the informant in an effort to resolve some of the inconsistencies in the informant's reporting and to better evaluate how effectively the FBI utilized the informant. The FBI, supported by the Attorney General and the Administration, refused to make the informant available for an interview or to serve a Congressional deposition notice and subpoena on the informant, whose whereabouts were known to the FBI at the time. The FBI also strongly objected to a Joint Inquiry interview of the informant, citing concerns about adverse impact on FBI efforts to recruit future informants. The Joint Inquiry instead agreed with a suggestion by FBI officials that, as an initial step, written

interrogatories be served on the informant. The FBI agreed to deliver those interrogatories to the informant for a written response. Soon after, the informant retained an attorney, who advised the Joint Inquiry that the informant would not respond to the interrogatories. The attorney also advised the Joint Inquiry that, if subpoenaed, the informant would be unwilling to testify without an immunity agreement. As a result, while the Joint Inquiry interviewed and received testimony from FBI personnel familiar with the information provided by the informant, it was denied the opportunity to discuss that information directly with the informant].

-- NSA Technical and Contractual Information: The Joint Inquiry sought to determine whether and how NSA is planning to cope with changing technology and requirements, and how it is equipped to manage the allocation of scarce resources for research and development in the counterrterrosim area. Despite numerous requests for specific planning and other documents and briefings, NSA provided very limited responsive information in this area.

-- CIA and NSA Documents: CIA took the position that so-called "operational cables" from the field and certain other documents it deemed to be sensitive could be subject to Joint Inquiry review at CIA Headquarters, but that no copies could be brought to the Joint Inquiry's office. NSA adopted a similar position concerning its transcripts and disseminated intelligence reports and, ultimately, almost all other materials. This prevented the incorporation of the original documents in the Inquiry's central records where they could be drawn upon effectively for research and reference purposes. Both agencies did, however, allow verbatim notes to be made and removed to Inquiry offices. This consumed many hours and slowed the Inquiry's progress. Both agencies then agreed to allow copies to be removed from their premises if the Joint Inquiry agreed to allow them to be stored by the agencies at the end of the Inquiry, and even provided a draft of an agreement that would recognize this. When the Inquiry later agreed in principle and responded

with a revised draft, however, the agencies decided that such an agreement was no longer desirable and returned to their original positions.

-- Military Options: In order to evaluate allegations that the U.S. military was reluctant to become involved in the effort against Bin Ladin prior to September 11, and to assess the interplay between the CIA and the military in covert action and special operations relating to counterterrorism, the Joint Inquiry asked to review documents regarding 13 military options that had been reportedly prepared by the Joint Chiefs of Staff (JCS) in response to a White House request. The JCS Legal Counsel, supported by the Defense Department (DOD) General Counsel and the NSC, took the position that this request exceeded the scope of the Joint Inquiry's authority, but provided a summary briefing concerning the options.

Access Limited

-- Foreign Government Information at the FBI: The FBI allowed the Joint Inquiry to review information provided by foreign governments at the FBI, but would not allow the documents or verbatim notes to be carried to the Inquiry's offices. This limited and delayed the Inquiry's efforts to understand the level of cooperation displayed by the [————] and other governments in counterterrorism efforts prior to September11.

-- Interview Policies: The Intelligence Community agencies insisted that agency representatives – usually legal or congressional affairs – be present to monitor all interviews of their personnel – present or former. The Inquiry took the position that agency monitors would be excluded where an agency employee, or Joint Inquiry personnel, decided that their presence would inhibit the full and frank discussion of any matter. Some of the agencies "pre-briefed" personnel who were to be interviewed by the Joint Inquiry, explaining to them what the agency position was on certain matters and urging the employees not to range too broadly in their responses. In one instance, after lengthy discussions with DOJ and FBI personnel, a former FBI agent was interviewed without monitors present at his request. On occasion, agency legal

representatives instructed individuals not to respond to questions that the monitors deemed would reveal pre-decisional matters or legal advice.

Access Delayed

-- Department of Justice (DOJ) Concerns: The Joint Inquiry agreed with DOJ's position that information sealed by court order or relating directly to Grand Jury proceedings, and evidence obtained by means of electronic surveillance conducted under 18 U.S.C. §2510, et seq., not be provided to the Inquiry. Some previously sealed information was, with the assistance of DOJ and by court order, eventually provided to the Inquiry. While this agreement was not inconsistent with the goals of the Inquiry, significant delays resulted in the first months of the Inquiry while Intelligence Community and other U.S. Government agencies waited for DOJ to develop an efficient process for review of all information requested by the Inquiry. Subsequently, DOJ took the position that FBI personnel who had been involved in the Moussaoui investigation or the September 11 investigation and who might be trial witnesses could not be interviewed by the Joint Inquiry about those matters. This issue was not resolved until the Congressional leaders of the Joint Inquiry met with the Attorney General and senior Department of Justice officials in early May and expressed their objections to the DOJ position. Other DOJ objections and concerns relating specifically to Joint Inquiry access to and use of information relating to the Moussaoui investigation were dealt with in federal court and are discussed in a separate section of this Appendix, entitled "The Joint Inquiry In Court."

-- The Third Agency Rule/Internal Reviews: The Intelligence Community initially took the position that any information from one agency that was found in the files of another agency could not be shared with the Joint Inquiry until the originating agency had been consulted and given its permission. This slowed the disclosure process significantly. Based on Inquiry objections, the Community first reduced the application of this procedural obstacle to only intelligence that

had not been disseminated in finished form, and finally agreed to provide the Inquiry with access and simultaneous notice to the originating agency. In addition, the agencies insisted on reviewing and redacting certain information from documents before they were provided to the Inquiry, further preventing timely responses to Inquiry requests. Finally, the agencies would not provide the Inquiry with electronic access to information, but insisted on providing paper copies of all information. This not only slowed production of the material, but also hindered the efficient review and utilization of this information by the Inquiry.

-- Interview of the Deputy National Security Advisor: The Joint Inquiry requested the opportunity to conduct an interview of the National Security Advisor to the President in May 2002 in order to obtain a better understanding of the development of counterterrorism policy in the Bush Administration before September 11, 2001. The NSC resisted this and suggested in June that the Deputy National Security Advisor be the subject instead and that written questions be provided instead of conducting an interview. The Joint Inquiry provided written questions in July but did not receive responses until November 2002.

Congress of the United States

Committee Sensitive

Washington, DC 20515

July 1, 2002

President George W. Bush
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

As you know, the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence is reviewing the performance of the Intelligence Community in connection with the attacks of September 11. Key aspects of this Inquiry include the organization and functions of the Community and whether legislative action is necessary to improve its ability to produce and share critical intelligence for counter-terrorism purposes. We are requesting that the draft report of the 2001 NSPD-5 Presidential Commission on Intelligence Reform chaired by General Brent Scowcroft be made available to the Joint Inquiry as it considers those issues. As you know, reports of the Commission's tentative findings have appeared in the media. Based on those reports, the findings appear to be highly relevant to the work of the Joint Inquiry.

If your staff has any questions or would like to discuss this request further, they should contact Eleanor Hill, the Joint 9/11 Inquiry Staff Director, at (202) 226-0911.

We appreciate your support for our effort and look forward to receiving the Commission report.

Sincerely,

Bob Graham
Chairman
Senate Select Committee on
Intelligence

Porter Goss
Chairman
House Permanent Select
Committee on Intelligence

Richard Shelby
Vice Chairman
Senate Select Committee on
Intelligence

Nancy Pelosi
Ranking Democrat
House Permanent Select
Committee on Intelligence

Congress of the United States
Washington, DC 20515

Committee Sensitive

July 1, 2002

Mitchell E. Daniels, Jr.
Director
Executive Office of the President
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Mr. Daniels:

The Joint Inquiry Staff of the House and Senate Intelligence Committees seeks access to several Office of Management and Budget documents that are relevant to our ongoing inquiry. These documents have either been referred to in briefings or hearings before the Committees or during staff interviews of Intelligence Community personnel.

As you know, the Committees announced the scope of their joint inquiry in June, which focuses on the performance of the Intelligence Community in connection with the terrorist attacks of September 11th [enclosure (1)]. As part of that inquiry, we are reviewing the resources granted to the Intelligence Community during the course of its counter-terrorism efforts. Enclosure (2) is an initial list of requests.

Your assistance will facilitate the Joint Inquiry in key areas of interest to the House and Senate Intelligence Committees. Please do not hesitate to call me if there is anything I can do to expedite this request. I can be reached at (202) 226-0911. Please have your staff contact Daniel Byman at the same number with any specific questions regarding this request.

We appreciate your cooperation in this most important effort.

Sincerely,

Eleanor Hill
Director, Joint Inquiry Staff

Enclosures:
(1) Initial Scope of the Joint Inquiry
(2) List of requested documents

Committee Sensitive

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Joint 9/11 Inquiry

OMB Document Request
July 1, 2002

- OMB guidance levels ("passback") for the Intelligence Community agencies, including the FBI, since 1986;
- Any "overguidance" requests from the Director of Central Intelligence or the heads of other members of the Intelligence Community related to terrorism since FY98;
- OMB National Security Crosscut Report to Congress for FY99-present;
- Documents from the OMB "Director's Review" on intelligence programs for the Fall of 1998, the Fall of 1999, and the Fall of 2000; and
- National Security Crosscut Data on counterterrorism for FY00 and FY01 requested by OMB from the various Intelligence Community agencies.

Congress of the United States
Washington, DC 20515

PREAMBLE

To reduce the risk of future terrorist attacks; to honor the memories of the victims of the September 11 terrorist attacks by conducting a thorough search for facts to answer the many questions that their families and many Americans have raised; and to lay a basis for assessing the accountability of institutions and officials of government:

THE SENATE SELECT COMMITTEE ON INTELLIGENCE
AND
HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

ADOPT THIS

INITIAL SCOPE OF JOINT INQUIRY

Pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, Rule 6 of the Rules of Procedure of the Senate Select Committee on Intelligence, Rule XI(1)(b) of the Rules of the House of Representatives, and Rule 9 of the Rules of Procedure of the House Permanent Select Committee on Intelligence, the two Committees have authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks on the United States. The Committees have undertaken this Joint Inquiry pursuant to their responsibility to oversee and make continuing studies of the intelligence activities and programs of the United States Government and all other authority vested in the Committees.

The purpose of this Joint Inquiry is --

(a) to conduct an investigation into, and study of, all matters that may have any tendency to reveal the full facts about –

(1) the evolution of the international terrorist threat to the United States, the response of the United States Government including that of the Intelligence Community to international terrorism, from the creation of the Director of Central Intelligence's Counterterrorist Center in 1986 to the present, and what the Intelligence Community had, has, or should have learned from all sources of information, including any terrorist attacks or attempted ones, about the international terrorist threat to the United States;

(2) what the Intelligence Community knew prior to September 11 about the scope and nature of any possible attacks against the United States or United States interests by international terrorists, including by any of the hijackers or their associates, and what was done with that information;

(3) what the Intelligence Community has learned since the events of September 11 about the persons associated with those events, and whether any of that information suggests actions that could or should have been taken to learn of, or prevent, those events;

(4) whether any information developed before or after September 11 indicates systemic problems that may have impeded the Intelligence Community from learning of or preventing the attacks in advance, or that, if remedied, could help the Community identify and prevent such attacks in the future;

(5) how and to what degree the elements of the Intelligence Community have interacted with each other, as well as other parts of federal, state, and local governments with respect to identifying, tracking, assessing, and coping with international terrorist threats; as well as biological, chemical, radiological, or nuclear threats, whatever their source (such as the Anthrax attack of 2001).

(6) the ways in which the Intelligence Community's responses to past intelligence problems and challenges, whether or not related to international terrorism, have affected its counterterrorism efforts; and

(7) any other information that would enable the Joint Inquiry, and the Committees in the performance of their continuing responsibilities, to make such recommendations, including recommendations for new or amended legislation and any administrative or structural changes, or other actions, as they determine to be necessary or desirable to improve the ability of the Intelligence Community to learn of, and prevent, future international terrorist attacks; and

(b) to fulfill the Constitutional oversight and informing functions of the Congress with regard to the matters examined in the Joint Inquiry.

Congress of the United States
Washington, DC 20515

~~Top Secret~~ – Committee Sensitive

July 8, 2002

Dr. Condoleezza Rice
Assistant to the President for National Security Affairs
National Security Council
The White House
Washington, DC 20504

Dear Dr. Rice:

The Joint Inquiry Staff of the House and Senate Intelligence Committees seeks access to several National Security Council (NSC) documents that are relevant to our ongoing inquiry. These documents have either been referred to in briefings or hearings before the Committees or during staff interviews of Intelligence Community personnel.

As you know, the Committees announced the scope of their Joint Inquiry in June, which focuses on the performance of the U.S. Intelligence Community in connection with the terrorist attacks of September 11th [enclosure (1)]. In keeping with that guidance, the Joint Inquiry Staff is reviewing the U.S. Government response to international terrorism as part of its examination of the Intelligence Community's performance. As part of that effort, it is important that we review the policy guidance the Intelligence Community received from the National Security Council, including covert action instructions.

Enclosure (2) is forwarded as an initial list of requests. This list focuses primarily on covert action and the use of force against al-Qa'ida.

Your assistance will facilitate the Joint Inquiry in key areas of interest to the House and Senate Intelligence Committees. Please do not hesitate to contact me if there is anything I can do to expedite this request. I can be reached at (202) 226-0911. Please have your staff contact Daniel Byman with any specific questions regarding this request.

We appreciate your continued cooperation in this most important effort.

Sincerely,

Eleanor Hill
Director, Joint Inquiry Staff

Enclosures:
(1) Initial Scope of the Joint Inquiry
(2) List of requested documents

PRINTED ON RECYCLED PAPER

Joint 9/11 Inquiry

NSC Document Request
July 1, 2002

- Minutes, memoranda, or other documents prepared in connection with Principals' meetings concerning proposals for covert action against terrorism between 1998 and September 11, 2001, particularly with regard to al-Qa'ida or Usama bin Ladin;
- Memoranda or other documents related to any requests the NSC made to the CIA for covert action options from 1996 to September 11, 2001, [redacted]
- The NSC policy options paper, prepared by Richard Clarke's office during Spring 2001, which proposed a change in U.S. policy regarding [redacted]
- Memoranda, documents, or other records related to requests the NSC made to the Department of Defense and/or the Joint Chiefs of Staff regarding possible military options against al-Qa'ida from 1994 to September 11, 2001, including military strikes and [redacted]; and
- The after-action report on the Millennium prepared by the National Coordinator for Counterterrorism's office.

Congress of the United States
Washington, DC 20515

PREAMBLE

To reduce the risk of future terrorist attacks; to honor the memories of the victims of the September 11 terrorist attacks by conducting a thorough search for facts to answer the many questions that their families and many Americans have raised; and to lay a basis for assessing the accountability of institutions and officials of government:

THE SENATE SELECT COMMITTEE ON INTELLIGENCE
AND
HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

ADOPT THIS

INITIAL SCOPE OF JOINT INQUIRY

Pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, Rule 6 of the Rules of Procedure of the Senate Select Committee on Intelligence, Rule XI(1)(b) of the Rules of the House of Representatives, and Rule 9 of the Rules of Procedure of the House Permanent Select Committee on Intelligence, the two Committees have authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks on the United States. The Committees have undertaken this Joint Inquiry pursuant to their responsibility to oversee and make continuing studies of the intelligence activities and programs of the United States Government and all other authority vested in the Committees.

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(a) to conduct an investigation into, and study of, all matters that may have any tendency to reveal the full facts about –

(1) the evolution of the international terrorist threat to the United States, the response of the United States Government including that of the Intelligence Community to international terrorism, from the creation of the Director of Central Intelligence's Counterterrorist Center in 1986 to the present, and what the Intelligence Community had, has, or should have learned from all sources of information, including any terrorist attacks or attempted ones, about the international terrorist threat to the United States;

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(3) what the Intelligence Community has learned since the events of September 11 about the persons associated with those events, and whether any of that information suggests actions that could or should have been taken to learn of, or prevent, those events;

(4) whether any information developed before or after September 11 indicates systemic problems that may have impeded the Intelligence Community from learning of or preventing the attacks in advance, or that, if remedied, could help the Community identify and prevent such attacks in the future;

(5) how and to what degree the elements of the Intelligence Community have interacted with each other, as well as other parts of federal, state, and local governments with respect to identifying, tracking, assessing, and coping with international terrorist threats; as well as biological, chemical, radiological, or nuclear threats, whatever their source (such as the Anthrax attack of 2001).

(6) the ways in which the Intelligence Community's responses to past intelligence problems and challenges, whether or not related to international terrorism, have affected its counterterrorism efforts; and

(7) any other information that would enable the Joint Inquiry, and the Committees in the performance of their continuing responsibilities, to make such recommendations, including recommendations for new or amended legislation and any administrative or structural changes, or other actions, as they determine to be necessary or desirable to improve the ability of the Intelligence Community to learn of, and prevent, future international terrorist attacks; and

(b) to fulfill the Constitutional oversight and informing functions of the Congress with regard to the matters examined in the Joint Inquiry.

Congress of the United States
Washington, D.C.

~~Top Secret~~ – Committee Sensitive

July 31, 2002

Dr. Stephen Hadley
Deputy Assistant to the President for National Security Affairs
National Security Council
The White House
Washington, DC 20504

Dear Mr. Hadley:

The Joint Inquiry is examining the performance of the U.S. Intelligence Community in connection with the terrorist attacks of September 11, 2001. Per our discussions with John Bellinger, I ask that you submit a written response for inclusion in the record of the ongoing Joint Inquiry of the House and Senate Intelligence Committees. Your assistance will make an important contribution to our effort.

Attached is an initial list of questions that cover your time at the National Security Council. After we receive your answers, our staff seeks to interview you to discuss any remaining issues.

Your assistance will facilitate the Joint Inquiry in key areas of interest to the House and Senate Intelligence Committees. Please do not hesitate to call me if there is anything I can do to expedite this request. I can be reached at (202) 226-0911. For any specific questions regarding this request, please have your staff contact Daniel Byman at the same number.

We appreciate your cooperation in this most important effort.

Sincerely,

Eleanor Hill
Director, Joint Inquiry Staff

Enclosure:
List of questions

Proposed Questions for Deputy National Security Advisor Hadley

Terrorism as a Policy Priority

1. During your time as Deputy National Security Advisor, what priorities did you establish for U.S. intelligence priorities and where did terrorism fit in? How did this change from the priorities of the Clinton administration?

2. How were these priorities conveyed to the Intelligence Community? Did the Intelligence Community propose any changes in priority with regard to counterterrorism or al-Qa'ida? What were they?

3. Prior to September 11, who at the National Security Council and the U.S. government played a leading role in setting counterterrorism policy? Who else was involved in this process? Please describe the process, the participants, and the fora.

4. Prior to September 11, did Congress support the NSC's counterterrorism efforts? Did Congress oppose NSC priorities related to terrorism in any way? Please provide details of both, as appropriate.

5. Was Richard Clarke, the National Coordinator for Counterterrorism, included all in Principals' meetings related to terrorism after January 2002? If not, why not? How was it determined who would be involved in such meetings? What was his role in counterterrorism policy and intelligence prioritization after January 2002?

6. During the transition from the Clinton administration, did former National Security Adviser Sandy Berger or other senior Clinton NSC officials provide any advice, information, warning, or guidance requiring policy, priorities, or threats from al-Qa'ida and Bin Ladin? If so, what was the advice, information, warning, or guidance?

7. Prior to September 11, was the Administration engaged in a review of counterterrorism policy? What issues were identified for change? What stage were plans in? What changes in the role of the Intelligence Community, if any, were planned? What happened to the review after the September 11 attacks?

8. When the new Administration came into office, was it aware that Usama bin Ladin had declared war on the United States in 1998? Who provided this information, and how was it provided? What was the impact of that fact on the

Administration's national security priorities? How did it affect the Intelligence Community's posture?

9. Prior to September 11, did the President or other senior officials in the administration make any public statements or give any speeches on the subject of the threat of terrorism, or Usama bin Ladin's terrorist network in particular? If so, please make copies available to the Joint Inquiry Staff.

Resources

1. Prior to September 11, did the Intelligence Community come to the new Administration with any requests for additional counterterrorism resources, e.g., additional funding? Who made the request, and what was the nature of the proposal?

2. Did the Intelligence Community ask the Administration for more resources to fight Usama bin Ladin and al-Qa'ida? Who made this request?

3. Did the Intelligence Community ever cite a lack of resources as the basis for not acting? If so, provide details and the NSC response.

4. When the DCI, Director of NSA, and FBI Director requested more counterterrorism resources, what was the stated justification for their requests?

5. What was the NSC's response to each specific Intelligence Community request for any increases in resources for counterterrorism? For al-Qa'ida?

Agency responsiveness and support for policy makers

1. What specific strengths did you observe in intelligence collection, analysis, and reporting on Bin Ladin, al-Qaeda or terrorism in general prior to September 11? What specific weaknesses? Please provide specific examples of each.

2. What was the quality of intelligence received by the NSC? Did the NSC make any efforts to improve this quality?

3. With respect to Intelligence Community counterterrorism efforts prior to September 11, how responsive were the CIA, the FBI, NSA, and DIA?

- Did they provide the President and the National Security Council with the information needed to make informed decisions?
- Did the agencies use their authority aggressively? Did they cite limits or a lack of authority as a basis for no action?
- Did they shift resources appropriately in response to NSC direction?

- Did the NSC provide any specific tasking to Intelligence Community agencies to which they did not respond? Please provide specific examples.

Threat to the homeland

1. Prior to September 11, including especially spring/summer 2001, what information did the Intelligence Community provide to the National Security Council, orally or in writing, indicating the possibility of terrorist attacks inside the United States?

2. Prior to September 11, what information did the Intelligence Community provide to the National Security Council on al-Qa'ida activities and infrastructure inside the United States?

3. Prior to September 11, did the National Security Council ever consider alerting the American people to the internal threat from al-Qaeda? What happened?

4. Did the National Security Council ever consider enhancing U.S. border controls, e.g., by strengthening watchlist programs, alerting the FAA or the airlines, or inspecting cargo containers on a larger scale? If so, what happened?

5. Prior to September 11, what was the National Security Council's view regarding how well postured the FBI was with respect to combating terrorist groups inside the United States? What steps were taken to improve the FBI, if any?

6. Prior to September 11, did the Intelligence Community provide the NSC with any information regarding the possibility that al-Qa'ida members would use airplanes as weapons or hijack airplanes in the United States? What did the NSC do in response to this information?

Foreign governments

1. Prior to September 11, which foreign governments were most and least helpful regarding counterterrorism? How were they helpful or not helpful in each case?

2. Prior to September 11, were the governments of Saudi Arabia and Pakistan supportive of U.S. counterterrorism efforts? How responsive were European allies? What priority was counterterrorism cooperation in Saudi Arabia relative to military operations against Iraq, the Middle East peace negotiations, and other concerns?

3. Did Intelligence Community agencies ask for NSC assistance in getting foreign governments to take action against terrorist cells? Did the NSC take any specific actions to support the Intelligence Community? What did the NSC do? Did the NSC ask or instruct the State Department or the Department of Defense to assist the Intelligence Community in this regard?

4. Prior to September 11, was there any discussion of increasing information sharing and/or counterterrorism cooperation with the Sudan?

Use of Force/Overt and Covert

1. Prior to September 11, did the National Security Council consider the use of military force against al-Qa'ida in Afghanistan? How? In what form? Why was it not pursued? Was there sufficient intelligence to support military options? Was there tasking to gain further intelligence to support military operations?

2. Prior to September 11, did the National Security Council issue any tasking to the CIA or the U.S. military to develop plans involving the covert or overt use of force?

3. Prior to September 11, did the National Security Council ever review the CIA's authorities to conduct covert action against Bin Ladin or al-Qa'ida? What problems were identified regarding existing authorities, [redacted]? Were there any proposals to change those authorities before September 11th? What steps were taken?

4. Prior to September 11, was the *unarmed* Predator flown in Afghanistan after the Bush Administration came into office? Were proposals made to the NSC to fly it? Which participants favored flying it? If it was not flown, why not?

5. Did the National Security Council support the development of the *armed* Predator? Did any administration official try to expedite the process? Were any discussions held on this issue at the NSC? Who participated?

6. Did you consider [redacted]? Why or why not? What impact did you expect?

7. Why was there no military response to the attack on the *USS Cole?* Was this considered?

Recommendations

1. What recommendations would you make to improve the intelligence community's performance?

Congress of the United States
Washington, D.C.

~~Top Secret~~

August 12, 2002

Mr. John Bellinger
Senior Associate Counsel to the President &
National Security Council Legal Advisor
The White House
Washington, DC 20504

Dear John:

We have been engaged, for several weeks now, in a discussion regarding Joint Inquiry Staff (JIS) access to a variety of types of documents and information relating to the President's Daily Brief (PDB). Rather than continuing to rely on periodic oral exchanges, I thought it would be helpful to describe in writing the specific areas of JIS interest in this regard and to solicit your written response as to each in order to illuminate the JIS and the relevant Intelligence Community personnel who must implement your instructions.

First, the JIS seeks access to information relating to the process by which the PDB is created. This would include questions such as: By whom is it prepared? How? When? What standards are applied? What source quality is required? With whom and how is it coordinated? How are analytic disagreements handled? What is its relation to the Senior Executive Intelligence Brief and other intelligence publications? By what means is it presented to the President? Who else reads it? Etc.

In addition, the JIS would like to know the specific genesis of the August 2001 PDB item relating to Usama Bin Ladin (UBL) and terrorism threats to the United States. As I have told you, we have received very different versions of how this item came to be published. This is especially significant in light of the timing and content of that particular item in reference to the September 11 attacks and the substantial public interest in how well the Intelligence Community was serving the President at the time. Thus, we believe it important to establish a clear and complete record in that regard, and suggest that the National Security Council (NSC) should share that goal.

Finally, as I have told you, I believe there is a significant case to be made that the JIS should be provided with special access in some form to the complete record of the numbers and contents of any PDB items regarding UBL, al-Qa'ida, and the terrorism threat to U. S. interests that appeared from January 1998 – the year the Director of Central Intelligence declared we were at war with UBL – to September 11, 2001. Again, the public has a compelling interest in the circumstances in understanding how well the Intelligence Community was performing its principle function of advising the President and the NSC of threats to U.S. national security. There must be a way to recognize and

accommodate this interest without waiving the Executive's prerogatives in this regard in other circumstances. In the absence of such access, we will have no choice but to extrapolate the number and content of PDB items on these subjects from the items that appeared on these subjects in the Senior Executive Intelligence Brief and other lower level intelligence products during the same period. This may result, however, in dangerously skewed and misleading conclusions regarding what the President was being told about the threat during the months preceding the September 11 attacks.

I appreciate your efforts on behalf of the JIS in the weeks and months since we began this effort. Please let me have your response by August 26, 2002.

Sincerely,

A. R. Cinquegrana
Acting Director, Joint Inquiry Staff

Congress of the United States
Washington, D.C.

~~Top Secret~~

August 12, 2002

Mr. John Bellinger
Senior Associate Counsel to the President &
National Security Council Legal Advisor
The White House
Washington, DC 20504

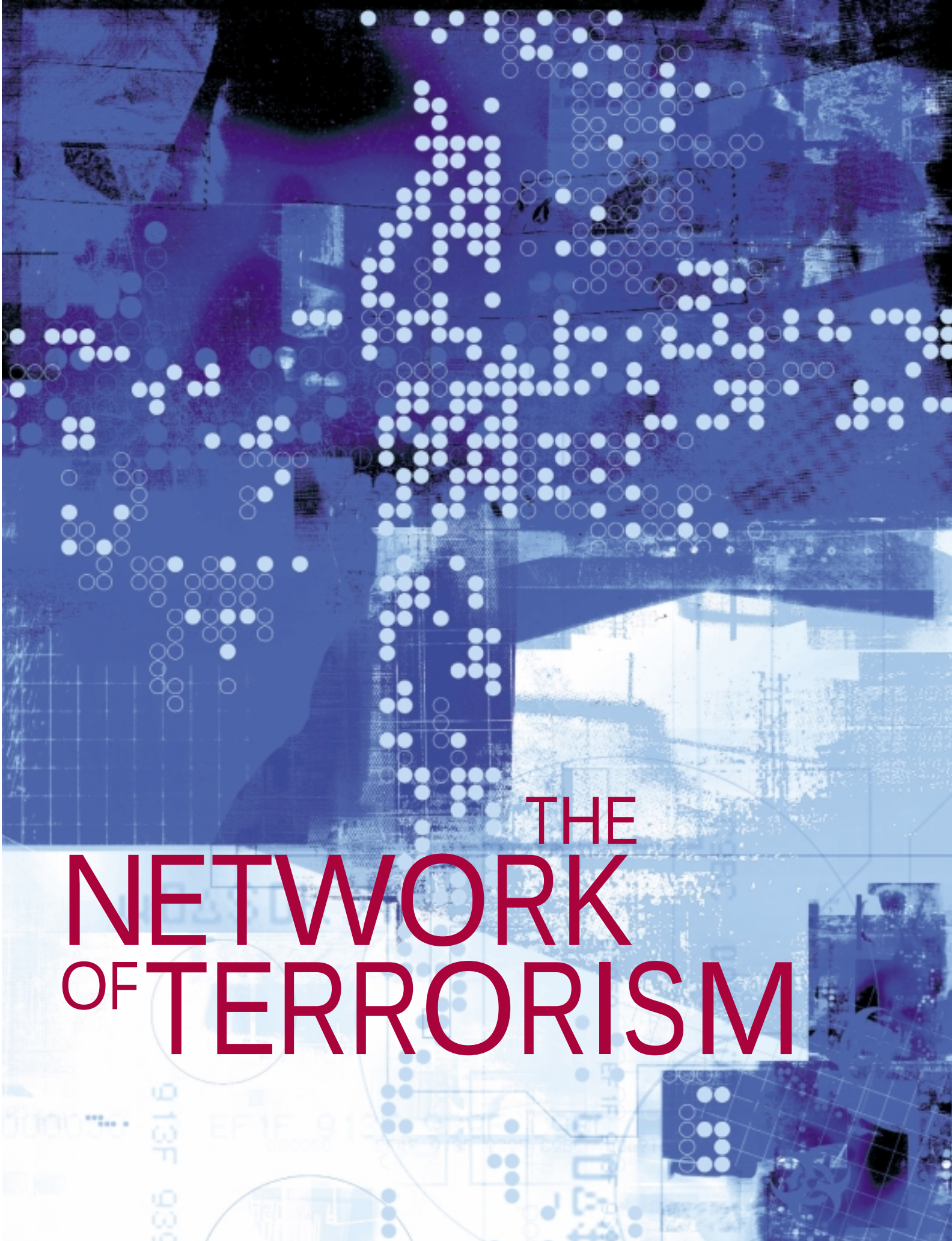
Dear John:

As I have explained, the Central Intelligence Agency continues to deny Joint Inquiry Staff (JIS) access to a broad range of documents and information relating to covert action, "National Security Council (NSC) programs," etc., on the grounds that these materials relate to NSC proceedings and are thereby precluded from JIS access by virtue of NSC instructions. Based on my discussions with you, my understanding is that the only documents and information the NSC intends to have withheld from the JIS relate to direct advice to, and discussions with, the President. In order to clarify this access issue in a timely and definitive manner, I request your written response as soon as possible regarding whether my understanding is correct. Only in this way, I believe, will we be able to break this particular logjam with the Agency.

I would appreciate your response before August 23, 2002. Thanks very much for your continued cooperation and assistance in this regard.

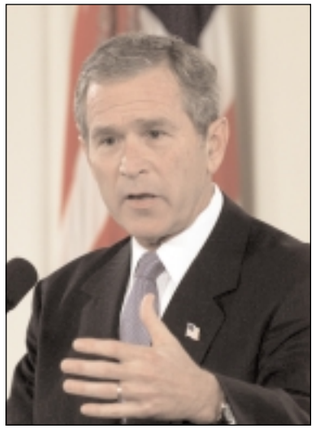
Sincerely,

A. R. Cinquegrana
Acting Director, Joint Inquiry Staff



THE NETWORK OF TERRORISM

AN ATTACK ON THE CIVILIZED WORLD



"One month ago today, innocent citizens from some 80 nations were attacked and killed, without warning or provocation, in an act that horrified not only every American, but every person of every faith, and every nation that values human life.

The attack took place on American soil, but it was an attack on the heart and soul of the civilized world. And the world has come together to fight a new and different war, the first, and we hope the only one, of the 21st century. A war against all those who seek to export terror, and a war against those governments that support or shelter them.

We're mounting a sustained campaign to drive the terrorists out of their hidden caves and to bring them to justice....At the same time, we are showing the compassion of America by delivering food and medicine to the Afghan people who are, themselves, the victims of a repressive regime.

We're angry at the evil that was done to us, yet patient and just in our response....Our war on terrorism has nothing to do with differences in faith. It has everything to do with people of all faiths coming together to condemn hate and evil and murder and prejudice.

People often ask me, how long will this last? This particular battlefront will last as long as it takes to bring al Qaeda to justice. It may happen tomorrow; it may happen a month from now; it may take a year or two. But we will prevail."

President George W. Bush
October 11, 2001

THE UNITED STATES AND THE INTERNATIONAL CAMPAIGN TO END GLOBAL TERRORISM

DEFEATING TERROR

DEFENDING FREEDOM

Today,
the United States,
joined by nations throughout the world,
is engaged in a sustained effort to identify and destroy
a global network of terrorists. With our abiding faith in human life
and freedom, we will prevail over those who, cynically exploiting the
fears of others, offer nothing but suffering and death.

"Islam,
the religion of tolerance,
holds the human soul
in high esteem
and considers the attack
against innocent
human beings
a grave sin....
I categorically go against
a committed
Muslim's embarking on
such attacks.
Islam never allows
a Muslim to kill
the innocent
and the helpless."

— Sheikh Yusuf al-Qaradawi,
Muslim scholar, Doha, Qatar
IslamOnline & News Agencies, September 13, 2001



"Our war on terrorism has nothing to do with differences in faith," President Bush said. "It has everything to do with people of all faiths coming together to condemn hate and evil and murder and prejudice."

This worldwide campaign against terror has many faces, some highly visible, others not:

- In Afghanistan, U.S. forces, with coalition support, are conducting military operations to root out and destroy the al Qaeda terror network and its Taliban supporters.
- International relief agencies, with U.S. assistance, are providing food, medicine, and shelter for Afghan refugees who have endured the humanitarian disaster over which the Taliban have presided.
- Law enforcement agencies are identifying and arresting suspected terrorists, and governments are freezing the financial assets of terrorists and their supporters.
- In the United States and around the world, families gather to mourn for the dead of September 11, and to care for the families bereft of sons and daughters, brothers and sisters, mothers and fathers.
- At the World Trade Center and the Pentagon, workers continue to clear wreckage and begin the process of rebuilding.

Yet out of this pain and loss, we can already see a renewed determination to find the perpetrators of these acts and to defend the values of humanity, diversity, and freedom that unite the world community.

How did we reach this time of sorrow and resolve, pain and hope?

DAY OF BLOOD AND FIRE

In describing the events of September 11, 2001, it is easy to fall back on familiar, journalistic terms and refer to attacks on the World Trade Center and the Pentagon as if the buildings were the chief victims. The reality, of course, is much different: Within the space of two hours, more than 5,000 men, women, and children were terrorized, tortured, slashed with knives, burned to death, and crushed under tons of rubble in a premeditated act of mass murder. In addition, 4,000 or more children lost a parent that day in the terrorist attacks, according to the Twin Towers Orphan Fund.

The basic facts: On the morning of September 11, terrorists operating in bands of four to five hijacked four commercial jetliners departing from airports on the East Coast of the United States. Using knives and box cutters, the 19 hijackers transformed *(continued on page 6)*

THE HIJACKINGS

The worst act of terrorism on U.S. soil was committed on September 11, 2001, when bands of four to five terrorists took control of four airliners, United Airlines Flights 93 and 175 and American Airlines Flights 11 and 77. The Federal Bureau of Investigation (FBI) knows from witness accounts of cell phone conversations with passengers on the hijacked airliners that the terrorists eluded security measures and used cardboard-box cutters and razors to take control of the four aircraft. Hijackers also smuggled other types of knives through airport security and turned off cockpit transponders to evade detection by air traffic controllers, investigators believe. Security experts say the hijackers almost certainly scouted their locations with care, choosing flights and airports that would give them the greatest chance of success.

The events aboard United Airlines Flight 93 are perhaps the best known. Bound from Newark, New Jersey, to San Francisco, California, the Boeing 757 was loaded with more than enough fuel to carry it across the continent. The hijackers chose a busy metropolitan airport. They picked a plane that was making a nonstop flight, departing early on a Tuesday morning, a week after the Labor Day holiday — factors that almost guaranteed fewer passengers and, more important, less opposition. The terrorists also appear to have had help. Sources say the Federal Aviation Administration (FAA) received bomb threats for three or four other planes in the air that morning, creating a distraction that would give the hijacked planes extra time to change course without being noticed.

United Airlines Flight 93 was airborne by 8:44 a.m., according to radar logs, and headed west, flying apparently without incident until it reached Cleveland, Ohio, about 50 minutes later. Passengers reported that hijackers brandished cigarette lighters with hidden switchblades to take control of the jetliner once it was airborne. At 9:37 a.m., the plane turned south and headed back the way it came. Descriptions from people aboard Flight 93 indicate that there was pandemonium on the plane. Four men wearing red headbands and speaking with accents killed a passenger, rushed the cockpit, injured both pilots, and took over flying the aircraft. The remaining passengers and crew were split into two groups — a few were held in the first-class compartment but most were moved to the galley in the rear of the plane.

One of the hijackers — the one watching the passengers in the galley — had a small red box tied to his waist with a belt; he said the box was a bomb. CNN reported that it had obtained a partial transcript of cockpit chatter and talked with a source who had listened to the air-traffic control tape. The source said that a man had said in broken English: "This is the captain speaking. Remain in your seat. There is a bomb on board. Stay quiet. We are meeting with their demands. We are returning to the airport."

Passengers on cell phones learned of the crashes at the World Trade Center and formulated a plan to respond to the hijackers. After making a number of odd maneuvers in midair — indications of a struggle to gain control of the plane — Flight 93 slammed nose-first into a field near Shanksville, Pennsylvania, killing everyone on board. *(continued on page 4)*

(continued from page 3)

Similar stories abound from the other doomed flights of September 11. Hijackers told passengers that the planes flying from Boston, Massachusetts, to Los Angeles, California, would be used as bombs and crash into New York City. A flight attendant on one of those planes — American Airlines Flight 11 — made a cellular phone call in which she said several "Middle Eastern men" had used knives to wound passengers. The cell phone call sheds light on how a few men armed only with small knives or box cutters could quickly commandeer an airliner: they did not hesitate to draw blood.

On American Airlines Flight 77, a passenger described how several men with knives and box cutters had hustled passengers to the rear of the Boeing 757 aircraft after it had departed from Washington's Dulles International Airport en route to Los Angeles. About an hour after takeoff on Tuesday morning, Flight 77 became a massive missile aimed apparently at Washington, D.C. The target changed suddenly as the unidentified pilot executed a pivot so tight it reminded observers of a fighter jet. The plane cut 270 degrees to the right to approach the Pentagon from the south-west; it fell below radar level and vanished from controllers' screens, the sources said. Aviation experts said the plane was flown with skill, making it highly likely that a trained pilot — possibly one of the hijackers — was at the helm.

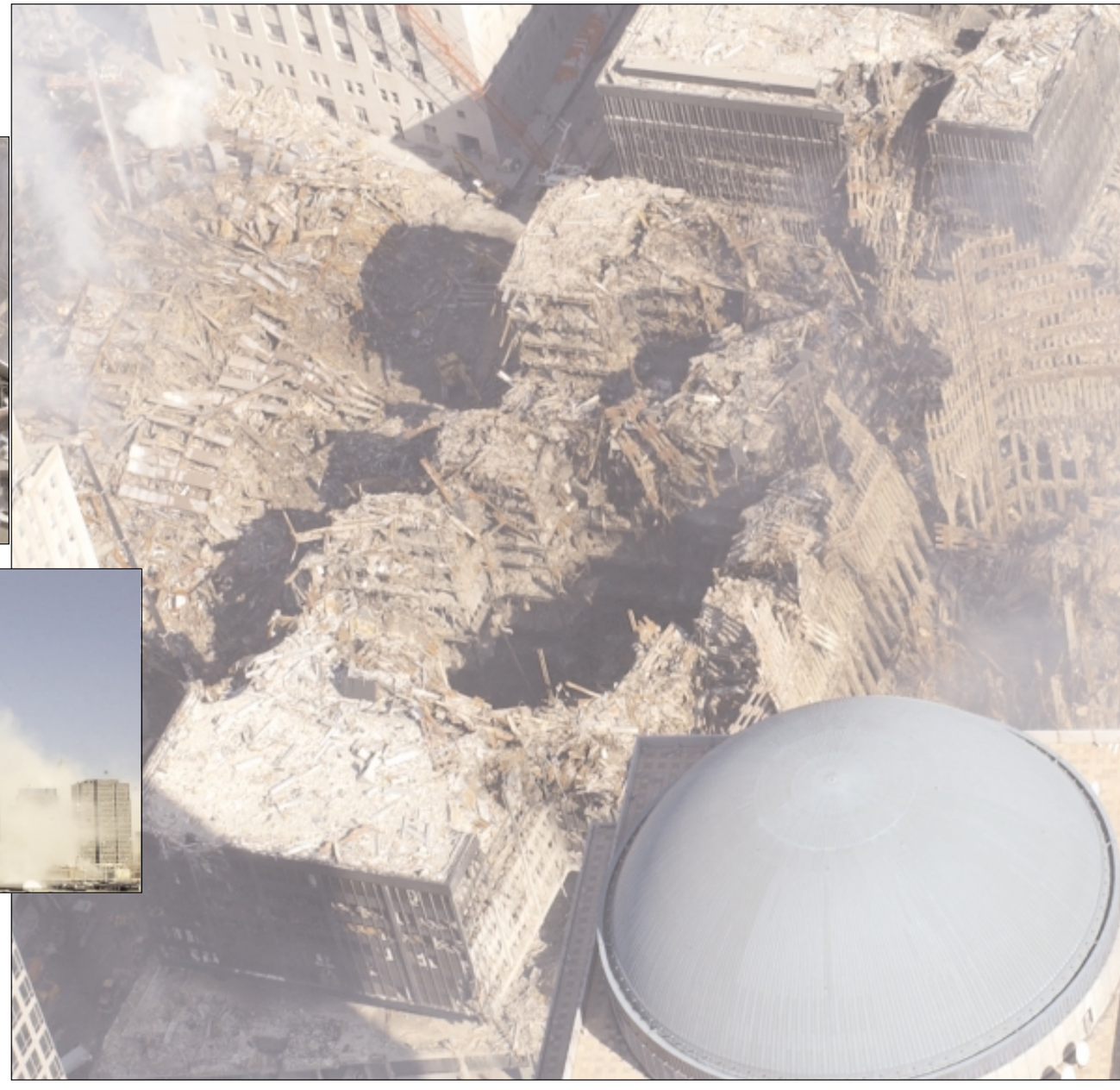
If a plane's pilots were killed, forced out of the cockpit, or incapacitated, it would be relatively simple to steer a jumbo jet into the World Trade Center or the Pentagon, aviation and security experts said. "We have to assume that the pilots were no longer a factor; they were either shot or killed somehow," said retired Air Force Colonel Dale Oderman. ❑



Osama bin Laden (center), the prime suspect in the September 11, 2001, terrorist attacks on the United States, with his top lieutenant, Ayman al-Zawahri of the Egyptian Jihad group (left), and an unidentified bodyguard.







Clockwise from above: Forever changed, the New York City skyline is awash in smoke for hours following the collapse of the World Trade Center after two hijacked airliners crashed into the twin 110-story towers; firefighters make their way through the rubble of the World Trade Center on September 11; looking down at "ground zero," the site of the World Trade Center, one week after the attack.

(continued from page 2)

planes into huge, fuel-laden missiles. The killers crashed two of them into New York's World Trade Center and a third into the Pentagon in Washington, D.C. Passengers and crew heroically fought with the hijackers aboard the fourth plane, apparently headed toward another Washington target. The plane crashed in Pennsylvania, killing all aboard.

The attacks inside the planes were brutal and calculated. In the inhuman words found in luggage left behind by one of the killers: "Let each find his blade for the prey to be slaughtered." The hijackers either killed or wounded the pilots, and stabbed and killed passengers. Reports indicate that, in several instances, flight attendants had their throats slashed with their arms helplessly bound behind them.

But the horror was only beginning. Along with the hundreds of passengers who died aboard the planes, more than 4,800 human beings died in the fire and wreckage of the World Trade Center. Many were trapped and killed immediately following the impact of the planes into the towers; some, forced by intense flames, fell or jumped from windows on high floors. And tragically, the intense flames weakened structures that survived the actual impact of the planes; in less than two hours from the first impact, both towers imploded, killing thousands, including the citizens of 78 countries and people of virtually every religious faith and ethnic group in the world today.

In Washington, 189 people died at the Pentagon, including those aboard the plane; 45 died aboard the fourth plane, which crashed in rural Pennsylvania.

The terrorists may have thought that, in attacking the World Trade Center, they were attacking a "symbol of America." They weren't. Instead, they attacked an institution of international trade, prosperity, and economic opportunity. Along with government offices of Thailand, Chile, and Côte d'Ivoire, for example, the World Trade Center held offices of 430 companies from 28 countries.

In short, the terrorists attacked not just the United States, they attacked the world.

MURDEROUS DECLARATIONS

The September 11 atrocity is the responsibility of the al Qaeda terrorist network, headed by Osama bin Laden.









Clockwise from above: An emergency worker helps a woman who was injured in the attack on the World Trade Center; pedestrians scramble for safety as the first World Trade Center tower collapses; destruction and debris at the Pentagon, near Washington, D.C., after a hijacked jetliner crashed into the southwest side of the building on September 11, 2001; a person falls headfirst after jumping from the inferno of the World Trade Center following the crash of an airliner into the north tower. More than 5,000 people were killed in New York and Washington and in the crash of a fourth hijacked airliner in Pennsylvania.

“Attacking innocent
people is not courageous;
it is stupid
and will be punished
on the day of judgment.
It’s not courageous to
attack innocent children,
women, and civilians.
It is courageous
to protect freedom;
it is courageous
to defend oneself and
not to attack.”

— Sheikh Mohammed Sayyed al-Tantawi of
Al-Azhar mosque and university, Cairo, Egypt
Agence France-Presse, September 14, 2001



- Before September 11, bin Laden indicated that he was planning an attack on the United States.
- In August and September, bin Laden operatives around the world were warned to return to Afghanistan by September 10.
- One of bin Laden’s closest associates has been identified as conducting detailed planning for the September 11 attacks.
- Of the 19 hijackers, at least three have been identified as al Qaeda operatives.
- At least one hijacker is known to have been involved in the attack on the Navy ship USS *Cole* and the bombings of the American embassies in Kenya and Tanzania.
- In tracking the hijackers’ movements prior to September 11, investigators have found that many of them met with bin Laden operatives and regularly received money and support from the al Qaeda network.

More broadly, the planning, pattern, and character of the September attacks were similar to those of previous al Qaeda terrorist attacks. The September 11 operation involved long-term planning, coordinated actions, lack of warning, use of suicide attackers, and an effort to kill and maim as many people as possible, including Muslims and citizens of other nations.

In his notorious, pre-taped statement released on October 7, bin Laden said, “God has blessed a group of vanguard Muslims, the forefront of Islam, to destroy America.” Taken as a whole, his words amount to a confession and acceptance of responsibility for the September 11 attacks — and falsely invoke the faith of Islam to justify mass killing. But this is only the latest in a series of bin Laden pronouncements:

- In his 1996 “Declaration of Jihad,” he urged coordinated efforts to kill Americans and encouraged others to attack the American “enemy.”
- In a 1998 statement published in the Arabic newspaper *Al-Quds Al-Arabi*, he stated that Muslims should kill Americans — including civilians — “anywhere in the world where they can be found.”
- In a 1999 interview on the Arabic-language al Jazeera television, bin Laden stated, “Our enemy … is every American male, whether he is directly fighting us or paying taxes.”
- In two 1997 and 1998 television interviews, he specifically described the terrorists who bombed the World Trade Center in 1993 as role models and urged his followers to “take the fighting to America.”

HIJACKING THE WORLD

Al Qaeda’s record of death and destruction extends back long before September 11. In October 1993, operatives trained by al Qaeda killed 18 U.S. soldiers serving with United Nations peacekeeping forces in Somalia. This organization bombed the American embassies in Kenya and Tanzania in August 1998, killing 223 and wounding more than 4,000 — the overwhelming majority of them Kenyans. And in October 2000, these terrorists attacked the Navy ship USS *Cole* with a bomb-laden small boat, killing 17 American crew members.

Al Qaeda is closely tied to the Egyptian Islamic Jihad, the Islamic Movement of Uzbekistan, and other terrorist groups.

Al Qaeda doesn’t take credit for its failures, but it is implicated in other terrorist conspiracies. In January 1995, Philippine authorities discovered a plan to blow up as many as 12 jetliners as they crossed the Pacific. In Jordan, authorities foiled the so-called Millennium Plot to attack Westerners across Jordan during the January 1, 2000, celebrations. A plan to bomb Los Angeles International Airport failed when customs officials at the Canadian border found bomb materials in a car. Authorities in Frankfurt, Germany, arrested members of a terrorist cell who were assembling bombs and had surveillance tapes of a crowded Christmas market in Strasbourg, France.

Al Qaeda is by no means the only terrorist band operating today. On October 10, the United States issued a “List of Most Wanted Terrorists.” Along with al Qaeda suspects, the 22 names include suspects who

Muslim-American woman prays at the Islamic Society of Nevada on Friday, September 14, 2001, during a special service for the victims of the terrorist attacks in New York and Washington. President Bush declared that day a national day of remembrance and prayer.



THE TOLL IN THE U.S. EMBASSY BOMBINGS IN AFRICA

On August 7, 1998, terrorists associated with al Qaeda and Osama bin Laden bombed American embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania. The vast majority of those killed and injured in these bombings were Kenyans and Tanzanians.

Location	Killed	Wounded
Nairobi	212*	Over 4,000
Dar es Salaam	11**	72***

** includes 12 Americans, 31 Kenyans employed by the U.S. embassy*

*** includes 7 Tanzanians employed by the U.S. embassy*

**** includes 2 Americans*

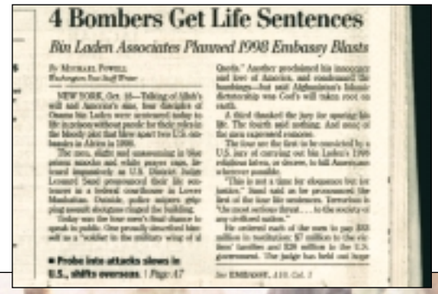


Opposite page: Rescue workers carry an employee of the U.S. embassy in Nairobi, Kenya, following a terrorist bombing on August 7, 1998. Bombs exploded minutes apart outside the U.S. embassies in Nairobi and Dar es Salaam, Tanzania, killing 223 people and injuring over 4,000. On October 18, 2001, four operatives of Osama bin Laden were sentenced in U.S. District Court in New York City to life in prison for their roles in the bloody plot.



Top: U.S. Ambassador to Kenya Prudence Bushnell is overcome with emotion after laying a wreath at the site of the embassy bombing in Nairobi a few days after the attack. Above: A Kenyan woman, who was an employee of the U.S. embassy in Nairobi, speaks to the media after arriving for treatment at Landstuhl Regional Medical Center in Germany.

hijacked a TWA jetliner in 1985 and killed an American passenger; detonated a tanker truck in 1996 at Khobar Towers, a military housing complex in Dhahran, Saudi Arabia, killing 19 U.S. Air Force personnel and wounding 280; and bombed the World Trade Center in 1993, killing six and wounding hundreds.



4 Bombers Get Life Sentences

Bin Laden Associates Planned 1998 Embassy Blasts

By MICHAEL POWELL
Washington Post Staff Writer

NEW YORK, Oct. 18—Talking of Allah's will and America's sins, four disciples of Osama bin Laden were sentenced today to life in prison without parole for their roles in the bloody plot that blew apart two U.S. embassies in Africa in 1998.

The stern, shifty and unrepentant in their prison smocks and white prayer caps, lit toward impassively as U.S. District Judge Leonard Sand pronounced their life sentences in a federal courthouse in Lower Manhattan. Outside, police snipers spied from rooftops clasped the building.

Today was the four men's final chance to speak in public. One proudly described himself as a "soldier in the military wing of al

Quaeda." Another proclaimed his innocence and love of America, and condemned the bombings—but said Afghanistan's Islamic dictatorship was God's will taken root on earth.

A third thanked the jury for sparing his life. The fourth said nothing. And most of the area expressed concern.

The four are the first to be convicted by a U.S. jury of carrying out bin Laden's 1998 relentless terror, or swore, to kill Americans wherever possible.

"This is not a time for eloquent but lot justice," Sand said as he pronounced the first of the four life sentences. Terrorism is "the most serious threat . . . to the society of any civilized nation."

He ordered each of the men to pay $10 million in restitution: $7 million to the victims' families and $20 million to the U.S. government. The judge has held out hope

■ Probe into attacks slows in U.S., shifts overseas. | Page A17

See EMBASSY, A10, Col. 1

THE TALIBAN CONNECTION

Over the past 20 years, 4 million Afghans have fled the country as refugees. Since taking power in 1996, the Taliban regime in Afghanistan has presided over a humanitarian catastrophe. Millions have fled drought, war, and the repressive policies of the Taliban, including 80,000 to 100,000 who have fled since September 11.

The Taliban, operating one of the most repressive and abusive regimes in the world today, have systematically violated every basic norm of human rights. They have attacked and burned towns, summarily killed civilians, conscripted children into the military, and profited from heroin trafficking.

The regime's assault on women is unprecedented in modern times. Women are prevented from attending schools or conducting business, denied access to health

“Just as he
must not be allowed
to get away with
the terrorist
hijackings
and cold-blooded murder
of September 11,
Osama bin Laden
must not be allowed
to get away with
hijacking Islam
and the good name
of religion generally.”

— Joint statement of the Canadian office of the Council on American-Islamic Relations and the Canadian Muslim Civil Liberties Association
October 17, 2001

care, and forbidden to leave their homes without male escorts. Widows or women without a male relative, with or without children, are essentially treated as non-persons by the state and often face starvation.

But these are not the reasons why the United States is now conducting military operations in Afghanistan. The United States is using military force because the Taliban, despite repeated warnings, have continued to provide support and shelter to Osama bin Laden and al Qaeda terrorists.

More accurately, the evidence now indicates that the Taliban have been bought and paid for by bin Laden’s money. Rather than describe the relationship as “state-supported terrorism,” the Taliban can be characterized as a “terrorist-supported state.” Al Qaeda has provided the Taliban with training, weapons, soldiers, and money — lots of it. The Taliban, in turn, provide safe haven and logistical facilities.

It is these malignant networks — the Taliban and al Qaeda — that the United States is targeting in its military campaign, not the Afghan people. The United States repeatedly warned the Taliban that they must either hand over bin Laden and his associates, or share their fate. They have chosen the latter, and forced the Afghan people to suffer as the al Qaeda network inside the country is methodically located and destroyed.

The civilian casualties suffered by the Afghan people during the air campaign are tragic, and they could be avoided but for the Taliban and al Qaeda, who bear the responsibility for the suffering of the innocent. Unlike terrorists, the United States doesn’t target civilians: it strives to protect them. It is the Taliban that choose to protect an organization whose declared purpose is the killing of civilians. Both the Taliban and al Qaeda continue to use innocents as human shields, and both rob food and shelter from the Afghan people.

AFGHANISTAN’S FUTURE

Afghanistan’s immediate future will be difficult, but it can be one of hope, if only because the Taliban and al Qaeda will soon be consigned to the past.

On the humanitarian front, the United States and other nations, working as part of an international coalition with the UN World Food Program and other international relief organizations, continue to take steps to avert the human tragedy brought on by the Taliban. Even before the September 11 *(continued on page 16)*

THE TALIBAN’S BETRAYAL OF THE AFGHAN PEOPLE

The Afghan people have been the primary victims of Taliban misrule since the Taliban came to power in 1996. The Taliban have made them the unwilling hosts of foreign armed terrorists, who have exploited and endangered the Afghan people and made Afghanistan a pariah in the world community. This fact sheet outlines documented atrocities and human rights abuses committed by the Taliban against the Afghan people.

Massacres: The Taliban have massacred hundreds of Afghan civilians, including women and children, in Yakaolang, Mazar-I-Sharif, Bamiyan, Qezelabad, and other towns. Many of the victims of these massacres were targeted because of their ethnic or religious identity.

Human Rights Abuses Against Women and Girls: Girls are formally prohibited from attending school. Women are prohibited, with very few exceptions, from working outside the home and are forbidden to leave their homes except in the company of a male relative. The Taliban have significantly reduced women’s access to health care by decreeing that women can be treated only by women doctors.

The Taliban and the Humanitarian Situation: Twenty years of internal armed conflict and four years of devastating drought have contributed to a grim situation, but the Taliban have made the situation much worse, holding the Afghan people hostage to a corrupt agenda. The Taliban do not share the hardships they have imposed on the Afghan people, and they have done nothing to alleviate these hardships. The Taliban have disrupted the efforts of international relief agencies to deliver desperately needed food and medical supplies.

The Taliban and Islam: The Taliban have used Islam as a cloak to practice ethnic cleansing in Afghanistan. Warning against “converting our countries into another Afghanistan,” Saudi writer Turki Al Hamad, writing in *As-Sharq Al Awsat*, put it this way: “...[under the Taliban], Islam would be relegated from a world religion with a global human and civilized mission to a Taliban-like dogma that bans pigeon breeding, long hair, kite flying, and listening to music.”

Destruction of Afghan Culture: The Taliban have perverted Afghan customs, tradition, and religious practice for their own narrow political interests. They have looted and destroyed the historical and cultural patrimony of the Afghan people — the Kabul Museum, formerly one of the finest museums in the region, is largely empty; the centuries-old Buddhist statues in Bamiyan have been reduced to rubble.

For more information on Afghanistan, see this web site: http://usinfo.state.gov/regional/nea/sasia.

The Federal Bureau of Investigation has identified these 19 individuals as the hijackers aboard the four airliners that crashed in New York, Washington, and Pennsylvania on September 11, 2001.

Nawaf Alhazmi

Saeed Alghamdi

Fayez Rashid Ahmed Hassan Al Qadi Banihammad

Ahmad Ibrahim A. Al Haznawi

Ahmed Alghamdi

Hamza Alghamdi

Abdulaziz Alomari

Salem Alhazmi

Ziad Samir Jarrah

Khalid Almihdhar

Mohamed Atta

Wail M. Alshehri

Waleed M. Alshehri

Majed Moqed

Hani Hanjour

Mohand Alshehri

Satam M. A. Al Suqami

Ahmed Alnami

Marwan Al-Shehhi

Osama bin Laden and 21 others comprise the FBI's "Most Wanted Terrorists" list.

Hasan Izz-Al-Din was indicted for his role in planning and participating in the June 14,1985, hijacking of a commercial airliner that resulted in the assault on passengers and crew and the murder of one U.S. citizen.

Imad Fayez Mugniyah was indicted for his role in planning and participating in the June 14, 1985, hijacking of a commercial airliner that resulted in the assault on passengers and crew and the murder of one U.S. citizen.

Mustafa Mohamed Fadhil was indicted in New York on December 16,1998, for his alleged involvement in the August 7,1998, bombings of the U.S. embassies in Tanzania and Kenya and conspiring to kill U.S. nationals.

Fazul Abdullah Mohammed was indicted in New York on September 17, 1998, for his alleged involvement in the August 7,1998, bombings of the U.S. embassies in Tanzania and Kenya.

Osama bin Laden is wanted in connection with the August 7, 1998, bombings of the United States embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya. These attacks killed over 200 people. In addition, Bin Laden is a suspect in other terrorist attacks throughout the world.

Ibrahim Salih Mohammed Al-Yacoub has been indicted in Virginia for the June 25, 1996, bombing of the Khobar Towers military housing complex in Dhahran, Saudi Arabia.

Ahmed Mohammed Hamed Ali is wanted in connection with the August 7, 1998, bombings of the U.S. embassies in Tanzania and Kenya.

Abdul Rahman Yasin is wanted for his alleged participation in the bombing of the World Trade Center in New York, on February 26, 1993, which resulted in six deaths, numerous injuries, and significant destruction of property.

Ahmed Khalfan Ghailani was indicted in New York on December 16, 1998, for his alleged involvement in the August 7, 1998, bombings of the U.S. embassies in Tanzania and Kenya.

Fahid Mohammed Ally Msalam was indicted in New York on December 16,1998, for his alleged involvement in the August 7, 1998, bombings of the U.S. embassies in Tanzania and Kenya and conspiring to kill U.S. nationals.

Ali Atwa was indicted for his role and participation in the June 14, 1985, hijacking of a commercial airliner that resulted in the assault on passengers and crew and the murder of one U.S. citizen.

Anas Al-Liby is wanted in connection with the August 7, 1998, bombings of the U.S. embassies in Tanzania and Kenya.

Ahmad Ibrahim Al-Mughassil has been indicted in Virginia for the June 25, 1996, bombing of the Khobar Towers military housing complex in Dhahran, Saudi Arabia.

Muhsin Musa Matwalli Atwah is wanted in connection with the August 7, 1998, bombings of the U.S. embassies in Tanzania and Kenya.

Abdullah Ahmed Abdullah has been indicted for his alleged involvement in the August 7, 1998, bombings of the U.S. embassies in Tanzania and Kenya.

Sheikh Ahmed Salim Swedan was indicted in New York on December 16,1998, for his alleged involvement in the August 7,1998, bombings of the U.S. embassies in Tanzania and Kenya and conspiring to kill U.S. nationals.

Abdelkarim Hussein Mohamed Al-Nasser has been indicted in Virginia for the June 25, 1996, bombing of the Khobar Towers military housing complex in Dhahran, Saudi Arabia.

Ayman Al-Zawahiri has been indicted for his alleged role in the August 7, 1998, bombings of the U.S. embassies in Tanzania and Kenya.

Khalid Shaikh Mohammed was indicted in New York in January 1996 for his alleged involvement in a plot to bomb commercial airliners flying to the U.S. from Southeast Asia in January 1995.

Saif Al-Adel is wanted in connection with the August 7,1998, bombings of the U.S. embassies in Tanzania and Kenya.

Muhammad Atef was indicted for alleged involvement with the August 7, 1998, bombings of U.S. embassies in Tanzania and Kenya.

Ali Saed Bin Ali El-Hoorie has been indicted in Virginia for the June 25, 1996, bombing of the Khobar Towers military housing complex.

al Qaeda Taliban terrorist network

“Such attacks
on such a grand scale —
it’s very outrageous,
it’s worth every
condemnation.
Whoever carried out
the attack
did not have a right
to do it in the name of
the religion,
namely Islam....
Killing innocents
to achieve a target
has never been the heart
of the religion.”

— Yusuf Muhammad,
Muslim cleric, Jakarta, Indonesia
Reuters, September 14, 2001

(continued from page 12) tragedy, the United States had long been the largest single donor of humanitarian supplies to the Afghan people, donating some $180 million in humanitarian assistance last year. President Bush recently announced that the United States will contribute another $320 million in Afghan aid. U.S. planes have airdropped hundreds of thousands of individual rations to needy areas inside the country. Approximately 85 percent of the more than 200,000 metric tons of food aid — either in transit or stored in the region — comes from the United States.

Recently, the United States announced a five-point strategy to meet Afghanistan’s humanitarian crisis:

- Reduce death rates by opening every possible pipeline to move food, seed, blankets, and health kits into the country before winter.
- Minimize population movements by moving as much food as possible to villages and rural areas.
- Lower and stabilize food prices by selling significant amounts of food to local merchants.
- Ensure that aid reaches the needy and prevent the Taliban from looting or manipulating aid.
- Begin developmental relief programs that will encourage Afghans to start rebuilding homes, villages, farms, and markets where possible.

Afghans, not outsiders, must determine the future of their country. Secretary of State Colin Powell said, “We want to see eventually arise a government that represents all the people of Afghanistan, that is prepared to take care of the needs of its people, not repress its people. And so we are in touch with all of the different factions to see how such a government could arise if the Taliban were to collapse and go out of power.”

In addition to the strategy for assistance inside Afghanistan, the United States is providing assistance, through the United Nations High Commissioner for Refugees and other international organizations, to the millions of Afghan refugees in Pakistan and other neighboring countries.

THE INTERNATIONAL COALITION

The world community has confronted the threat posed by global terrorism with an unprecedented worldwide coalition that is employing every tool of national and international power at its command: diplomacy, law enforcement, intelligence, financial investigation, military action, and humanitarian aid. Just

BUILDING COALITIONS







Left: President Bush confers with German Chancellor Gerhard Schroeder. Below left: The upper house of the Japanese Diet passes anti-terrorism legislation. Below right: The Canadian destroyer HMCS *Iroquois* heads out to join the war against terrorism.

as terrorism constitutes a fluid, elusive enemy, so the new anti-terror alliance has assumed new and flexible forms in which different countries assume different levels of action and responsibility.

Already, the war against global terrorism has achieved important successes. On the diplomatic front, for example, a UN Security Council resolution, adopted unanimously, obligates all 189 members to end all terrorist activity and support, and to bring the perpetrators of terrorism to justice.

"We cannot overestimate the importance of that trailblazing resolution," said Secretary Powell. "No resources plus no refuge ultimately equals no escape."

Investigators throughout the world have arrested hundreds of individuals with possible ties to al Qaeda and other terrorist networks. The threat of future attacks remains, but the sustained pressure of police work and intelligence gathering, coupled with military operations in Afghanistan, means that al Qaeda is on the run and its network is being dismantled cell by cell, cave by cave.

Killing and hate take money. Drying up the financial sources of terror is vital to end the terrorist threat. More than 112 nations have issued blocking orders and frozen assets used to finance terrorism, which have been found everywhere from bank accounts in the United States to relief organizations in Europe and chains of honey shops in the Middle East. The 29-nation Financial Action Task Force has played a particularly active role in coordinating efforts to identify and stop financial flows to terrorist organizations.

Nations bring their own experiences, concerns, and even policy differences to this effort. That is inevitable, and positive; the diversity and flexible nature of this unprecedented coalition is one of its strengths. But the unity and commitment of the coalition remains deep as well: everyone recognizes that, without concerted action, all nations remain vulnerable to terrorist attacks.

TERRORISM AND U.S. POLICY

The United States recognizes no such thing as "Islamic terrorism." The members of al Qaeda are simply terrorists and criminals, nothing more. They cynically seek to exploit Islam to disguise their murderous agenda, which is nothing less than an attack on the values of civilization and humanity itself.

Bin Laden and al Qaeda attempt to justify themselves by the words of Islam for the same reasons that they burrow into Afghan caves: to escape the wrath of the international community for their savage acts of mass killing. Just as they hijacked airplanes, they now seek to hijack a world religion.

Muslim leaders and clerics throughout the world have condemned the terrorist attacks as a perversion and betrayal of Islam. As just one example, a panel of independent Muslim scholars, including the prominent Qatar-based cleric Sheikh Yusuf al-Qaradawi, condemned the terrorist attacks and said that it is the duty of Muslims to bring the perpetrators to justice.





Above: U.S. Secretary of State Colin Powell (left) and Pakistani President Pervez Musharraf speak to the press after their meeting in Islamabad on October 16, 2001. Left: Indian Prime Minister Atal Bihari Vajpayee (center) and External Affairs Minister Jaswant Singh talk with Secretary Powell at the prime minister's residence in New Delhi on October 17, 2001.

Americans find the baseless charge that the United States is waging a war against Islam deeply offensive. This allegation, no matter how many times it is repeated, is not legitimate criticism of U.S. foreign policy, but a calculated lie. Millions of Americans are Muslims; freedom of speech and religion stand at the very core of America's identity. To suggest that the United States would attack another's religious faith is inconceivable. In this anti-terrorist campaign, the United States and its partners are upholding the values of tolerance, diversity, and freedom of faith — and battling against the fanaticism and hatred of organizations seeking to destroy those values.

For its part, the United States can point to its long and tireless record of seeking peace with security and justice for Israel and the Palestinians. The United States can also cite its indisputable record in defending Muslim populations and nations from invasion and ethnic cleansing — from Kuwait and Saudi Arabia in the Gulf to Bosnia and Kosovo in the Balkans.

COURAGE AND HOPE

Bin Laden and his band of killers offer nothing but pain and suffering to a world where they have consigned the world's billions of non-Muslims as "infidels" and labeled the vast majority of Muslims who abhor their words and deeds as "heretics." They cause death, but create nothing, and offer no future except for a nightmare of violence and evil.

In the end, their monument will be as lasting as a footprint in the desert.

The United States, with its coalition partners, will fight the sustained, unrelenting, multifaceted battle necessary to defeat global terrorism. Together with the world community, we will prevail.

But the United States also will not allow the shadow of terrorism to hijack its efforts to address other foreign policy challenges of the 21st century. As America and the world rebuild from the ashes of September 2001, the United States will continue to offer leadership and a vision of hope, stability, freedom, and economic opportunity for all peoples. ❑

"It would be a grave calamity when the followers of this phenomenon [terrorism] use religion as a camouflage, because true Islam stands innocent from all that. Its teachings stand aloft from people who believe in violence as a course of action and sabotage as a method and bloodshed as a way of reform."

— Sheikh Abdul-Rahman al-Sudais,
at the Grand Mosque, Mecca, Saudi Arabia
Reuters, September 28, 2001

Condemned in His Own Words



Osama bin Laden speaking in the October 7 videotape.

"God has blessed a group of vanguard Muslims, the forefront of Islam, to destroy America."

From videotaped statement broadcast by Al Jazeera, October 7, 2001

"We issue the following fatwa to all Muslims: The ruling to kill the Americans and their allies — civilians and military — is an individual duty for every Muslim who can do it in any country in which it is possible to do it....We — with God's help — call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it."

From World Islamic Front Statement, February 23, 1998

Before These Remarks, Bin Laden Was Innocent. However, Now He Is Condemned

— Faisal Salman, As-Safir, Lebanon, October 9, 2001

A Confession Is the Most Conclusive Piece of Evidence

— Al-Ra'i, Jordan, October 9, 2001

Misuse of the Palestinian Issue

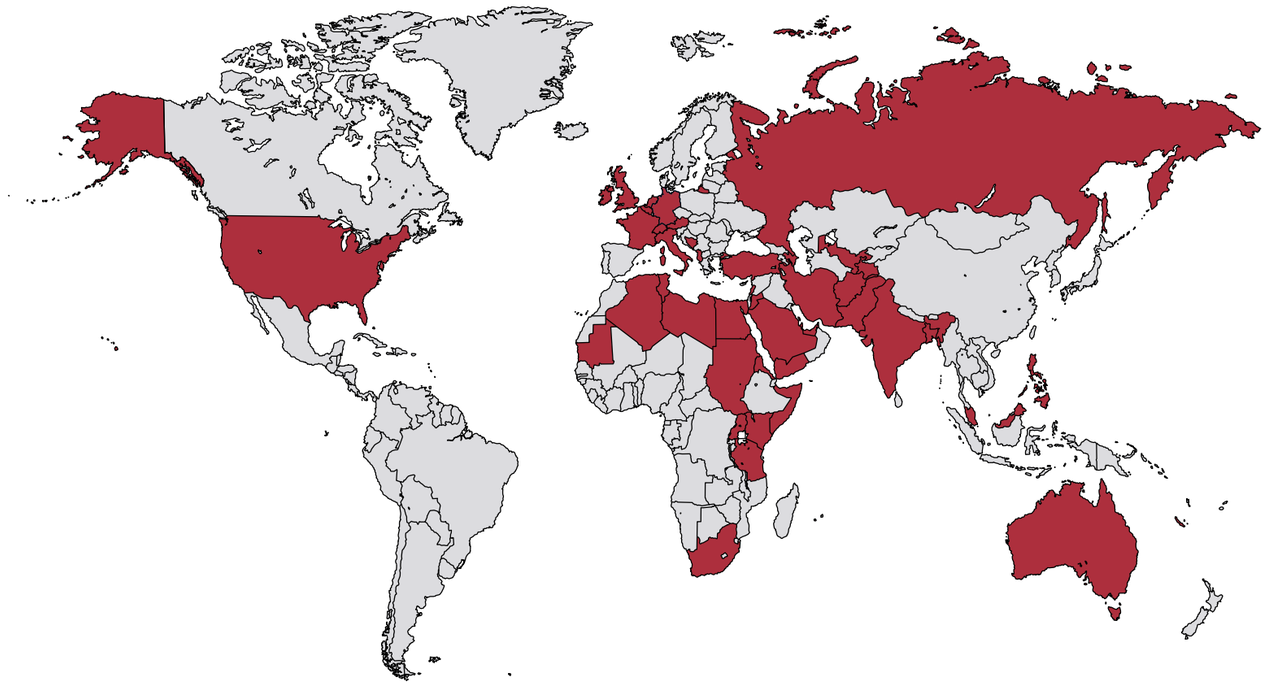
— Al-Ayyam, West Bank, October 9, 2001

Bin Laden Disturbs Us; However, He Doesn't Convince Us

— La Vie Economique, Morocco, October 12, 2001

Al Qaeda Is Not Authorized to Speak on Behalf of Muslims

— Akhbar Al-Arab, United Arab Emirates, October 15, 2001



COUNTRIES WHERE AL QAEDA OR AFFILIATED GROUPS HAVE OPERATED

Albania
Algeria
Afghanistan
Azerbaijan
Australia
Austria
Bahrain
Bangladesh
Belgium
Bosnia
Egypt
Eritrea
France
Germany
India
Iran
Ireland
Italy
Jordan
Kenya
Kosovo
Lebanon
Libya
Malaysia
Mauritania
Netherlands
Pakistan
Philippines
Qatar
Russia
Saudi Arabia
Somalia
South Africa
Sudan
Switzerland
Tajikistan
Tanzania
Tunisia
Turkey
Uganda
United Arab Emirates
United Kingdom
United States
Uzbekistan
Yemen

HUMANITARIAN AID TO AFGHANISTAN

After 22 years of war, three years of drought, and five years of Taliban misrule, Afghanistan is facing a major famine. The U.S. government is leading the international community in responding to this humanitarian crisis.

Afghanistan was the number one recipient of humanitarian assistance prior to September 11 — and remains so today. Last fiscal year, the United States provided nearly $180 million in aid. This year, President Bush has already announced $320 million in additional humanitarian assistance for the people of Afghanistan.

The United States has supplied more than 80 percent of all food aid for vulnerable Afghans through the United Nations' World Food Program, and will continue to be the lead donor.

The United States is using every available means — emergency shelter, clothing, and supplies; minimizing population movements; stabilizing food prices; and increasing food arriving by boat, plane, and truck from every border — to reduce the death rates among the Afghan people through the winter.

The U.S. Agency for International Development is beginning developmental relief efforts and long-term planning to help the Afghan people eventually resettle and rebuild, including programs to provide clean water, sanitation and irrigation systems, and seeds for next year's crops.

Providing humanitarian assistance is the right thing to do — and it benefits us all. Our work overseas helps stabilize vulnerable societies and prevent future conflicts. To eradicate terrorism, we must replace poverty and despair with hope and economic opportunities. ❑





Above: U.S. Air Force C-17 loadmasters inspect the aerial delivery system loaded with Humanitarian Daily Rations (HDRs) en route to a drop zone. The C-17s carry some 37,000 prepackaged meals per day to Afghan refugees inside the borders of Afghanistan.



Center: Pakistani and Afghan workers load a World Food Program (WFP) truck with wheat donated by the U.S. government at the WFP compound near Peshawar, Pakistan, on October 1, 2001. The trucks carried 1,000 tons of wheat to Kabul, Afghanistan. Left: Afghans in Kabul load food supplies from the WFP and the U.S. Agency for International Development onto a bicycle on October 2, 2001.

CURRENT U.S. FOOD SHIPMENTS TO THE AFGHAN PEOPLE

What is the level of crisis? Nearly half the population, 12 million people, are drought affected, 5 to 7 million will need food aid to make it through the winter, and 1.5 million are at serious risk of starvation. A food deficit of nearly 2 million metric tons existed in early October 2001. Food supplies may run out in some parts of the country and, according to an assessment team sent into the country in May 2001, famine has already started. According to the United Nations Food and Agriculture Organization (FAO), the country will produce only 10,000 of the 400,000 metric tons of seed that it will need for next year's planting. Afghanistan currently ranks last among all nations in the calories consumed per person and first in the number of women who die in childbirth.

What is the extent of the new U.S. aid effort? During the 12 months ending September 30, 2001, the U.S. government contributed nearly $180 million in humanitarian assistance for the Afghan people. In addition, President Bush has announced new aid of $320 million. The administration's goal is to get as much food as possible into the country as soon as possible, particularly to the central highlands of the Hindu Kush. This means doubling or more the amount of tonnage going in from about 29,000 metric tons per month to 52,000 metric tons.

Is the kind of food aid appropriate for the Afghan people? The Afghan people are used to eating flat bread made from wheat flour so about 90 percent of the food going in is wheat. Of the remaining 10 percent, 7 percent is lentils or beans needed to provide protein, and 3 percent is in vegetable oils necessary for a balanced meal. None of the rations contain any meat.

How will food get to the Afghan people? Food will be moved into the country by the World Food Program and nongovernmental organizations through every border of Afghanistan — through Iran, the Central Asian republics in the north, and Pakistan. If needed, airlifts of food will be used in remote areas affected by winter snows. To reduce the chances of looting and diversion of the food aid, large quantities will be stored in secure areas in the bordering countries.

Will the Afghan people know the food aid comes from the United States? We are printing "Gift of the People of the United States" in Pashto and Dari and a large U.S. flag on each bag of food. The United States also will implement a public information campaign so that the Afghan people know the aid is on the way. This will discourage further population movements and provide a check against diversion or manipulation of aid. ❑

A LONG AND DETERMINED COMMITMENT

SECRETARY OF DEFENSE DONALD RUMSFELD

"This war will not be waged by a grand alliance united for the single purpose of defeating an axis of hostile powers. Instead, it will involve floating coalitions of countries, which may change and evolve. Countries will have different roles and contribute in different ways. Some will provide diplomatic support, others financial, still others logistical and military. Some will help us publicly, while others, because of their circumstances, may help us privately and secretly. In this war, the mission will define the coalition — not the other way around."



Clockwise from top: U.S. Secretary of Defense Donald Rumsfeld (left) and NATO Secretary-General Lord Robertson (right) talk to the press after meeting at the Pentagon; flags of NATO's 19 member countries fly at half staff; President Bush (right) shakes hands with King Abdullah II of Jordan at the White House; President Bush and China's President Jiang Zemin meet in Shanghai; British Prime Minister Tony Blair (left) and President Bush meet with the press at the White House; Uzbekistan's Minister of Foreign Affairs, Abdulaziz Kamilov, at the Pentagon for a meeting with U.S. officials.

"The global reaction to the attacks should give us courage and hope that we can succeed in this fight. The sight of people gathering in cities in every part of the world from every religion to mourn — and to express solidarity with the people of the United States — proves more eloquently than any words that terrorism is not an issue that divides humanity, but one that unites it. We are in a moral struggle to fight an evil that is anathema to all faiths. Every state and every people has a part to play. This was an attack on humanity, and humanity must respond to it as one."

KOFI ANNAN, SECRETARY-GENERAL OF THE UNITED NATIONS, OCTOBER 1, 2001

"NATO Ambassadors this morning expressed their full support for the actions of the United States and the United Kingdom, which follow the appalling attacks perpetrated against the United States on 11 September 2001....The campaign to eradicate terrorism has reached a new stage. It will be pursued on many fronts with determination and with patience. The Alliance stands ready to play its role."

LORD ROBERTSON, SECRETARY-GENERAL OF NATO, OCTOBER 8, 2001

"Two weeks on from the attacks on the United States, it's clear to me that the coalition of support for firm action against those responsible is strengthening, not weakening....As the coalition builds and our preparations continue, the terrorists inside Afghanistan and the Taliban regime that harbors them should be in no doubt of the unity of the alliance built against them and our determination to do what is necessary to bring those responsible to account."

PRIME MINISTER TONY BLAIR OF GREAT BRITAIN, SEPTEMBER 25, 2001

"China and the United States are two countries with significant influence in the world. As such, we share common responsibility and interest in maintaining peace and security in the Asia Pacific and the world at large, promoting regional and global economic growth and prosperity, and working together with the rest of the international community to combat terrorism."

PRESIDENT JIANG ZEMIN OF CHINA, OCTOBER 19, 2001

"We have decided to be with the coalition in the fight against terrorism and whatever operation is going on in Afghanistan within the parameters — within the three parameters which have been enunciated — that is, the intelligence cooperation, use of air space, and logistical support. And to this extent we will certainly carry on cooperating as long as the operation lasts."

PRESIDENT PERVEZ MUSHARRAF OF PAKISTAN, OCTOBER 16, 2001

"We continue to hold that September 11 was an assault on freedom, on civilization, on democracy, and India's stand against terrorism — not simply starting from September 11, even before that — has been unequivocal, and we stand shoulder-to-shoulder with the international community and the United States of America in our battle against this global menace."

EXTERNAL AFFAIRS MINISTER JASWANT SINGH OF INDIA, OCTOBER 17, 2001

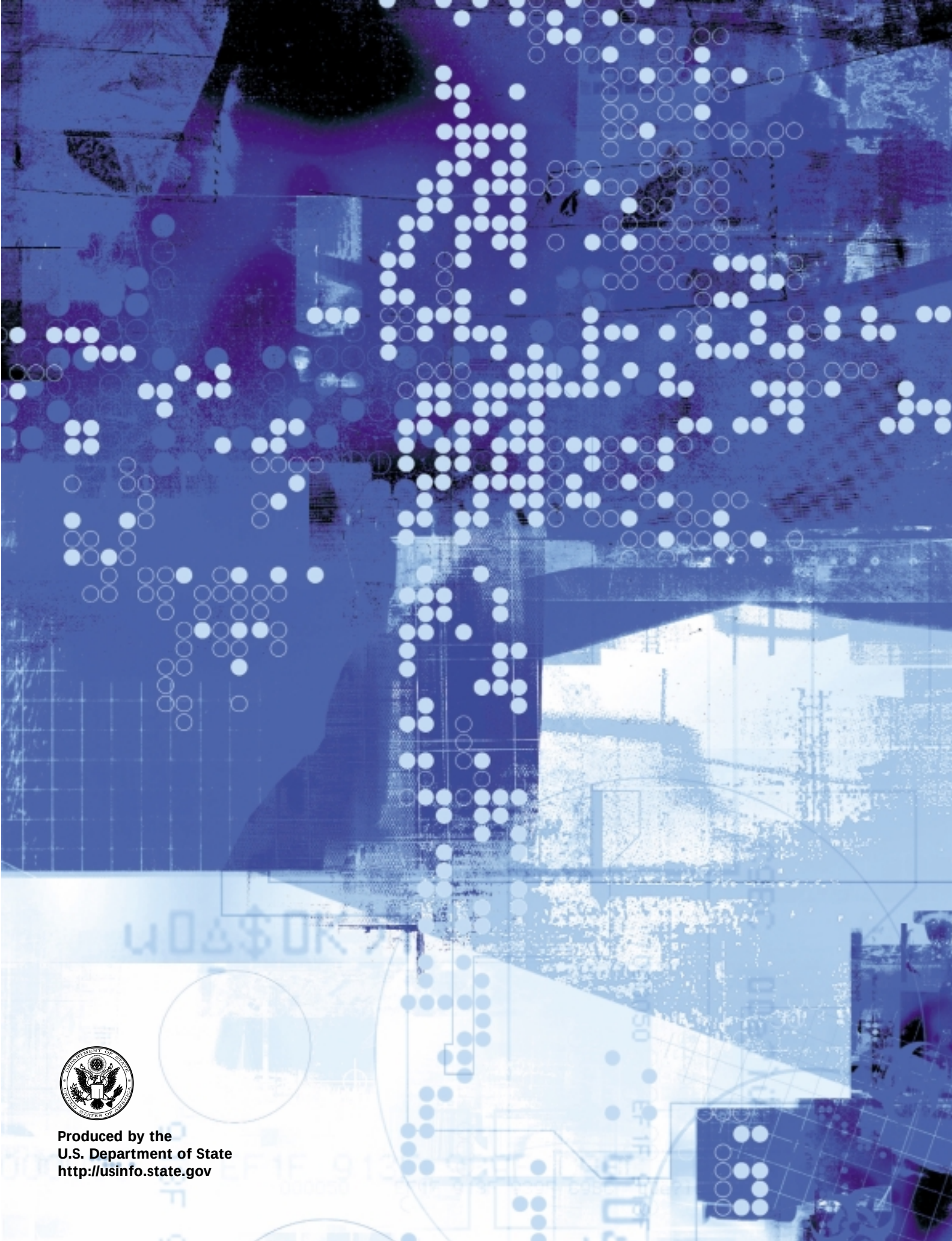
"It should be said that in the course of these three years, Uzbekistan has been witnessing the inhumane face of terror; therefore, we cannot afford standing aside, and we are taking part in this anti-terrorism operation that the international community called for."

PRESIDENT ISLAM KARIMOV OF UZBEKISTAN, OCTOBER 5, 2001

"The message I brought was a message of reiterating our condolences and reiterating our solidarity — the solidarity of the Egyptian people, president, and government with the United States — and our determination to work together in the fight against terrorism."

FOREIGN MINISTER AHMED MAHER OF EGYPT, SEPTEMBER 26, 2001

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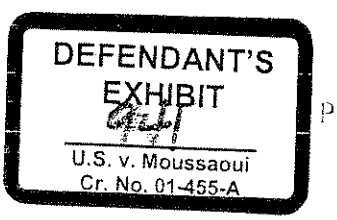
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SUBSTITUTION FOR THE TESTIMONY OF KHALID SHEIKH MOHAMMED

Khalid Sheikh Mohammed ("Sheikh Mohammed"), a.k.a. Mukhtar, was a high-ranking member of al Qaeda, who served as the "emir" or "mastermind" of the September 11, 2001, attacks. He was appointed to that role by Usama Bin Laden ("Bin Laden"). Sheikh Mohammed was intimately involved in the planning and execution of the September 11 attacks, as well as a central planner in al Qaeda's post-September 11 terrorist plots.

Sheikh Mohammed was captured in March 2003, and has been interrogated over the course of years on multiple occasions since his capture. None of the attorneys for either the prosecution or defense have been allowed access to Sheikh Mohammed, who is not available to testify either in person or by video for national security reasons. However, the lawyers have been given numerous written summaries of Sheikh Mohammed's oral statements made in response to extensive questioning.

Listed below are some of the statements Sheikh Mohammed made in response to questioning. You should assume that if Sheikh Mohammed were



available to testify in this courtroom under oath and subject to perjury he would have said what is contained in these statements.

Although you do not have the ability to see the witness's demeanor as he testifies, you must approach these statements with the understanding that they were made under circumstances designed to elicit truthful statements from the witness. In evaluating the truthfulness of these statements, you should consider all other evidence in this case, including all exhibits, regardless of which side may have produced the exhibit, and all other witness testimony including summarized statements of other enemy combatant witnesses, that tends to either corroborate or contradict the accuracy of this witness's statements. It is solely up to the jury to decide how much, if any, of any witness's testimony to credit.

Sheikh Mohammed's Role in Al-Qaeda and in the 9/11 Operation

1. Sheikh Mohammed described his role in the al Qaeda leadership. He said he was never a member of al Qaeda's Shura council. The highest position that he attained while in al Qaeda was Chief of External Operations, which was decreed in writing by Bin Laden four months before Sheikh Mohammed's arrest in March 2003.

2. In October 2000, Bin Laden appointed Sheikh Mohammed as head of all media operations for al Qaeda. He was also in charge of the 9/11 operation.

At that time, Muhammad Atif, aka Abu Hafs al-Masri, had overall responsibility for al Qaeda operations and was assisted by Sayf al-Adl.

Zacarias Moussaoui's Involvement in the 9/11 Operation

3. Sheikh Mohammed said that he intended for Moussaoui to participate in a follow-on attack in the U.S., unrelated to the 9/11 attacks.

4. KSM denied that Moussaoui ever had a 9/11 role, reiterating his previous statements that Moussaoui was intended for the second wave attacks. Sheikh Mohammed explained that Moussaoui was preparing for a second wave attack which entailed the same steps as the September 11 hijackers: getting flight lessons, purchasing knives, etc.

5. Sheikh Mohammed said that he was not even aware of Moussaoui's arrest until after 9/11. Sheikh Mohammed did not worry about not hearing from Moussaoui in the weeks before the 9/11 operation because Moussaoui was supposed to be in flight school and was not supposed to be in contact with him or anyone until after graduating. Sheikh Mohammed said that Moussaoui did not know Atta and there was never any contact between the two of them. Sheikh Mohammed pointed out that the 9/11 operation proceeded on schedule after Moussaoui's arrest, noting that if Moussaoui

was part of the plot, there should have been some disruption or change in plans.

Evolution of the 9/11 Operation

6. Sheikh Mohammed provided information on the evolution of his plot to hijack planes in the United States with suicide operatives. During 1994, he, Ramzi Yusif, Usama Asmurai aka Wali Khan and [A]bdul Hakim Murad worked on the Bojinka plot – the plan to explode in mid-air 12 U.S. commercial airline[r]s traveling either from or to U.S. destinations. This plot was disrupted in early 1995. Sheikh Mohammed traveled to Afghanistan in 1996 to convince Bin Laden to give him money and operatives so that he could hijack 10 planes in the U.S. to fly them into targets, with five targets on each coast of the United States. Bin Laden was not convinced of the practicality of the operation, but in either March or April 1999, Bin Laden changed his mind, and summoned Sheikh Mohammed to meet him in Qandahar, Afghanistan. Bin Laden told Sheikh Mohammed that he now thought the idea could work, and informed him that the operation now had al Qaeda's full support. Bin Laden immediately offered him four individuals as potential hijacker-suicide operatives: Walid Muhammad Salih Bin Atta[s]h [(a.k.a. "Khallad")]; Abu Bara al-Yamani,

Khalid al-Mihdhar [also spelled "Midhdar], and Nawaf al-Hazmi. After the proposed hijacking plot gained the approval of Bin Laden, Sheikh Mohammed and other senior al Qaeda members who were aware of the plot referred to it as the planes operation. Sheikh Mohammed estimated that it would take about two years to plan and execute.

7. Sheikh Mohammed said that he had to make his first major adjustment to his plan during the Spring and Summer of 1999 when he realized that [Walid] Bin Attash [(a.k.a. "Khallad")] and Abu Bara, who were both Yemenis, were unable to obtain U.S. visas. Sheikh Mohammed wanted these two operatives to be involved in the planes operation, as well as other Yemenis from Bin Laden's security detail, including al-Battar al-Yemeni. As a result, Sheikh Mohammed decided to split the planes operation into two parts to ensure that the Yemenis participated. The first part involved the United States. Sheikh Mohammed planned to send an as-yet undetermined number of operatives to the United States to hijack U.S.-flagged commercial airliners and crash them into targets within the United States. By mid-1999, al-Mihdhar and al-Hazmi, who already had U.S. visas, were already slated for that operation. The other part of the operation involved a smaller version of the Bojinka plot, and would involve

the Yemenis: operatives would hijack U.S.-flagged commercial airlines flying Pacific routes, and would explode them in mid-air instead of flying them into targets. By mid-1999, Bin Attash [(a.k.a. "Khallad")] and Abu Bara were slated for that portion of the planes operation . . . . In any case, the plan at this point was to have all planes in the United States and East Asia either explode or crash at roughly the same time, to maximize the psychological impact of the attack.

[I]n the spring of 2000 . . . Bin Laden cancelled the East Asia portion of the planes operation in April or May, claiming that it would be too difficult to synchronize the U.S. and East Asia portions of the operation.

8. For the September 11 operation, Sheikh Mohammed said that the initial plan called for crashing planes in southeast Asia at the same time as the attacks in New York and Washington, D.C. Saudis were primarily chosen for the attacks in the United States because they could easily travel there. Sheikh Mohammed wanted to use Yemeni operatives for the southeast Asia portion of the attacks because a person with a Yemeni passport could more easily travel to places like Hong Kong and Malaysia, allowing the Yemenis an opportunity for a martyrdom operation. Sheikh Mohammed said that, while he would have considered Yemenis for the attacks in the U.S., he noted that

Yemenis Walid Muhammad Salih Bin Attash aka "Khallad" and Bin al-Shibh tried to obtain U.S. visas but were denied. Sheikh Mohammed noted that Bin al-Shibh was living in Germany when he tried to obtain a U.S. Visa but was still denied.

9. Sheikh Mohammed dispatched Bin Attash [(a.k.a. "Khallad")] to southeast Asia in December 1999 to observe security measures on U.S. carrier's east Asian travel routes in preparation for this operation. When Bin Attash [(a.k.a. "Khallad")] returned, he reported that airline security officials had questioned and searched him thoroughly, but since Sheikh Mohammed was not planning to have operatives smuggle weapons on board the flight, he did not believe this scrutiny would pose a problem for the operation.

10. Sheikh Mohammed stated that in January 2000, the four operatives involved in the planes operation flew to Kuala Lumpur, Malaysia. Khallad, al-Hazmi, and Abu Bara flew from Karachi, whereas al-Mihdhar flew from Yemen and joined them there. Khallad's and Abu Bara's mission in East Asia was to ride a U.S.-flagged commercial airliner to gain familiarity with riding on U.S. planes . . .. Sheikh Mohammed stressed at this point in the planes operation, all four operatives only knew that they had volunteered for a martyrdom operation involving planes; al-Midhdar and al-Hazmi knew

that they would be involved in an operation somewhere in the United States, whereas Khallad and Abu Bara knew they would be involved in an operation somewhere in East Asia.

11. Sheikh Mohammed admitted that the four operatives were in contact with Hambali [a.k.a. "Riduan Bin Isomuddin"] during the visit to Kuala Lumpur, but only because Hambali as a rule had to be informed of the activities of al Qaeda operatives in Southeast Asia. Sheikh Mohammed claimed that he only began to consider recruiting JI operatives for inclusion in hijacking operations as part of his second wave hijacking attacks, to occur after the September 11 attacks. Sheikh Mohammed stated that he began to consider the use of JI operatives in either late 2000 or early 2001. [The parties stipulate that Hambali was the operational leader of a Southeast Asian terrorist organization known as the Jemaah Islamiya (JI) which has a goal of establishing a radical Islamic state in Southeast Asia. JI and al Qaeda coordinated some terrorist plans, including the training of JI members in al Qaeda's Afghanistan training camps.]

12. Sheikh Mohammed claimed that it was his idea that al-Mihdhar and al-Hazmi should reside in San Diego, CA, after arriving in Los Angeles, CA, on January 15, 2000. Sheikh Mohammed told al-Mihdhar and

al-Hazmi, both of whom barely spoke English, to enroll in an English-language course and then, once their English was satisfactory, to enroll in a flight school. San Diego, according to Sheikh Mohammed's research, had several English-language and flight schools. . . . Sheikh Mohammed claimed that there was no al Qaeda operative or facilitator in the United States to help al-Midhdar and al-Hazmi settle in the United States. Sheikh Mohammed also denied that al-Midhdar and al-Hazmi were engaged in casing activity while in San Diego, given that they barely knew how to function in U.S. society.

13. The next major change in the planes operation occurred in the spring of 2000 after Khallad and Abu Bara returned to Karachi. Bin Laden canceled the East Asia portion of the planes operation in April or May, claiming that it would be too difficult to synchronize the U.S. and East Asia portions of the operation. Khallad and Abu Bara remained under Sheikh Mohammed's operational control, and Khallad helped Sheikh Mohammed keep in contact with al-Hazmi in the U.S. via internet chat. Sheikh Mohammed also was in direct internet chat with al-Hazmi during 2000. After the bombing of the U.S.S. Cole in October 2000, Sheikh Mohammed transferred Khallad and Abu Bara to the control of al-Nashiri, the key operative in charge of the

U.S.S. Cole bombing, so that they could be involved in future plotting in the Persian Gulf Area.

14. According to Sheikh Mohammed, he was happy that Bin Laden assigned him to the 9/11 operation because he had proposed a similar operation to Bin Laden 4 years earlier in 1996, immediately after Bin Laden 's arrival from Sudan to Tora Bora. Sheikh Mohammed thought the operation was easy. He suggest[ed] at the time that they send mujahidin to study in the flight institutes and use large planes, such as a Boeing 747-400 or larger, not small planes. Sheikh Mohammed did not like to depend on the military training that was given in Afghanistan because he considered it impractical. Sheikh Mohammed thought simplicity was the key to success. Sheikh Mohammed did not like using codes in routine messages or e-mails. He asked the operatives to be normal to the maximum extent possible in their dealings, to keep the tone of their letters educational, social, or commercial, and to keep the calls short. He gave Atta enough authority that he would not need to consult with them frequently, and would be the decision maker. Sheikh Mohammed forbade the operatives from contacting Pakistan for any reason. Furthermore, they removed all Pakistani stamps or visas from the passports. Atta had taken a training session in this and had mastered it.

Purpose of the 9/11 Attacks

15. Sheikh Mohammed said that the purpose of the attack on the Twin Towers was to "wake the American people up." Sheikh Mohammed said that if the target would have been strictly military or government, the American people would not focus on the atrocities that America is committing by supporting Israel against the Palestinian people and America's self-serving foreign policy that corrupts Arab governments and leads to further exploitation of the Arab/Muslim peoples.

Selection of Targets for the 9/11 Operation

16. In 1998, Bin Laden publicly declared war against the United States. It was at this time that Bin Laden raised Sheikh Mohammed's idea with Muhammad Atif aka Abu Hafs al-Masri. Bin Laden requested a meeting with Sheikh Mohammed in Qandahar, Afghanistan, during which he specifically requested Sheikh Mohammed's assistance in developing an operation designed to drive aircraft into targets. Sheikh Mohammed agreed to head up the operation, and at Bin Laden's request, he moved his family to Qandahar and became a member of al Qaeda.

17. During Sheikh Mohammed's first targeting meeting, Bin Laden discussed operational concepts with him in general terms. Sheikh Mohammed

believes that Abu Hafs was present during this meeting. Bin Laden expressed his desire to simultaneously hit the Pentagon, White House, and U.S. Capitol building, and had Nawaf al-Hazmi and Khalid al-Mihdhar in mind for the operation. He was hopeful that Sheikh Mohammed would be able to identify additional pilots from the Persian Gulf region based on his connections there. Sheikh Mohammed noted that at that point, Mohammad Atta's group had not yet been identified.

18. According to Sheikh Mohammed, when Atta was identified as an operative, Bin Laden held another meeting in Qandahar to discuss which targets would be hit. Bin Laden, Atta, Abu Hafs, and Sheikh Mohammed were all present. Sheikh Mohammed explained that, at that time, Hani Hanjour, the fourth pilot, had not yet been identified. The group, therefore, worked under the assumption that only three targets would be hit, and Bin Laden indicated that he wanted to hit a military, political, and economic target. Sheikh Mohammed had many targets in mind from his work in the early 1990s with Ramzi Yusif, and during the meeting, dozens of possible targets were discussed, including the World Trade Center, a nuclear reactor, the Empire State Building, a foreign embassy in Washington, D.C., and the headquarters of both the CIA and the FBI. While the group also believed a

location in the U.S. with a large Jewish population would be of interest, no specific targets there were discussed. Generally speaking, Sheikh Mohammed said that large buildings in the United States were considered to be especially vulnerable to attack and easy to hit.

19. Sheikh Mohammed said that before Sheikh Mohammed departed from Afghanistan, Bin Laden presented Sheikh Mohammed with a list of targets, which Sheikh Mohammed conveyed to Atta. Atta then compiled a list of preliminary targets. Bin Laden told Atta that Atta must hit both towers of the WTC, the Pentagon, and the U.S. Capitol, but that additional targets from which Atta could choose included the White House, the Sears Tower, and a foreign embassy in Washington. Following this conversation, Atta used a computer program to locate a nuclear power generating plant in Pennsylvania, which Bin Laden agreed to add to the list.

20. Sheikh Mohammed said that the plane that crashed into the field in Pennsylvania was targeted at the Capitol building (Congress and Senate). Sheikh Mohammed said that the CIA headquarters was not a target since it was Ramzi Yousef's operation and this target was compromised when Yousef was arrested.

21. Sheikh Mohammed said that New York was definitely the economic capital of the U.S. and, thus, was always the first target on his mind. After the 1993 attack on the World Trade Center, Sheikh Mohammed decided that explosives and bombs could be problematic so he focused on using airplanes as weapons. The most attractive targets were high buildings, both for their relative ease of targeting, as well as for the symbolic impact.

22. Sheikh Mohammed said that targets that were not included in the 9/11 attacks were to be carried forward to the next operation, and that the original plan called for Moussaoui to lead the next attack operation in the U.S. Sheikh Mohammed insisted that Moussaoui was not included in the list of potential pilots for Atta's attacks, and that the original list of potential targets was restricted to four or five even though Atta had a list of eight potential targets. Sheikh Mohammed provided other possible targets for al Qaeda operations.

23. Sheikh Mohammed asserted that the targets that were not included in the 9/11 attacks were to be carried forward to the next operation. Several targets were listed that were not attacked that included the White House, the U.S. Capitol, a foreign embassy, the Sears Tower, and a Nuclear Power Plant in Pennsylvania. Sheikh Mohammed also indicated that other U.S.

targets had been considered by al Qaeda to include an unidentified bridge in San Francisco or San Mateo, California.

Deployment of Nawaf al-Hazmi and Khalid al-Mihdar to the U.S.

24. September 11 hijackers Nawaf Al-[Hazmi] and Khalid al-Mihdar were selected by Bin Laden to participate in the operation. They had acquired U.S. visa[s] on their own accord in 1999 following the martyr death of their friend Hazam in the 1998 bombing of the U.S. Embassy in Nairobi, Kenya. They decided to obtain U.S. visas prior to traveling to Afghanistan to make themselves more attractive for any possible operation in the United States. Neither al-[Hazmi] or al-Mihdar were aware of the September 11 operation prior to getting the visas, nor were they directed by Bin Laden, Sheikh Mohammed, or any other al Qaeda operative to do so.

25. Sheikh Mohammed said that he gave al-Hazmi and al-Mihdhar approximately U.S. $8,000 each for their travel to California. Sheikh Mohammed added that al-Hazmi and al-Mihdar got additional funds when they met with Atta. Sheikh Mohammed explained that he gave them the funds while they were in Afghanistan, and no money was transferred to them in Malaysia.

26. Sheikh Mohammed discussed the preparations to deploy 9/11 hijackers Nawaf al-Hazmi and Khalid Al-Mihdhar to the U.S. Before their deployment, the two were told that they were being sent to the U.S. for flight training. Sheikh Mohammed explained to them that the flight training was in preparation for their participation in a martyr operation in which aircraft would be flown into unspecified targets. The two were not provided with the specific targets of the operation. Sheikh Mohammed clarified that the exact targets had not yet been decided upon, and that, at the time of the duo's travel to the U.S., even Sheikh Mohammed did not know what the final targets of the operation would be.

27. Before sending Hazmi to the U.S., Sheikh Mohammed provided him with training in basic survival skills. Sheikh Mohammed's primary concern in using Hazmi for the 9/11 operation was that Hazmi's English was very weak; however, he stated that there was not much he could do in the matter, as Hazmi had a U.S. visa, which was relatively rare among the mujahidin. Sheikh Mohammed spent a significant amount of time reviewing with Hazmi the timetables of the U.S. airlines that were eventually used in the operation.

28. Sheikh Mohammed said that he sent Khalid al-Midhar and Nawaf al-Hazmi to San Diego because he intended to send those two to the West Coast of the U.S. from Asia. Sheikh Mohammed purchased San Diego yellow and white pages at a market in Karachi and he noted from those directories that San Diego had many local flight schools and English language schools. Those directories were also useful for locating commercial institutions, mosques, apartment complexes, and fellow Muslims to whom the hijackers might contact for help (for example, about where to rent an apartment or find halal restaurants or grocery stores).

29. Al-Midhar and al-Hazmi were poorly prepared for their entry into the U.S.. Al-Hazmi barely spoke English and al-Midhar spoke no English. Al Qaeda had no one in California to help the two.

30. Sheikh Mohammed stated that he did not know Mihdhar at that time, explaining that Mihdhar was chosen personally for the operation by Bin Laden. Sheikh Mohammed asserted that aptitude was not taken into account in selecting the potential 9/11 pilots. He explained that he and Bin Laden never considered whether any special skills or talents were needed to learn how to pilot an aircraft. They believed that learning to fly an airplane was much like learning to drive a car; it was easily accomplished with the

correct instruction. Like Hazmi, Mihdhar was chosen for the operation because he arrived in Afghanistan with a U.S. visa in his passport.

31. Sheikh Mohammed asked a great deal of al-Hazmi and al-Midhar, in whom he had only middling confidence, because of their lack of English and exposure to the West. The only reason they were involved in the 9/11 plot was because they had visas and because Bin Laden told Sheikh Mohammed that Bin Laden wanted the two to go on the operation. Because of their deficiencies, Sheikh Mohammed permitted al-Hazmi and al-Midhar, unlike the other 9/11 hijackers, to go to the local mosque to request assistance and advice on functioning in American society, and Sheikh Mohammed allowed the two, unlike the other hijackers, to contact him directly via internet chat in case they had urgent questions.

32. Sheikh Mohammed said that he decided that Hazmi and Mihdhar would spend the first few months of their time in California because it was their entry point into the U.S. It also had the added benefit that it was far from the region where, it was assumed, that the attacks would eventually take place.

33. Sheikh Mohammed instructed the two to spend time visiting museums and amusement parks in San Diego to help establish the appearance that they

were in the city partly for tourism. Sheikh Mohammed also instructed them to enroll in English language classes before they began flight training.

34. Hazmi and Mihdhar unsuccessfully tried to enroll in language school in California, which concerned Sheikh Mohammed. Regarding their inability to complete flight training, Sheikh Mohammed explained that, while he was surprised by this, it had no real negative effect on his operational planning. He explained that the planning for the 9/11 operation was undertaken in steps, and that the entire plan was not set from the beginning. He stated, therefore, that he simply made minor adjustments to the plan from that time on. For example, Sheikh Mohammed explained those subsequently chosen as pilots, such as Atta, Ziad Jarrah, and Marwan al-Shehhi, had scientific and engineering backgrounds, and were, therefore, better suited for enrollment in flight school. Sheikh Mohammed added that Hani Hanjour came to Afghanistan already having a background in flight training and that, as a result, Bin Laden sent him directly to Sheikh Mohammed for inclusion in the 9/11 project. Sheikh Mohammed stated that the early mishap with Hazmi and Mihdhar was a mistake in judgment on his part, based on his assumption that anyone could learn to fly with the proper training. Sheikh Mohammed decided that Hazmi would be paired with Hanjour, and based

his decision on the fact that they were both from the Makkah, Saudi Arabia area, and could, therefore, be relied upon to work well together.

35. According to Sheikh Mohammed, Khalid Al-Mihdhar, without discussion with Sheikh Mohammed, decided to travel to Yemen to visit his family upon expiration of his U.S. visa in June 2000. Mihdhar was bored in the U.S., having been relatively unsuccessful in fulfilling his mission and, since he had not overstayed his visa, was confident that he would be able to obtain another visa.

36. Mihdhar stayed in Yemen with his family for approximately one month and then traveled to Afghanistan to meet with Sheikh Mohammed. Sheikh Mohammed immediately expressed his displeasure with Mihdhar having left the U.S. without permission and that he had left Hazmi alone in the U.S. Sheikh Mohammed said he told Mihdhar that he would not likely return to the U.S. but Bin Laden interceded into the disagreement and instructed Sheikh Mohammed to allow Mihdhar to return to the U.S. to continue his work.

37. Mihdhar also gave a general report to Sheikh Mohammed, telling him of their problems with enrolling in language schools and that they believed they were surveilled from Thailand to the U.S. Sheikh Mohammed began

having doubts about whether the two would be able to fulfill their mission in the U.S.

38. Sheikh Mohammed acknowledged that he did instruct Bin Attash [(a.k.a. "Khallad")] to contact al-Mihdhar in Yemen to summon him back to Afghanistan following al-Mihdhar's June 2000 unauthorized departure from the U.S. Al-Mihdhar had returned to Yemen to visit his wife. Sheikh Mohammed was upset at al-Mihdhar for leaving the U.S. and was prepared to exclude al-Mihdhar from the 9/11 operation; however, Bin Laden subsequently decided to reinstate al-Mihdhar.

The Pilots and the Muscle Hijackers

39. Sheikh Mohammed said that details of the 9/11 operation were kept strictly compartmented, with knowledge of specific targets, timing, operatives, and methods of attack limited to Sheikh Mohammed, Bin Laden, Muhammad Atif, and a few senior hijackers. Many senior and low-level figures were aware that Sheikh Mohammed was preparing operatives for travel to the U.S., leading some to conclude that al Qaeda was planning a near-term attack on U.S. territory, but none were aware of the precise targets or method of attack. Sayf al-Adl was particularly interested in the hijackers'

training and travel and was the one most likely to have picked up details of the plot, but he had not been briefed on the operation before hand.

40. Other operatives tended to over-scrutinize Sheikh Mohammed's activities for potential clues to the attack's timing.

41. At some point during Atta's training, Bin Laden decided that Atta would be the "emir" of the hijackers in the U.S., with al-Hazmi serving as Atta's deputy. Bin Laden and Abu Hafs had originally considered [Ramzi Bin al-Shibh] as the "emir," because he had been the leader of the "German Cell" when it arrived in Afghanistan, and also because Bin al-Shibh seemed to have leadership talent and had ties to unknown Islamic brotherhood organizations in the Middle East and/or Europe. Sheikh Mohammed claimed that he played no role in Atta's selection as "emir." Sheikh Mohammed recalled that Atta was a good operative. Atta had extensive exposure to the West, worked hard, and learned quickly. Atta, Bin al-Shibh, and other associates from Germany – Marwan al- Shehhi and Ziad Jarrah – after arriving in Afghanistan had expressed a desire to fight the Northern Alliance in Afghanistan, but Bin Laden insisted that they instead proceed as soon as possible to the U.S. Atta first came to Afghanistan in late 1999 and had not been to Afghanistan before that time.

42. Sheikh Mohammed met Hani Hanjour for the first time in September or October 2000, before the U.S.S. Cole bombing. Hanjour had just arrived in Afghanistan and had been at the al-Faruq camp for two weeks when he was urgently directed to report to Sheikh Mohammed. Sheikh Mohammed was in Karachi at that time and Hanjour presented a letter from Abu Hafs indicating that Hanjour was a trained pilot and should be sent to the U.S. along with the other 9/11 operatives. Sheikh Mohammed gave 2-3 days worth of training to Hanjour, including how to encode communications and apply for a visa. Hanjour was relatively easy to instruct because he already had pilot training and had already lived in the U.S. According to Sheikh Mohammed, Hanjour was one of the best-prepared operatives sent by Sheikh Mohammed to the U.S. Before Hanjour left Karachi, Sheikh Mohammed told him that he (Sheikh Mohammed) wanted Hanjour to pilot the plane that would strike the Pentagon. Sheikh Mohammed wanted the hijackers to strike the Pentagon and, given that the Pentagon would be a tough target because it is not a tall building, Sheikh Mohammed figured that Hanjour would be the best qualified of the pilots. Sheikh Mohammed sent Hanjour first to Saudi Arabia to obtain a new passport with a U.S. visa, and

directed him to then travel to the UAE to meet al-Hawsawi. Al-Hawsawi provided him with funds to travel to the U.S.

43. Sheikh Mohammed identified the 34 individuals who were participants in the 9/11 hijackings, in addition to himself. Sheikh Mohammed broke down the names into six groups, organized by the degree of their knowledge of the details of the operation.

44. The first group [was] fully aware of the operation's details and comprised five individuals: Bin Laden, Muhammed Atif, Sheikh Mohammed, Bin al-Shibh, and Abu Turab al-Urduni. Bin Laden, Atif, and Sheikh Mohammed were the principle decision-makers of the operation. Bin al-Shibh had full knowledge because he was a would-be hijacker early in the plot and then served as a communications link between Atta and Sheikh Mohammed. Abu Turab al-Urduni, a Jordanian with long experience in al-Qaeda, had full knowledge because of his job as trainer of ten of the "muscle" hijackers at the al-Matar complex during late 2000 – early 2001. Abu Turab trained them in conducting hijackings, disarming air marshals, explosives, body-building, and basic English words and phrases. At al-Faruq camp, abu Turab also had each hijacker butcher a sheep and camel with a Swiss knife to prepare them for using their knives during the hijackings. Abu Turab, in

consultation with Sheikh Mohammed, instructed the muscle hijackers to focus on seizing the cockpit first and then worry about seizing control over the rest of the plane. The hijackers were told to storm the cockpit at the moment that the pilot cabin door opened, and to avoid trying to break down the door if necessary. Abu Turab also trained the hijackers in truck bombing, blowing up buildings, and hijacking trains to muddy somewhat the real purpose of their training in case they were caught while in transit to the U.S.

45. The next group comprised those 9/11 hijackers who knew the details of the plot from the point of their recruitment by Bin Laden and Atif. These six hijackers were: Atta, Marwan al-Shehhi, Hani Hanjour, Ziad Jarrah, Nawaf al-Hazmi, and Khalid al-Mihdhar. This group includes the four hijacker pilots and al-Hazmi and al-Mihdhar who were "muscle" hijackers.

46. The third group, numbering 13, comprised the rest of the hijackers, all of whom were "muscle" hijackers. They did not learn the full details of the operation, including the fact that the planes that they hijacked [would] be flown into buildings, until they reached the U.S. in the Spring and early Summer of 2001.

47. The fourth group, numbering four, consisted of operatives who handled logistical, financial, and some training aspects of the operation. They knew they were involved in the al Qaeda operation against the U.S. but that was the extent of their knowledge. Mustafa Ahmed al-Hawsawi [al-Hawsawi] and Ammar al-Baluchi [Ammar] served as key travel and financial facilitators for the hijackers. According to Sheikh Mohammed, al-Baluchi may have guessed that the operation involved planes, because Sheikh Mohammed at one point in 2000 requested that al-Baluchi send him a CD-ROM and Videos on Boeing Commercial jets. Abd al-Rahim Ghulam Rabbani, aka abu Rahmah, helped several of the hijackers transit Pakistan on their way to Afghanistan and back again.

48. The fifth group, consisting of seven individuals, were candidate muscle hijackers. They, along with Bin al-Shibh, were the eight would-be hijackers who never made it to the U.S. They knew that they were involved in a martyrdom operation and that it involved traveling to the U.S., but they never learned the real purpose of the operation until after the 9/11 attacks.

49. Sheikh Mohammed claimed that he wanted to get as many muscle hijackers as possible to the U.S. to enhance the odds for a successful hijacking, even if there were as many as six or seven hijackers or more per flight. There

were four muscle hijackers for three planes and three muscle hijackers for the fourth plane because that was the maximum number of operatives that Sheikh Mohammed was able to find and send to the U.S. before 9/11.

The 9/11 Operation Decisionmakers

50. Sheikh Mohammed said that all decisions on the targets originated with Bin Laden and Abu Hafs al Masri, aka Muhammad Atif. Sheikh Mohammed believed the initial decision to stage a 9/11 attack was made in the spring of 1999. The idea of using planes as missiles originated with himself and Ramzi Youssef who discussed the idea during planning for the Bojinka operation, but Sheikh Mohammed said the concept never moved beyond the idea stage while they were working on Bojinka.

51. Sheikh Mohammed said he learned of the decision to move forward with the plan to use planes as missiles to attack the U.S. when Bin Laden appointed him as head of operations and training for the operation in spring 1999. At that point, Sheikh Mohammed worked with Bin Laden and Abu Hafs to develop the initial target ideas. No other al Qaeda members were really involved in the decision to use planes to attack the U.S. or in the initial selection of targets. All other members learned of the plan in varying levels of detail when they became personally involved in the plo[t]. Each of the

pilots was informed of the details of the planned attack when they agreed to participate. Nawaf al-Hazmi and Khalid al-Mihdhar, who were the first members chosen to participate in the operation, learned the planned method of attack in October or November 1999 when Bin Laden told them to travel to the U.S. and study to become pilots. The Hamburg cell, Atta, al-Shehhi, Jarrah, and Bin al-Shibh, learned the details of the method of attack and the planned targets when they were chosen to be pilots in late 1999 or early 2000. Similarly, Hani Hanjour was informed of all these details when he was chosen as a pilot.

52. Sheikh Mohammed stated that none of the chosen muscle hijackers was directly informed of the method of attack or the targets.

53. The final decisions to hit which target with which plane was entirely in the hands of the pilots. Atta informed Bin al-Shibh in July 2001 when they met in Spain of the intended targets, after which Bin al-Shibh informed Sheikh Mohammed. The final pilot selection of targets was made by Atta, Shehhi, Hanjour, Jarrah, and Hazmi.

54. Sheikh Mohammed said it was also through Binalshibh that Sheikh Mohammed learned that Atta had all selections and assignments finalized in late August 2001. The muscle hijackers were not informed of the targets or

complete operational plan until Atta had everything finalized in August 2001. Sheikh Mohammed received this information through Bin al-Shibh.

55. In the 9/11 attacks . . . five of the operatives – Atta, Jarrah, al-Shehhi, Hanjour and Nawaf al-Hazmi – conducted the needed surveillance and preparation, such as purchasing and coordinating tickets. The other 14 operatives were kept separate from that and were only involved in the operation as late as possible in the process.

56. Sheikh Mohammed stated that he was usually compelled to do whatever Bin Laden wanted with respect to operatives for the September 11 operation. That said, Sheikh Mohammed noted that he disobeyed Bin Laden on several occasions by taking operatives assigned to him by Bin Laden and using them how he best saw fit.

Ramzi Bin al-Shibh and Mustafa Ahmed al-Hawsawi

57. Ramzi Bin al-Shibh . . . was a member of the German cell that included 9/11 pilot/hijackers Atta, Marwan al-Shehhi, and Ziad Jarrah. Bin al-Shibh was supposed to travel to the U.S. to become a pilot, but was unable to obtain a U.S. visa, despite three attempts.

58. Bin al-Shibh was the primary communications link with the 9/11 operatives.

59. Sheikh Mohammed placed individuals like Bin al-Shibh and al-Hawsawi into the category of communication and finance, and commented that these individuals were largely responsible for facilitating communication and for financing operatives selected for an attack.

60. Sheikh Mohammed stated that Mustafa Ahmed al-Hawsawi was his point of contact in the UAE while Sheikh Mohammed was planning the 9/11 attacks.

61. All of Sheikh Mohammed's knowledge about the pilots came through Bin al-Shibh or al-Hawsawi who were the main contacts for the operatives while they were in the U.S.. Sheikh Mohammed had no specific knowledge of where Atta, al-Shehhi, and Jarrah went for their pilot training. The only location discussed before the pilots' journey to the U.S. was Florida, when, as a group, Sheikh Mohammed and the pilots looked at information on schools there. But Sheikh Mohammed said their discussion was minimal and the pilots were to conduct thorough research once they returned to Germany.

Notification of the Date for the 9/11 Attacks

62. Sheikh Mohammed stated that he learned of the impending date of the hijackings via courier, as opposed to telephone or e-mail. Zakariya Essabar, an associate of Bin al-Shibh in Germany, arrived in Afghanistan in late

August 2001 and provided Sheikh Mohammed with a letter from Bin al-Shibh informing him of the date.

63. After the final details of the plot solidified in late August, Bin Laden notified the al Qaeda Shura council that a major attack against unspecified U.S. interests was scheduled to take place over the coming weeks, but he did not reveal additional details.

64. During the summer, Bin Laden made several remarks vaguely hinting at an upcoming attack, which generated rumors throughout the worldwide jihadist community. Bin Laden informed high-level visitors to expect a major near-term attack against U.S. interests, and, during a speech at the al-Faruq camp, he urged trainees to pray for the success of a major operation involving 20 martyrs. Sheikh Mohammed and Abu Hafs were concerned about this lack of discretion and urged Bin Laden not to make additional comments about the plot.

65. On three instances, Sheikh Mohammed withstood pressure from Bin Laden to launch the operation earlier than planned. The first time was in the spring of 2000, shortly after Atta and the other pilot/hijackers had arrived in the U.S. . . . Bin Laden also pressured Sheikh Mohammed twice during the Spring of 2001 to launch the attacks early. Bin Laden wanted to attack on

May 12, 2001, exactly seven months after the bombing of the U.S.S. Cole in Yemen. The second time was in either June or July 2001 because Bin Laden had learned from media reports that [Ariel] Sharon [(the Israeli Prime Minister)] would be visiting the White House. On both occasions, Sheikh Mohammed was able to withstand Bin Laden's pressure by asserting that his hijacking team was not ready yet.

The Hijackers Travel Through Dubai, UAE

66. The hijackers traveled to the U.S. via Dubai, where they met with Mustafa Ahmed al-Hawsawi ("al-Hawsawi") and received final instructions on security and were informed that they had been selected to participate in a suicide hijacking operation of U.S. aircraft. The distribution of the hijacking teams was decided by Atta who communicated that information to al-Hawsawi. Al-Hawsawi coordinated the arrival in the U.S. of the various team members. Upon their arrival in the U.S., the hijackers were contacted by the pilot of their respective flight and given instructions.

Al-Qaeda Operatives Who Were Unsuccessful in Joining the 9/11 Operation

67. Sheikh Mohammed identified additional individuals who were intended to participate in the 9/11 attacks but, for various reasons, were unsuccessful in gaining entry into the U.S. As a result, the 9/11 operation was left with only

19 operatives. Regardless of the shortcomings, the determination was made to proceed as planned, since an adequate number of hijackers had been successful.

68. One of these additional individuals was Abd Al-Rahman Al-Janubi (Muhammad Mani' Ahmad Sha'Lan Al-Qahtani): Sheikh Mohammed said this was another operative who came into the operation very late, commenting that Al-Qahtani is an extremely simple man. Zubayr Al-Ha'ili had originally told Sheikh Mohammed that Al-Qahtani was suitable for a martyrdom operation, and Zubayr went directly to Bin Laden about Al-Qahtani. Bin Laden, acting on Zubayr's recommendation, presented Al-Qahtani to Sheikh Mohammed as a candidate for the 9/11 operation. Sheikh Mohammed sent Al-Qahtani to al-Hawsawi in Dubai, where al-Hawsawi was to make specific arrangements for sending Al-Qahtani to the U.S. in coordination with the hijackers already in place. Sheikh Mohammed denied that others had traveled with Al-Qahtani to the U.S., explaining that Al-Qahtani was sent alone to round out the number of hijackers for the 9/11 attacks. Following his deportation, Al-Qahtani returned to Pakistan and eventually met up with Sheikh Mohammed in Qandahar.

69. Al-Qahtani was selected by Bin Laden or Abu Hafs Al-Masri for the 9/11 operation, but he possessed no operational or basic knowledge that would qualify him for such an operation. When Sheikh Mohammed tasked Al-Qahtani to obtain a U.S., Swiss, French, Italian, or Australian visa, Sheikh Mohammed needed to explain the existence of visa regimes to Al-Qahtani. Al-Qahtani also had difficulties with codes. When Al-Qahtani attempted to enter the U.S. to participate in the 9/11 operation and failed to pass through U.S. Customs and Immigration, which resulted in his deportation from Orlando, Fla., Sheikh Mohammed decided that he had no further use or patience with Al-Qahtani.

70. Sheikh Mohammed said that al-Hawsawi provided money to Al-Qahtani in Dubai, UAE, for his travel to the U.S. Al-Qahtani did not know the specifics of the operation, but did understand it to be a suicide operation. Al-Qahtani was first aware that the operation would take place in the U.S. in the summer of 2001 when he met with Sheikh Mohammed in Karachi, Pakistan. Sheikh Mohammed said that Al-Qahtani was to be met at the Orlando airport, but did not know by whom. Al-Qahtani did not have contacts in the U.S..

71. Al-Qahtani . . . made it as far as the U.S., only to be turned around at the airport and deported because he seemed too suspicious. According to Sheikh Mohammed, like al-Baluchi, Al-Qahtani was too much of an unsophisticated "bedouin" to function with ease in a modern, Western society. Most of the other hijackers grew up in urban environments. The al-Shehhi brothers, for example, had grown up in a well-off family in the city and were well-traveled. Sheikh Mohammed's misgivings about Al-Qahtani notwithstanding, he blamed Al-Qahtani's failure on facilitator al-Hawsawi because al-Hawsawi gave Al-Qahtani only a one-way ticket and provided him with only limited information about his points of contacts in the U.S., which in Sheikh Mohammed's view were the causes for Al-Qahtani's deportation. According to Sheikh Mohammed, there was no reason for Al-Qahtani's late arrival in the U.S. aside from the fact that Sheikh Mohammed wanted as many hijackers in the U.S. as possible.

72. Sheikh Mohammed stated that . . . Al-Qahtani was a late addition to the operation, and, therefore, Al-Qahtani was not trained very well in dealing with Customs officials or the English language. Sheikh Mohammed noted that due to the success of all the other operatives making it into the U.S., it seemed that they had overestimated the security of U.S. Customs officials.

and as such, they did not feel they needed to train Al-Qahtani as much. Sheikh Mohammed added that Al-Qahtani was going to arrive during tourist season, which Sheikh Mohammed thought would also facilitate his entry into the U.S.

Money Sent to 9/11 Hijackers

73. Sheikh Mohammed explained that al-Shehhi was sent $81,000 (U.S.) via al-Baluchi for al-Shehhi's, Atta's and Jarrah's flight training. . . . Most of these types of transfers were made by al-Hawsawi who was located in the UAE.

Hijacker Instructions Not To Speak with Muslims

74. Sheikh Mohammed said that he explicitly told Mohammad Atta and the other pilots and muscle operatives not to speak with any Muslims once in the United States. The only exception to this rule was concerning Khalid al-Mihdhar and Nawaf al-Hazmi, whom he instructed to contact an Islamic Center or Mosque to help them get settled in the country since they did not speak English.

Contacts Among 9/11 Hijackers

75. Sheikh Mohammed said that the operatives were supposed to avoid talking to each other in the U.S., but did not know if they followed those instructions. Sheikh Mohammed added that closer to the execution of the operation, the operatives had to contact each other in order to organize their final details. Sheikh Mohammed stated that for operational security, he only had Bin al-Shibh, Bin Attash [(a.k.a. "Khallad")], al-Baluchi, and Mustafa al-Hawsawi contact the 9/11 operatives in the U.S. Sheikh Mohammed said he last had contact with Moussaoui via email, but could not remember the specific time frame.

The Second Wave of Attacks After September 11, 2001

76. While discussing the "tallest building in California plot," Sheikh Mohammed referred to the mission of Moussaoui and Faruq al-Tunisi as the "second wave." The phrase "second wave" did not originate with Sheikh Mohammed and has meant different things over the course of Sheikh Mohammed's debriefings. At one time "second wave" referred to any plans for attacks in the United States slated to follow 9/11, whether a sequel of aerial attacks or something entirely different, like subway strikes, poisoning o[f] reservoirs, demolition of bridges, etc. To clarify, Sheikh Mohammed

was told [by his interrogators] that if he chose to continue using the phrase "second wave" in this discussion, he had to be absolutely clear about its meaning. Sheikh Mohammed took the point and explained his intended meaning. Sheikh Mohammed indicated that "second wave" refers to efforts begun in parallel with the 9/11 plot to identify and train pilots and muscle for additional 9/11-style strikes in the United States.

77. From the beginning, a key distinction from the core 9/11 plot was that the "second wave" pilots would be non-Arab passport holders and that their eventual targets would be in California or elsewhere in the western United States (perhaps non-eastern targets would be more accurate, as Sheikh Mohammed has lumped Chicago into his general exposition on potential western targets).

78. Progress in identifying/training non-Arab passport holding pilots lagged far behind the development of the 9/11 plot, on which Sheikh Mohammed focused his attention, making it abundantly clear that attacks by the likes of Moussaoui and Faruq al-Tunisi would have to come after the eventual 9/11 strikes. "Second wave" was thus an apt label, given what had been the expected sequence of events.

79. Sheikh Mohammed stated that Moussaoui had been recruited to participate in a "second wave" of attacks that was originally planned to follow the September 11, 2001 attacks. This second wave of attacks was intended to utilize operatives with European and East Asian backgrounds whom Sheikh Mohammed believed would operate more easily in what he expected to be a more stringent security environment following the 9/11 attacks, especially as it related to Middle Easterners. Sheikh Mohammed used only Middle Easterners in the first wave for this reason and that Moussaoui was chosen for the second wave because of his French citizenship. Sheikh Mohammed stated that the second wave was not completely planned or ready for execution, but was on the "back burner." Sheikh Mohammed had no idea that the damage of the first attack would be as catastrophic as it was, and he did not plan on the U.S. responding to the attacks as fiercely as they did, which led to the next phase being postponed.

80. Sheikh Mohammed immediately said that Moussaoui was never slated to be a 9/11 operative, reiterating previous comments that he had anticipated a need for non-Arab passport holders to conduct the second wave of airplane operations after 9/11. Despite Moussaoui's admittedly problematic personality, Sheikh Mohammed tasked Moussaoui to take flight lessons in

preparation for the second wave attacks. Sheikh Mohammed reiterated earlier claims that the second wave was only in its most preliminary stages, noting that Moussaoui was one of the few potential pilots identified for the operation, along with Mussa and Abu Faruq al-Tunisi. Sheikh Mohammed also reiterated that he had not identified any targets for the second wave operation.

81. Sheikh Mohammed repeatedly stated that Zacarias Moussaoui was intended to be part of a second wave. Sheikh Mohammed said that he was always working on more than one operation at a time. According to Sheikh Mohammed, he did calculate for some residual effects from September 11. He knew that he would no longer be able to use operatives from the Middle East, but he never counted on the real impact of the September 11 attacks. Sheikh Mohammed was not concerned by the loss of second wave operatives, and thought that he could hold Moussaoui in reserve and always find more pilots at a later time. Sheikh Mohammed stated that this type of long term, multiple operational thinking failed to anticipate the post-September 11 world.

82. Although no specific targets had been identified, among those considered were the Sears Tower, the White House and the foreign embassy in Washington.

83. Sheikh Mohammed said he asked Hambali to find a Malaysian or Indonesian pilot to participate in a second wave of attacks inside the U.S. along with Moussaoui and [faruq al-Tunisi]. Sheikh Mohammed, Abu Hafs, and Bin Laden agreed that finding non-Arab passport holders was a priority because it would be difficult for Middle Eastern passport holders to operate in the U.S. after 9/11. Al Qaeda wanted the second wave operatives to carry French, Canadian, Malaysian, or Indonesian passports instead of Middle Eastern passports. Hambali never provided such a candidate.

84. While the 9/11 operation evolved into an East Coast attack, Bin Laden himself advised that a second wave attack should focus on the West, believing that security might be more lax there. It was for this initiative that Hambali had provided an initial installment of $20,000 (U.S.) in late 1999 or early 2000 to recruit pilots for future operations, although Hambali was not told what these pilots would be targeting.

85. Sheikh Mohammed reiterated that Atta had some latitude in selecting the 9/11 targets. He said a comparable leader of the second wave attack may

have been given similar authority, but in the end, only two pilot candidates were found. One, Faruq Al-Tunisi, contacted Sheikh Mohammed from Canada during the summer of 2001 to back out. The other, Zacarias Moussaoui, was a problem from the start. Hambali and his people complained about Moussaoui's behavior while in Malaysia, where he constantly needled them about launching operations in their own area. Sheikh Mohammed said Moussaoui lobbied Muhammad Atif, aka Abu Hafs Al-Masri, and Bin Laden to use him in operations, and their pressure compelled Sheikh Mohammed to include him in the second wave plan.

86. Sheikh Mohammed revealed that there was a third candidate beyond Zacarias Moussaoui and Faruq al-Tunisi tapped for the "second wave" attacks.

87. Sheikh Mohammed explained the status of the second wave operation in the weeks leading up to the 9/11 attacks. Al Qaeda had one pilot in training, Moussaoui, who had already been arrested, unbeknownst to Sheikh Mohammed until learning it through the media later in September. Before his arrest, Moussaoui only knew that he would be flying a plane, and had no idea of his target. This was because al Qaeda was not at the stage of selecting targets, as they needed to identify and train additional pilots, select

and transport the supporting operatives into the U.S. and allow them to train and do any necessary surveillance. Sheikh Mohammed also said that he was consumed with the responsibilities of managing the 9/11 operation, and thus was unable to direct much attention to the second wave plot.

88. The earlier plan for a second wave attack ended with Moussaoui's arrest because without candidate pilots or operatives, he had to start over from scratch.

89. Sheikh Mohammed was impressed by the security measures implemented in the U.S. in the immediate aftermath of the attacks. Based on the U.S. reaction to the attacks and future plots to the U.S., Sheikh Mohammed assessed at least for the short term that the prospects for a second round of hijacking attacks in the U.S. were dismal. Sheikh Mohammed began to think about the need to get Moussaoui out of the U.S. before he was caught. It quickly became clear that Moussaoui was lost to al Qaeda when the news arrived on 9/12/01 that Moussaoui had been arrested in late August 2001.

Zacarias Moussaoui's Training to Become a Pilot

90. Sheikh Mohammed said that in late 1999 he sent Moussaoui to Malaysia to get flight training. A member of the Hambali group would assist

Moussaoui. Sheikh Mohammed learned that Moussaoui became acquainted with [Yazid] Sufaat.

91. While Moussaoui was in Malaysia, he caused many problems for the Hambali group, and Mukhlas [a.k.a. Ali Ghu[fron], a high ranking member of JI] traveled personally to Pakistan to request that Sheikh Mohammed transfer Moussaoui out of Malaysia. According to Mukhlas, instead of pursuing flight training, Moussaoui was trying to buy four tons of fertilizer through the Hambali network. Hambali was upset with Moussaoui's activities because Moussaoui had agreed not to work in Malaysia.

92. Sheikh Mohammed recalled Moussaoui to Pakistan, where Moussaoui complained that training was difficult in Malaysia because of the constant rain. Sheikh Mohammed, who believed that Moussaoui was not a suitable operative despite his European credentials, approached Muhammad Atif and Bin Laden and asked that Moussaoui be removed from the program, which was intended as a follow-up aircraft attack upon the completion of the program led by Atta. Despite Sheikh Mohammed's suggestion, Atif and Bin Laden insisted that Moussaoui remain in the program and instructed that the program should continue as planned.

93. Sheikh Mohammed said that he had tasked Moussaoui to travel to America to obtain flight training, but did not tell him why he was to obtain the training. Moussaoui had previously been sent to Malaysia to obtain the flight training, but failed to get the training there. Sheikh Mohammed stated that operations were kept strictly compartmentalized, and Moussaoui was not aware of any other operatives that were in the U.S. at the same time as him. Because Moussaoui was not involved in the first attack, Sheikh Mohammed did not tell him about any of the operational details or the individuals involved. . . . Sheikh Mohammed denied that Moussaoui would have been used for the first operation, because that operation was designed for Middle Eastern operatives. Sheikh Mohammed stated that Moussaoui would never have been a replacement for any of the September 11 operatives, even if one had pulled out of the operation.

94. Before sending Moussaoui to the U.S., Sheikh Mohammed instructed Moussaoui about the need for strict operational security, telling him that under no circumstances should Moussaoui mention aircraft in any communications with each other. Shortly after Moussaoui reached the U.S., however, Sheikh Mohammed received an email from Moussaoui in which he detailed his attempts to get flight training on various aircraft.

Exasperated, Sheikh Mohammed instructed Bin al-Shibh to send Moussaoui money from Germany. Sheikh Mohammed turned Moussaoui over to Bin al-Shibh because Sheikh Mohammed felt it was safer to send Moussaoui money from Germany and Sheikh Mohammed did not want to deal with Moussaoui any longer.

95. Sheikh Mohammed reiterated that he instructed Bin al-Shibh to break off contact with Moussaoui after the money transfer because Moussaoui was problematic and Sheikh Mohammed thought it was a better move to cut ties with him while he was taking his flight training.

96. Sheikh Mohammed recalled learning from the news that Sufaat's home address was found with Moussaoui, resulting in Sufaat being a wanted man and raising scrutiny of travelers from Malaysia direct from Pakistan.

97. Sheikh Mohammed knew that Moussaoui planned to attend flight training in the U.S. but was unaware if he actually managed to attend any training.

98. Sheikh Mohammed said he last had contact with Moussaoui via e-mail, but could not remember the specific time frame. Sheikh Mohammed stated that he did not pass a warning to Moussaoui prior to the attacks of September 11, 2001, because Moussaoui had not been tasked with an operation and was merely obtaining flight training. Sheikh Mohammed said

that because he did not expect the 9/11 attacks to be as large as they were, he also did not plan for the level of scrutiny that the U.S. Government would place on foreign born citizens, like Moussaoui who underwent flight training in the U.S. Sheikh Mohammed also said he did not know that Moussaoui left Oklahoma for Minnesota in August 2001.

99. Sheikh Mohammed related one instance when he considered an operative had failed to perform. This occurred when he instructed Zacarias Moussaoui to travel to Malaysia in 1999 and enroll in flight school. Moussaoui disobeyed orders and created problems by becoming involved with Hambali's group doing things such as obtaining explosives for the group. After this, Sheikh Mohammed concluded that Moussaoui was not qualified to be an operative. Moussaoui was punished by being enrolled in a school in Qandahar, Afghanistan, after which al Qaeda leadership considered him reformed; however, Sheikh Mohammed was not convinced.

Zacarias Moussaoui's Abilities as an Al-Qaeda Operative

100. Sheikh Mohammed said that Moussaoui did not have any particular personality flaws, but noted that Moussaoui had a different state of mind from other operatives because he had been raised in the west. Sheikh Mohammed explained that Moussaoui had a high level of self-confidence,

and because of this he had a hard time taking instructions from other brothers that were from non-Western countries, particularly on matters of operational security. Sheikh Mohammed stated that Westerners have a different point of view because of their freedom. Sheikh Mohammed said he believed that Moussaoui's confidence caused him to practice lax operational security, adding that if an operative was too confident, he would not be careful in his emails, phone calls, or discussions with friends. Sheikh Mohammed stated that his low regard for security was Moussaoui's main flaw.

101. Sheikh Mohammed noted several examples of Moussaoui's failure to follow instructions and poor operational security practices. Sheikh Mohammed cited one example of Moussaoui's failure to obtain flight training during his time in Malaysia, explaining that it had lowered his faith in Moussaoui's ability as an operative. Sheikh Mohammed also said that Moussaoui's self-confidence led him to talk too much. Sheikh Mohammed explained that any talking, whether to other operatives or about operations, was too much. Sheikh Mohammed said he believed that discussions about operations should be held only when necessary. Sheikh Mohammed pointed

to Moussaoui's e-mails discussing aircraft and training as examples of both talking too much and poor security practices.

102. Sheikh Mohammed stated that Moussaoui's eight phone calls to Bin al-Shibh during Moussaoui's operational training in the United States were too many, and this was another example of poor operational security. Sheikh Mohammed said Bin al-Shibh was chosen to wire money to Moussaoui simply because there were no other choices, adding that he felt that money coming from Pakistan or Dubai would be viewed as too suspicious. Sheikh Mohammed said he instructed Bin al-Shibh to drop contact with Moussaoui following the final money transfer because he was afraid Moussaoui would somehow lead to Bin al-Shibh's capture, which in turn would cause problems for the first wave of attacks. Sheikh Mohammed said he did not have anyone attempt to contact Moussaoui after Bin al-Shibh broke off contact in August 2001.

103. When questioned on Moussaoui's possession of Yazid Sufaat's address when Moussaoui was arrested in September 2001, Sheikh Mohammed assumed that Moussaoui had used Sufaat's name and address to create a cover story. Sheikh Mohammed said that for security purposes, he should not have used the true name and address of a brother in order to create a

cover story. Sheikh Mohammed said that good operational security would have dictated that an operative not try to call attention to himself in the U.S. Sheikh Mohammed said that there is no benefit to having someone arrested by U.S. authorities, and he would not intentionally have an operative arrested as part of an operation. Sheikh Mohammed stated that he gave special training on life in the U.S. to some of the 9/11 operatives who did not have knowledge of the West so that they could function there without drawing undue attention. Sheikh Mohammed went on to say that it was poor operational security to pay for flight lessons with a large amount of cash, adding that it should be done with a credit card or checks. Sheikh Mohammed also stated he would have had an operative open a bank account with small deposits, rather than one large deposit. Sheikh Mohammed said he did not know what Moussaoui did while in the U.S. but hoped that he would have followed instructions to maintain a low profile.

104. Sheikh Mohammed was . . . told about Moussaoui's purchase of knives, his request for information on GPS units, and his statement to a JI member that he was going to fly a plane into the White House. Sheikh Mohammed explained that Moussaoui was preparing for a second wave attack which

entailed the same steps as the 9/11 hijackers: getting flight lessons, purchasing knives, etc.

Other Al-Qaeda Operatives

105. Sheikh Mohammed reported that he provided personalized training to approximately 39 al Qaeda operatives for deployment on operational missions. Bin al-Shibh was one of the 39 operatives trained by Sheikh Mohammed.

106. Sheikh Mohammed stated that Yazid (Sufaat) aka Malik, a Malaysian scientist and a member of the Jemah Islamiyya, was the leading operative involving the chemical-biological (CB) program. Yazid owned a company that provided cover for his laboratory that was dedicated to CB research for al Qaeda.

107. Among the other personnel involved in the 9/11 attack, Sheikh Mohammed stated that Saif al-Adl [a high-ranking member of al-Qaeda's military committee] was not informed of the details until April 2001 but knew the identity of the pilots who had been chosen when the Hamburg cell was picked in early 2000. Walid Muhammad Salih Bin Attash, aka Khallad, knew of the involvement of airplanes in late summer 1999 when he was tasked to survey American airline carriers in southeast Asia. Khallad also

knew the operation involved the U.S. from his interaction with Hazmi and Mihdhar, but Khallad did not know the final step of using the planes as missiles.

108. French passports and visas were desirable among mujahideen because the passports were from a Western country and gave a mujahid credibility when he traveled.

Sharing of Information

109. Sheikh Mohammed said that operationally it was not smart to share with others your tactics or intended targets: When four people know the details of an operation, it is dangerous; when two people know, it is good; when just one person knows, it is better. Sheikh Mohammed gave as an example, the obvious operational benefit of Moussaoui['s] ignorance concerning the ultimate target of, or others potentially involved in, his mission.

Swearing Bayat to UBL

110. Sheikh Mohammed commented on the importance of the oath of allegiance (Bayat) in al Qaeda. According to Sheikh Mohammed, bayat was patterned after the oath of allegiance that Muslim tribal leaders owed to the prophet Muhammad and the early Islamic caliphs. Al Qaeda was the first jihadist group to use this concept as mechanism for maintaining organizational

command and control, and its members began formally swearing bayat to Bin Laden when al Qaeda was founded in the late 1980s. Over time, the idea spread throughout the jihad movement and is now used by many different groups.

Bayat is a solemn, spiritually binding commitment to obey the commands of a single leader, or emir. However, Sheikh Mohammed noted that the individual making the oath is in effect pledging allegiance to to the emir's organization as well, since he implicitly commits himself to obey the emir's lieutenants, follow the rules of the emir's organization, and transfer his allegiance to the emir's successor if the emir dies. Thus, if Bin Laden were killed, all sworn al Qaeda members would automatically owe allegiance to Ayman al-Zawahiri, his designated successor.

Although bayat was an entirely voluntary act, Sheikh Mohammed said al-Faruq camp commander Abu Muhammad al-Masri sometimes used subtle peer pressure to persuade trainees to swear allegiance to Bin Laden, and pressure to take the oath was especially acute at more senior levels of the organization. For example, Sheikh Mohammed said he attempted to postpone swearing bayat as long as possible to ensure that he remained free to plan operations however he chose, but he eventually took the oath after

the 9/11 attacks, when he was told that the refusal of such a senior and accomplished al Qaeda leader to swear bayat set a bad example for the group's rank and file. Once an individual swore the oath, however, there were no institutional penalties for disobedience, as such matters were considered to be between the individual and God.

Sheikh Mohammed said that there is no ceremony associated with swearing bayat to al Qaeda. The individual simply met with Bin Laden, spoke the oath, and shook Bin Laden's hand. If Bin Laden was not available, one of his lieutenants also could administer the oath; however, this was a rare occurrence and Abu Hafs was the only person he knew who had administered the oath other than Bin Laden. In such cases, the individual swearing the oath would owe allegiance to Bin Laden, not Abu Hafs.

Sheikh Mohammed gave the following as examples of standard bayat oaths used by al Qaeda: "I swear allegiance to you, to listen and obey, in good times and bad, and to accept the consequences myself; I swear allegiance to you, for jihad and hijrah, and to listen and obey; I swear allegiance to you, to listen and obey, and to die in the cause of God."

Sheikh Mohammed said that bayat is normally a private matter between an individual, his emir, and God, and Sheikh Mohammed knew of no list or registry of individuals who had sworn bayat to Bin Laden.

Sheikh Mohammed's Written Statement to his Interrogators

Sheikh Mohammed wrote the following:

111. I know that the materialistic Western mind cannot grasp the idea, and it is difficult for them to believe that the high officials in al Qaeda do not know about operations carried out by its operatives, but this is how it works. We do not submit written reports to our higher ups. I conducted the September 11 operation by submitting only oral reports. I would travel for a day-and-a-half until I reach Bin Ladin, and I inform him what was happening. Sometimes I scratched down my notes on a small piece of paper about 10cm long. This is unacceptable in operations administered by the West. We sent meaningless letters of few lines. We spoke nonsense on the telephone with the operatives and the go-between people like Ramzi Bin al-Shibh. But in the end the operation was a success. I know that running an operation in the West demands specific administrative work. Yet, you must believe that the same operation could be run successfully with simple primitive means.

112. Shurah counsel at al Qaeda is not a Board of Directors or a war operations room, as you know it. It is an advisory board for Bin Ladin or Abu Hafs al-Masri, unlike what you have in the West. For you, ruling is by the majority of votes. However, if the Shurah council at al Qaeda, the highest authority in the organization, had a majority of 98 percent on a resolution and it is opposed by Bin Ladin, he has the right to cancel the resolution, because it is only consultative to him and not binding.

113. You must study these matters to know the huge difference between the Western mentality in administration and the eastern mentality, specifically at al Qaeda.

114. I will tell you some facts that surprised your interrogators to the extent that some accused me of lying and some others expressed disbelief:

In the September 11 Operation, I sent Zahir al-Hussawi to the Emirates to meet two operatives and send them to the United States of America. He sent them money (without asking me one single question about the nature of the operation). I never told him anything about the nature of the operation. You have him: Go ask him. He remained in the Emirates for more than a month. He did a good job and I told him to return on September 11th without knowing the date, or the nature of the operation.

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ISLAMIC RULINGS ON WARFARE

Youssef H. Aboul-Enein
Sherifa Zuhur

October 2004

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Lieutenant Commander Youssef Aboul-Enein wishes to thank the Chicago Public Library and Pentagon librarians for making the Arabic books and materials available. He thanks the U.S. Army War College for inviting him to lecture yearly on Islamic militant ideology, which helped him formulate ideas for this monograph. Thanks are also due to Mr. Matthew Harsha-Strong, a student of ethics, politics, and economics at Yale University; and his wife, Cheryl Anne. Dr. Sherifa Zuhur thanks the librarians of the U.S. Army War College, Dr. Antulio Echevarria, and Dr. Steve Metz for their comments. Both authors wish to acknowledge Dr. W. Andrew Terrill of the U.S. Army War College Strategic Studies Institute for his comments.

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ISBN 1-58487-177-6

FOREWORD

The United States no doubt will be involved in the Middle East for many decades. To be sure, settling the Israeli–Palestinian dispute or alleviating poverty could help to stem the tides of Islamic radicalism and anti-American sentiment. But on an ideological level, we must confront a specific interpretation of Islamic law, history, and scripture that is a danger to both the United States and its allies. To win that ideological war, we must understand the sources of both Islamic radicalism and liberalism. We need to comprehend more thoroughly the ways in which militants misinterpret and pervert Islamic scripture. Al-Qaeda has produced its own group of spokespersons who attempt to provide religious legitimacy to the nihilism they preach. Many frequently quote from the Quran and *hadith* (the Prophet Muhammad's sayings and deeds) in a biased manner to draw justification for their cause.

Lieutenant Commander Youssef Aboul-Enein and Dr. Sherifa Zuhur delve into the Quran and *hadith* to articulate a means by which Islamic militancy can be countered ideologically, drawing many of their insights from these and other classical Islamic texts. In so doing, they expose contradictions and alternative approaches in the core principles that groups like al-Qaeda espouse.

The authors have found that proper use of Islamic scripture actually discredits the tactics of al-Qaeda and other jihadist organizations. This monograph provides a basis for encouraging our Muslim allies to challenge the theology supported by Islamic militants. Seeds of doubt planted in the minds of suicide bombers might dissuade them from carrying out their missions. The Strategic Studies Institute is pleased to offer this study of Islamic rulings on warfare to the national defense community as an effort to contribute to the ongoing debate over how to defeat Islamic militancy.

DOUGLAS C. LOVELACE, JR.
Director
Strategic Studies Institute

BIOGRAPHICAL SKETCHES OF THE AUTHORS

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SUMMARY

The authors of this monograph share their respective connections with the topic.

Lieutenant Commander Aboul-Enein: In 2000, I encountered Dr. Bernard Lewis, a famous Princeton scholar of Islamic history and author of many books on Islam, delivering a speech on Capitol Hill. He stressed the importance of classic Arabic and Islamic texts. Later, when confronting extremist interpretations of Islam, I saw the importance of these texts, especially the Quran (the Islamic book of divine revelation), the *hadith* (Prophet's Muhammad's sayings and deeds), and the 1,400 plus years of commentary, which essentially run counter to current jihadist ideology.

Dr. Zuhur: For 20 years, I have interviewed Egyptian, Syrian, Jordanian, Palestinian, Saudi, and other Islamists who cite verses from the Quran to support their worldview of necessary and continuous conflict between Islam and the West. Yet, throughout my own education, I was exposed to liberal and humanistic interpretations of Islamic doctrine and law. Now we ask: Which Islamic vision is to prevail?

Muslim education in many schools has been reduced to the memorization of slogans and parroting of particular interpretations, and lacks deep inquiry and debate. The main perpetrator of the September 11, 2001 (9/11), attacks, Mohammed Atta, left a last will and testament in which he declared a desire for paradise, virgins, and self-gratification through martyrdom. It is doubtful that he spent a considerable time studying Islamic classic texts that reveal the history and methodology of warfare, or exploring the intricacies of the debate over morality in war in which early Muslims engaged. His version of Islam is one of misguided faith and misplaced loyalty to those who hide Islam's rich 14 centuries of discussion, debate, and intellectual exploration. To Atta and the others who perpetrated the 9/11 atrocities, intellectual inquisitiveness is considered troublesome, for it produces a powerful alternative to the radical vision of the Islamic mission. In fact, radicals deem liberal Islamic readings of scripture and teachings "heretical."

Since 9/11, the United States has grappled with how to counter the abuse of Islam by militants who inspire indiscriminate mass

murder and suicide. Some studies argue that solving the Israeli-Palestinian dispute or addressing poverty would offer immediate relief from Islamic militancy. Certainly, programs addressing the political and economic crises in the area should be undertaken. But these alone will not solve the expansion of Islamic radicalism.

Islamic radicalism does not stem solely from desperation, nor from a sense of inferiority, as some theorists maintain. Instead, in the 3 1/2 decades of this recent period of Islamic revival and militancy, we have seen that radicals come from a variety of social and educational backgrounds and political circumstances.

Hence, we also need a long-term strategy that involves discrediting Islamic militant thought, such as that propagated by al-Qaeda's strategist Ayman al-Zawahiri in several books that draw upon a combination of the Quran, the *hadith*, and radical Islamic texts written from the 13th to the late 20th century.

The al-Azhar University in Egypt is an intellectual center of Sunni Islam. The leading scholars of al-Azhar, along with many other Islamic scholars in other countries, have produced more liberal interpretations of Islamic rulings. They have issued opinions that promote rethinking and reform of many social issues, and have condemned beheadings and suicide attacks. Unfortunately, the liberal and establishment clerics attract less attention and media coverage on the world stage than the radical voices. They may not be as popular with the Muslim public due to their identification with undemocratic states, or their previous efforts to legitimize the actions of certain governments. Modern nation-states, such as Egypt, Syria, and Iraq, incorporated long-standing religious institutions and clerics into their states and official apparatuses. The *mufti*s (person responsible for interpreting Muslim law) of cities or entire countries became subject to governmental policy, as did the control over religious endowments (*awqaf*).

Some rulers or political leaders expected their clerical appointees or other sympathetic clerics to issue rulings that sanctioned unpopular positions or bolstered the power of said political leaders. Other clerics and many Muslims felt that this new modern entanglement of state and religion contravened the special intellectual freedom and political independence that religious scholars had guarded. Radical Islamists then claimed, with some justification, that other,

often esteemed clerics were tools of corrupt or secular governments. However, radical interpretations of Islamic scripture fail to present the full range of opinion on important issues and mislead their admirers.

This monograph reviews Islamic scripture and the complexity of Islamic rules of war. It notes that classical Islamic scholars wrote about truces, types of combat, prisoners of war, division of spoils, and debated and developed principles that are very similar to St. Thomas Aquinas' precepts of just war. A glossary of Islamic terms, personalities, and organizations is provided at the end of this monograph for readers less familiar with Islamic terminology.

The monograph encourages moderate Muslims to mount a major ideological campaign to counter those who have hijacked Islam with their destructive interpretation of Islamic scripture. Comprehending this endeavor will be vital to any strategy that seeks to dissuade young Muslims from the nihilism of Islamic militancy.

ISLAMIC RULINGS ON WARFARE

Introduction.

Islamic rules of warfare are complex, appear to be contradictory and require careful analysis. The simplistic visions of paradise for suicide bombers preached by militant *jihad*ist clerics defy over 1,400 years of Islamic history and wisdom. Yet those like Osama Bin Laden, Ayman al-Zawahiri, or Abu Musab al-Zarqawi are not ignorant of Islamic law and use it selectively to pursue their agenda of mass murder and hatred. This monograph will introduce readers to Islamic principles of warfare and its conduct.

These principles are contained within a body of Islamic legal rulings that has grown over the centuries. They reflect the pre-Islamic war practices of the Arab tribes, early and more recent periods of Muslim expansion, and confrontations with Western and Eastern powers, such as the Mongols and the Crusaders. The two most important sources for Islamic law known as *shari`ah* are first, the sacred text, the Quran (the Muslim book of divine revelation) and second, the prophetic tradition. This tradition consists of short anecdotal accounts of the Prophet Muhammad's actions or opinions preceded by a list of transmitters, termed the *hadith*. References to this tradition will be limited to seven collections of *hadith*, and these will be identified by the names of their authors: al-Bukhari, al-Tirmidhi, Muslim, Abu Dawud, al-Nisa'i, al-Nawawi, and Ibn Majah.

Readers will gain an understanding of the complexities of Islamic rulings on warfare and obtain some insight into the Muslim vocabulary of war that extends well beyond the words "martyr" (*shahid*), and "holy war" (*jihad)*. They will learn that Islamic rules of war evolved from the 27 battles in which Prophet Muhammad played a direct or indirect role. The commentaries of the Prophet's political successors, the first caliph, Abu Bakr, and second caliph, `Umar, on warfare are also mentioned, as are modern revisions of these rules of war.

The concept of suicide is missing from earlier religious commentaries on war. This is, no doubt, because suicide is not permissible in Islam. Although fighting with apparent suicidal

intent at times has been a historical characteristic as chronicled in battle epics and popular literature, the recent suicide bombings are a product of contemporary politics. If a would-be suicide bomber of Hamas, Islamic *Jihad*, or al-Qaeda were properly introduced to the richness of Islamic thought on warfare, he or she would realize that suicide bombings are not part of this heritage. Al-Qaeda, Hamas, Hizbullah, and other groups purposefully suppress this fact because it does not fit their agenda. They fear Islamic legacies, *turath*, that do not conform to their radical ideology.

Islamic texts on warfare actually focus on the concepts of just war, typologies of conflicts, treatment of the vanquished, division of spoils, and the upholding of Islamic law, given the travel and exchange between Muslim and non-Muslim territories. One such classic of the 14th century, *The Dispelling of Fears in the Management of Wars* (*Tafrij al-qurub fi tadbir al-hurub* by `Umar ibn Ibrahim al-Awasi al-Ansari), deals with cavalry tactics, infantry deployments, espionage and selection of encampments.[1] The 1961 edition, edited/translated by George Scanlon, mentions over 40 classical Arabic texts on warfare written between the 8th and 15th century, and addresses such topics as the Persian use of cavalry, 72 basic uses of the lance, battle formations, and the Greek, Persian, Mesopotamian, and Maghribi (North African) styles of cavalry training.[2] Another volume important to scholars which focuses on the Islamic "law of nations" is *The Book of the Law of Nations* compiled by Shaybani. It is a precursor to international law that provides many details on the legality, typology, and rules of military engagement, truces, and relations between Muslims and the enemy groups or states that surrounded them in the earliest period of Muslim expansion.[3]

Some Western readers will probably find the Islamic rulings on war to be contradictory. It may not be clear whether they promote war or peace. Muslims believe the Quran to be divinely revealed, and Quran experts hold that the text must be understood in the spirit of its entirety, and not simply reduced to selected verses or phrases. Surah 3, al-Imran, verse 7 reads:

> And those who are firmly grounded in knowledge say: "We believe in the Book; the whole of it is from our Lord:" and none will grasp the Message except men of understanding.

As the Quran is not always linear in format nor explicit, it requires interpretation, not least because it is read as a living text, for its contemporary, as well as historic significance. Muslims, who have no central authority like the Roman Catholic Pope, seek the guidance of religious scholars, or clerics.

Similarly, there is no single interpretation of religious law. Instead, four legal schools survive in Sunni Islam, the larger of the two branches of Islam, the second being Shi`a Islam. Shi`a Islam, which represents about 10 percent of the world's Muslims, has its own legal schools. The fundamental division between Sunni and Shi`a Islam goes back to the Prophet Muhammad's demise. Muslims disagreed as to who should be his successor (Caliph, or *khalifa*, literally, the one who follows). Some believed that the Caliph should be of the Prophet's "house," and preferred his son-in-law and cousin, `Ali.

Believers generally follow the legal school of their family, and may resort to a cleric of that school in requesting legal guidance, or a specific opinion, or *responsa* (*fatwa*). While they usually accept that opinion, they have the freedom to accept or disregard rulings, or even to request a *fatwa* from a different jurist.[4] Also, in many Muslim nations where Islamic law courts are no longer operating or no longer the single form of justice, civil legislation often involved clerics' consultations or contestations. Aspects of civil law, for instance, family law, may be based upon Islamic law. In some cases, scholars and lawmakers drew on more than one school of law to modernize legal codes. Unfortunately, this very spirit of intellectual freedom and flexibility can enhance the power of radical interpretations of war, since Muslims may also choose to follow the teachings or opinions of militants.

Typologies and Terminology of Islamic Warfare.

1. *Harb* is the general term for war.

2. *Jihad*, which literally means struggle, typified the conflicts of the Muslim community at Medina with the polytheistic Meccans, and the subsequent wars of expansion. The primary purpose of *jihad* was to fight for Islam against unbelievers. Conflict between Muslims, such as the feuds of the pre-Islamic Arabs, was to be avoided and was not categorized as *jihad*, or fighting "in the path of God."

Islamic law, with its official "rulings" about war, had not yet come into being in the first Islamic century and slowly evolved, carrying overlapping layers of corrective interpretation.[5] A key and continuous theme was that war was to be waged in accordance with religious principle—*bellum pium* (literally, pious war, or war in accordance with God's will) as well as *bellum justum* (just war).[6] A second theme and debate concerned the nature of the injunction to *jihad*. Muslims define the requirements of Islam as being binding and collective duties, or individual duties. *Jihad* has been defined as being both a collective and an individual duty. Hence interpreters write that if Islam, or the Muslim community, is attacked, *jihad* is incumbent upon all Muslims and is required even of those who are normally noncombatants. Then, the nature of an attack, whether imminent and literal or the drawn out cultural onslaught of the West in tandem with specific political or military actions such as the war in Iraq, could alter the understanding of the *jihad* duty.

However, the requirement to participate in a *jihad* could be met in several ways: by waging war a) with the heart, b) with the tongue, c) with the hands, and d) with the sword. *Jihad* also means a personal struggle to live as a true Muslim. When *jihad* is considered a collective duty, there is no need to have a religious or political official proclaim it. However, from the standpoint of an individual duty and a just pursuit of war, this should occur.

The Islamic law of nations (*siyar*) defines a "nation" as a group of related individuals. A "nation" did not, in the pre-modern world, imply all those who lived within a territory. Many of the Muslim warriors were simultaneously members of the Arab and Muslim "nations" in contrast with other ethnic and religious groups who lived within the areas gained by the caliph. Under this definition of nationhood, the notion of *jihad* as an individual duty actually is strengthened, whereas radicals and conservative Muslims define *jihad* as an immediate and collective duty.

Further, this law recognized and was organized into two categories dealing with the abode, or territory of Islam (*dar al-Islam*); and the abode of war (*dar al-harb*, lands not controlled by Muslims). Those from the abode of war should only enter Muslim territory under an agreement known as an *aman* that entitled them to trade, or to serve as an emissary, or to enter for other peaceful purposes.[7]

Islam's rules of war have not always been respected, however. Rulers or other individuals, on occasion, declared *jihad*, even when clerics refused to categorize the conflict a true *jihad* whether because the enemy was a Muslim force, or the leader who had declared war did not hold religious legitimacy.[8] For instance, during World War I, the Ottoman sultan declared a *jihad*. The Muslim world had not acknowledged nor sworn allegiance to him as the Caliph of all Muslims.

The Prophet Muhammad's form of leadership was unique in Muslim history in that he carried out religious, legislative, and political functions along with his military status as Commander of the Faithful. After Muslims had divided into different groups beginning in the 10th century, based primarily on their vision of appropriate political leadership, those that we now term Sunni Muslims believed that *jihad* could be declared by a political leader with the sanction of religious authorities. Shi`a Islam held that only a just *Imam* could declare *jihad* for he was infallible and could prevent needless violence and ensure that the *jihad* is properly guided.[9]

Types of *Jihad*.

Islamic jurists considered different types of *jihad*. Certain categories might be waged against Muslims as well as non-Muslims.

- The most permissable form of *jihad* was that pursued against unbelievers or polytheists.
- *Jihad* against apostasy. Apostasy is a capital crime in Islam; here it could mean that an individual renounced his belief in Islam or, as with the tribes who seceded from their alliance with the Muslims after the Prophet's death, it could refer to a group of Muslims who denied their faith.
- *Jihad* against dissension or sedition. Since Muslims gave an oath of allegiance to their leader, none should revolt against him.[10]
- *Jihad* against brigands and deserters.
- *Jihad* against the Peoples of the Book (*ahl al-kitab*), Jews, Christians, and by some definitions, Magians and Sabeans.[11]
- Some jurists considered defense of the frontiers (*ribat*) to be a requirement of Muslims comparable to *jihad*.[12]

1. *Qital* (fighting, or killing) is also used in the Quran. But unlike *jihad*, it is not followed by the phrase, "fi sabil Allah" (in the path of God). Three types of military action were introduced during Prophet Muhammad's time (590-632 A.D.). The terms carry a particular legitimacy due to their derivation in this early period, and their relationship to the Prophet's practice.

2. G*hazw* is a raid that has evolved into the term for battle, *ghazah*, or *ghazwa*. These were battles in which the Prophet Muhammad personally participated. The term *ghazi* came to mean "warrior for the faith," as these battles came to be associated with the expansion of Muslim territory.

3. *Siriya* (s.) *Saraya* (pl.) were battles Prophet Muhammad commissioned but did not lead. This is also the name for raiding parties and reconnaissance groups, usually on horseback, which he authorized.

4. *Ba`atha (s.) Ba`athat (pl.)* were expeditions or missions primarily diplomatic in nature (e.g., a courier or political exchange), but which some consider combative. It differed from *saraya* in size.[13]

These terms, derived from the early Islamic texts on warfare, are part of a particular discourse on conflict that differs in some ways from Western traditions.

Analysis of the Quranic Verses of War.

When the Prophet Muhammad finally realized his role as a Messenger of God, he taught and preached nonviolently for 14 years in the midst of a hostile Meccan population. He and his followers were subjected to hatred, persecution, and violence. Finally, the Prophet and his followers were invited to migrate to a new community, Yathrib, that would become the city of Medina. The people of Yathrib extended that invitation as they wanted the Prophet to adjudicate their disputes. The Muslims were not safe there, however, and fought their Meccan enemies until they defeated them, next expanding to threaten and then defeat the Sassanians and eastern provinces of the Roman empire. During this period, Islam's first principles of war developed.

The Quran,[14] which is divided into 114 *sura*s or chapters with 6,219 *ayat* or verses, may be subdivided into two periods of revelation,

the Meccan and Medinan, marking the time when Muhammad left Mecca and went to Medina in order to escape persecution. Specific verses that sanction fighting against persecution are called the Sword Verses. But other verses speak of fighting in a just manner, and still others could be termed Verses of Peace and Forgiveness. Certain scholars and radicals taught that the Sword Verses abrogated, or nullified, the Verses of Peace.

Verses that clarify the Quranic versions of war include:

> Invite (mankind, O Muhammad) to the way of your Lord with wisdom, reason and clear intentions. Truly your Lord knows best who has gone astray from His Path, and He is the best aware of those who are guided. (al-Nahl, Verse 125)

This verse—one not mentioned in al-Qaeda manuals—argues for a rational exchange of ideas, the freedom of choice in worship, and asks us to leave the judging of others to God. Although many Westerners have read that the goal of Muslims is to convert the entire world through *jihad*, this is far from the truth. Authorities explain that conversion by the sword is not a reasonable expectation; instead the acceptance of Islam should be the result of free will.[15]

Another verse that early Islamic scholars have explicitly used to dissuade the practice of waging a *jihad* of forcible conversion is "There is no compulsion in religion . . ." (al-Baqarah, Verse 256). This verse also implies that the duties of a Muslim are not meant to be onerous, and cannot be enforced by individuals or by a government upon all. Hence, this verse was quoted by Muslims who decried the excesses of the Islamist-style regime of the Islamic Republic of Iran. Clearly leaving ample room for human rationalization, commentators have discussed the importance of free will based on this verse. Islamists, steeped in their faith, quote the Quran in a quest to create their own vision of an Islamic state. However, they selectively draw on Quranic verses and purposefully omit injunctions that do not suit their political agenda.

Islam's preeminent historian and Islamic scholar Ibn Kathir wrote that early Muslims from the Meccan period were taught patience, forgiveness, and restraint. The concept of *jihad* as an Islamic form of warfare did not develop until Muhammad's Medinan period of

revelation.[16] When Muhammad left Mecca for Medina and became the leader of the new Muslim community, it became clear to Meccan merchants, and that city's leader, Abu Sufyan, that Muhammad could obstruct their access to trade routes to Syria and Egypt. The combination of economic pressures on Medina from the mass migration, animosities between different groupings of Muslims and their allies, and Meccan hostility would eventually explode into a series of wars. The revelation of the first verses sanctioning Islamic warfare appeared at this time: "And fight in the way of God those who will fight you, but transgress not, for God does not like the transgressors" (al-Baqarah, Verse 190). Islamists often quote the first phrase of this verse, but fail to address or explain the issue of transgression that occurs in the second phrase. Early Islamic scholars, in contrast, derived the concepts of just war and offensive *jihad* from the second half of this verse.

Verses 190 to 195 of the al-Baqarah chapter are *jihad*ic verses that sanction warfare, always with the caveat of restraint.

> And kill them whenever you find them and turn them out from where they have turned you out. And *fitnah* is worse than killing . . . But if they attack you, then kill them. Such is the recompense of the disbelievers. But if they cease, then God is Oft-forgiving and most merciful. (al-Baqarah, Verses 191-192)

Note that the tone of the verse is self-defense and self-preservation, which reflects what Muslims experienced in Medina, facing a much more powerful Meccan opponent. *Fitnah*, a key word in the Islamic militant vocabulary, is defined as "polytheists" in the Wahhabi translation of the Quran. However, the term is classically defined as sedition, insurrection, civil strife, temptation, and enticement,[17] and the first three notions accord with types of *jihad* earlier described. So *fitnah* refers to an internal conflict, as opposed to a *jihad* against unbelievers.[18] Polytheism in Arabic has a specific word, *shirk*. Yet, in this misleading translation and interpretation, rebels become polytheists, whereas in the classical texts on *ahkam al-bughat* (the judgment of rebels, or law of insurgency), the jurists agreed that they should be reconciled with their ruler, rather than being punished or killed.[19] We may conclude that (a) this interpretation supports the

rather insecure modern states against their enemies, or (b) it sanctions violence against rebels in contradiction to the classical stance, and (c) it is being misused by various nonstate actors to sanction their violence against fellow Muslims.

A voluminous literature exists on the development of Islamic rulings. The authors do not intend to cover every aspect in this monograph. Nor do we mean to oversimplify Islamic concepts, but rather to provide clear explanations for those with little background in topic of war in Islam. One obstacle for newcomers to the topic is the fact that the Quran was revealed in Arabic, and the texts that explicate the Quran are not particularly easy to comprehend without a background in religious or Islamic studies. It is important for those studying the Quran to understand that the book has multiple translations and interpreters. Translated English versions range from the more moderate version of Yusuf `Ali to the above-mentioned radical Wahhabi translation published by scholars at Saudi Arabia's Islamic University in Medina.

In *madrasah*s (Islamic schools) in the Muslim world, Arabic is taught as an archaic and revered language, with a focus on pronunciation to aid in rote memorization. As the majority of Muslims in the world are not Arabs, this process means that students are attempting to learn an unfamiliar and complex grammar as part of this process. Hence, in many countries such as Pakistan, Indonesia, or Afghanistan, little attention is given to exploring the actual implications and applications of Prophet Muhammad's words or to the differences in interpretation that can be lent in translation. Further, even native speakers of Arabic are fluent in dialects that vary from 7th century "classical" Arabic and do not easily read or comprehend older texts which possess specialized, often archaic vocabulary, idioms, and references. While native speakers may have memorized portions, or even all of the Quran, the works of interpretation and *hadith* scholarship require guidance and interpretive skills. For these, students must rely on their instructors whose expertise and ideological orientation vary.

To counter those who approve of suicide bombings as a legitimate tactic, Verse 195 of al-Baqarah clearly instructs: "And spend in the cause of God, do not throw yourselves into destruction and do good for, verily, God loves those who do good." One interpretation is that all who can afford to do so must support the war, if it is "just and in

the cause of Allah."[20] But Rudolph Peters points out that this verse also convinced certain Muslim intellectuals in the colonial period that, due to the military superiority of the colonizer, *jihad* was no longer obligatory.[21]

The Wahhabi interpretation of this verse editorializes about *jihad* without referencing the Arabic version. Although "And spend in the cause of God" could also be translated, "And ***give*** to the cause of God," here the Wahhabi version reads "And spend in the Cause of Allah (i.e., *Jihad* of all kinds, etc.) and do not throw yourself into destruction (by not spending in the your wealth in the Cause of Allah) and do good." The Cause of Allah is linked in the interpreters' views to *jihad*, whether effort or warfare. An instructor or Islamic cleric can then engineer his students' understanding of this text by teaching them primarily, or solely, as it relates to the warfare meaning, and by implying that *jihad* is consistently required. If the students then turn to the essay on "The Call to *Jihad* in the Qur'an" in the Wahhabi interpretation,[22] they will find the strongest exhortation to an "obligatory" *jihad*.

Other verses also forbid suicide.

> Oh ye who believe! Eat not up your property among yourselves in vanities. But let there be amongst you traffic and trade by mutual good will. Nor kill (or destroy) yourselves; for, verily, Allah hath been to you Most Merciful. If any do that in rancour and injustice—Soon shall We cast them into the Fire: and easy it is for Allah. (al-Nisa', Verses 29-30).

According to various *hadith*, including those in al-Bukhari's collection (244-245), a person who commits suicide will be punished in the Hereafter by a perpetual re-enactment of his death by whatever method was chosen.[23]

Some of the more contradictory verses include Surah al-Tawba: 29, a Sword Verse:

> Fight against those who believe not in God and the Last Day [of Judgment], nor forbid that which has been forbidden by God and his Messenger, and those who acknowledge not the religion of truth among the people of the scripture [Jews and Christians] until they pay the jizyah [a tax levied on Jews and Christians], and feel themselves subdued.

Verses 29 to 40 in al-Tawba appear to contradict earlier Meccan verses on tolerance. Peters explains that scholars see these verses as abrogating, or rendering void the earlier verses where Muhammad was ordered to preach, but avoid conflict with the unbelievers. Then, he was to discuss and try to convince them to believe (as in Verse 16:125).[24]

Mahmud Shaltut, the *Shaykh* or Rector of al-Azhar University from 1958-63, was one of the, if not the, most important voices of Islamic reform in the 20th century. Noted for his enlightened, liberal exegesis of the Quran, he wrote at length on the theme of fighting and *jihad*, explaining that the Prophet had restrained his followers who yearned to retaliate against the persecution they experienced. Finally, the verses in question permitting the Muslims to fight were revealed. But he states, there are only three reasons for fighting: "to stop aggression, to protect the Mission of Islam, and to defend religious freedom."[25]

Still, this Sword Verse seems to cancel out the positive role Christians and Jews played in the development of early Islam, including Christians' extension of asylum to persecuted Muslims in Abyssinia and the Jewish tribes' conclusion of agreements with Muhammad in Medina. Jihadists favor this particular verse, and it condemns those who will not recognize Muslim authority. But the first phrase, "Fight against those who believe not in God and the Last Day" actually excludes Jews and Christians. The *jizyah* (non-Muslim poll tax) was used to provide social services (policing, medical, and welfare services) to non-Muslims and Muslims alike. Those who accepted terms and agreed to pay the *jizyah* indicated their acceptance of Muslim political authority and that they would not rise up against the Muslims. The verse does not require conversion of the Jews and Christians. The Wahhabis have altered the word *jizyah*'s meaning to denote "tribute." The challenge for Muslims is to understand the historical context in which verses like al-Tawba were revealed.

The Wahhabi translation of the Quran contains an appendix on *jihad* mentioned above and which does not appear in other versions.[26] The main purposes of this appendix are to counteract the liberal view that *jihad* is not necessarily incumbent on all Muslims at all times, and to assert that any who do not share the views of the translators

are wrong. Such a simplistic presentation neither heeds the writings and discussions of non-Wahhabi Islamic scholars on the legality of warfare, nor situates the changing Islamic position on war and violence in its historical context.

This positioning of *jihad* further bolsters Osama bin Laden's and other radicals' assertions that a "Judeo-Christian crusade" is ongoing, and that it is the duty of all Muslims to oppose it with *jihad*. Bin Laden, who is not a cleric or a religious scholar, cites a *hadith* of the Prophet in this vein in a letter addressed to the Muslims of Pakistan: "The Prophet, may peace and salvation be upon him, said, "Whoever does not participate in a battle or does not support a fighter for Allah . . . God will punish before the Day of Judgment."[27]

Those Eligible to Fight.

According to the Quran, those who are eligible to become Islamic warriors must meet seven criteria. They must:[28]

1. be a Muslim, although the *hadith* and religious opinions differ on this;

2. have reached puberty or adulthood. Most scholars agree that legal capacity is reached at age 15. They cite a *hadith* about Ibn `Umar, whom the Prophet forbade from fighting at the Battle of Uhud when he was 14 years old, but who was permitted to fight once he turned 15.[29]

3. be of sound mind (al-Nur, Verse 61);

4. possess a free will to choose to participate in warfare (al-Saf, Verse 11: the key word *anfusakum* (of yourself) connotes a free will);

5. be male, though early Islam shows contradictions. Females played a vital role in early Islamic battles; not only did they tend to the wounded, but they engaged in combat and plundered booty as the Islamic army moved forward. In al-Bukhari, Vol. 6, *hadith* numbers 344-416, five women fought alongside Muhammad in the Battle of Uhud, and one, Umm Ahmara, died while engaging a Meccan with a sword. In the *hadith* collection of Muslim, Vol. 3, *hadith* number 1442: "Muhammad asked a woman where she got this dagger. She replied at Uhud and used it to kill a Meccan. Muhammad was satisfied with her answer."[30]

6. have their parents' permission (in al-Bukhari's and al-Nisa'i's collections of *hadith*); and,

7. be debt free, or have a release from his debt by his creditors. This ruling sought to avoid undue economic stress by discouraging a mass volunteering of debtors.

In addition to those excluded above, slaves; those who did not have the means, equipment, or a mount for an expedition (because they were not economically independent); the ill and handicapped; and, according to one legal school, the best Islamic jurist of a town, were all exempt from duty.[31]

Radical clerics do not educate suicide-bombers and would-be jihadists on these finer points of Islamic law and its complexity. For example, Hamas, the Al-Aqsa Martyrs Brigade, and other Islamic militant groups who employ suicide bombers coerce adolescents to join their cause without their parents' permission, violating at least one of the above edicts on fighter eligibility.

Iranian children as young as 9 years old were sent off to fight the "*jihad*" against Iraq, despite a draft age of 18. An estimated 50,000 children were killed in the Iran-Iraq War. The high casualties were explained in one report by lack of weapons, or that the youngsters were employed in highly vulnerable positions, and in suicide attacks.[32] How could this happen? Khomaini issued a *fatwa* or Islamic ruling that permitted children to fight in the Iran-Iraq war without their parents' permission.[33] Competing legal traditions on the age of adulthood grant it at puberty, which could occur at age 12 in boys and age 9 in girls. Here, war propaganda and fervor for martyrdom targeted schoolchildren even younger. Children's rights in Islam have also been violated by military groups in other countries, such as the Sudan.

Hizbullah and other groups have encouraged individuals to make videos of their recruitment as suicide bombers which serve the purpose of explaining their intent to their families, and in some cases, a will. In this way, the principles above are manipulated to legitimate a distorted version of *jihadi* recruitment. Most importantly, these videos are used to recruit others as there is nothing so psychologically powerful as the example of one's peers. Youths argue that it is because

they are young and not yet providing support to dependents that they may choose martyrdom. They have established a dangerous trend and linkage in the public mind between the idealism of youth and that of martyrs for the faith.

Who is a *Shahid* (Martyr)?

Islamic scholars were very concerned with *niyah* (intent). Today, Muslims confront a version of *jihad* that proclaims martyrdom as its intent, *raison d'etre*, and validation. Among Muhammad's sayings on the issue is, "He who has been killed to uphold the word of God has been martyred for his sake" (al-Bukhari, Vol. 1, *hadith* number 223). Yet, Muhammad also dictates that "a person whose intent is glory, booty (spoils), or females has no ties to God, and only God knows who strives for his sake"["strives" refers here to the process of *jihad*] (al-Bukhari, Vol. 6, No. 430). The second caliph and revered companion to Muhammad, `Umar ibn al-Khattab, once chastised a group who was calling each of their war dead a martyr. `Umar objected, instructing: "they should utter the Prophet's words; whoever died in the cause of God has died a martyr."[34]

Yet, even this exhortation does not belie the historical significance of martyrdom, nor the fact that *jihad* is always described as being "in the cause of God." Numerous *hadith* concerning martyrdom, intended to spur the believers to *jihad*, are found in Malik ibn Anas' text, *al-Muwatta*. Malik ibn Anas (d. 796) was the founder of the Maliki school of Islamic law.[35] Here we learn that `Umar ibn al-Khattab himself longed for death as a martyr: "martyrdom in Your way and death in the city of Your Messenger," and defined the martyr as "the one who gives himself, expectant of reward from Allah."[36]

The valuation of martyrdom in the Shi`i tradition is even more deeply ingrained, reflecting the experience of the sect. One belief is that certain persons, like the Prophets or martyrs, have the ability to intercede for the souls of Muslims as they proceed on the Day of Judgment. Intercession, or *shafa`*, may be granted to martyrs for themselves and others, and also through grieving and shedding tears for the martyrs, `Ali ibn Abi Talib and Hussayn ibn `Ali.

Moderates or Islamic liberals have been attempting to deconstruct the relationship of martyrdom and *jihad*, particularly since 9/11. The

difficult task of building counterarguments relies on the concept of *niyah*. It is important that disaffected youth or older supporters of the radicals should separate the intent of struggling for Islam from a quest for martyrdom. Martyrdom may be "embraced" or accepted, as Muslims say "submitted to," without being sought out as an end in itself.

Suicide and Hostage-Taking.

Suicide is also forbidden because God is the Creator of life. Neither suicide nor voluntary or involuntary homicide are permitted, and strict penalties are leveled against murderers. Before Islam, the system of retaliation or payments made to the clan of the injured party served to limit tribal feuding and vendettas. This system continued in Islamic law with the modification that the Muslim state was to exact vengeance, and only the criminal, not his clan, could be injured in kind, although the clan might pay blood money (*dhiya*).[37]

Those who license suicide-bombing claim that bombers are a) engaging in *jihad*, and b) committing "self-martyrdom." Both statements are questionable, for if there is no lawful *jihad*, they are committing premeditated murder.

Hostage-taking, as now practiced, absolutely is not sanctioned. That is because individuals are being targeted as if they were responsible for the deeds of their own country, or even more indiscriminately as non-Muslims. Second, the principles on taking prisoners and holding them for ransom were iterated differently, depending on whether or not the war was a legitimate *jihad*.

1. *The taking of hostages*. Hostages were seized during the Lebanese civil war and the holding of American hostages in Iran in 1979 may have enlarged the crisis of hostage-taking today in Iraq. Muslim authorities argue against the practice, saying it is unfair to punish an individual for the deeds of a larger entity. In the medieval period, hostages were taken to enforce treaties. They were to be returned to their country of origin if war began. They were not prisoners of war, though combatants could be held and even ransomed.

2. *The killing of Muslim or non-Muslim hostages*. This is decidedly not sanctioned, for it is simultaneously murder, a targeting of noncombatants and a misplacement of responsibility. Some clerics

mention Surah 5, al-Maida, which begins with a discussion of "the two sons of Adam," Habil and Qabil (Abel and Cain), to teach about the sin of murder, and states:

> On that account: We ordained for the Children of Israel that if anyone killed a person—unless it was for murder or spreading mischief on earth—it would be as if he killed all of mankind. And if anyone saved a life, it would be as if he had saved the lives of all mankind. (Verse 32)

Yusuf `Ali explains, in fact, that the story of Cain is a metaphor for the story of Israel's rebellion against Allah—an interpretation that not all readers accept. But he also writes "To kill or seek to kill an individual because he represents an ideal is to kill all who uphold the ideal. On the other hand, to save an individual life in the same circumstances is to save a whole community. What could be [a] stronger condemnation of individual assassination and revenge?"[38]

Muhammad's Battles.

Of the 27 battles in which Prophet Muhammad played a direct or indirect role, the first 18 defended the Muslims against the Meccans and the other 9 he initiated against the Meccans and other tribes in Arabia.[39] Each battle introduced new rules on Islamic conduct. The first three battles (Widan, Bewat, and Wadi Safwan) were skirmishes in and around the Juhaynah hills commanding the trade route to Syria, and occurred in the first 2 years of the *hijrah* (migration of Muslims from Mecca to Medina). The Prophet Muhammad formulated rules from these battles, including designating a Muslim battle flag and limiting the reason for battle to self-preservation.

The Battle of Badr (Known as Badr the Great).

The Battle of Badr was a battle in early Islam of such significance that the Egyptians named their 1973 plans to cross the Suez Canal Operation BADR, and the Supreme Council of Islamic Revolution in Iraq (SCIRI) called its military formation the Badr Corps. In this historic battle, approximately 300 Muslims met 1,000 Meccans on the plains of Badr in 627 A.D.. The Meccans were determined to crush

Muhammad and his followers once and for all to ensure access routes to the north. From a legalistic standpoint, several rules emerged from this battle.

1. **Flags and Banners.** To dispel the notion of Muhammad's flag being green like his cloak, many early Islamic texts (chiefly al-Tabari) cite the battle flag as being white. Muslims of the 7th century debated the content of the flag at great lengths. The Muslims' unifying banner differed in the 27 early Islamic battles.[40]

2. **War Spoils.** War spoils were also hotly debated among Muslims after the Battle of Badr. Tribal practice influenced this debate, which continued throughout Muhammad's life, and finally reached a consensus that sanctioned confiscating an adversary's wealth won in battle. This made economic sense as the numbers of those fleeing Mecca for Medina and requiring economic sustenance increased. Prospects of booty could help persuade tribesmen to become warriors for the cause.[41] Spoils were divided depending on whether the person brought a horse to battle as a cavalryman or if he was an infantryman, an archer, or a javelin thrower. A share was also allocated to Medina's poor, especially those who were widowed and orphaned in battle.

3. **Decapitated Heads as Trophies.** Another debate was the Arabian tribal practice of cutting off an enemy's head and displaying the head as a trophy. Two schools of Islamic opinion contest this issue, but the practice generally was frowned upon due to the previously mentioned verse about transgressing beyond the limits of war, and because burial of the dead was instead recommended by the Prophet, according to Abu Ya`la.[42]

Given the shocking beheadings of kidnapped non-Muslim and Muslim hostages in Iraq and the propaganda tool of the Internet, it is important to say here that this barbaric practice is not approved of Islamically. It is true that beheadings take place in the Kingdom of Saudi Arabia for capital crimes and that various Muslim political movements have slain their enemies in this manner, but the only possible religious sanction derived from the killing of polytheistic enemies of the early Muslims. As was suggested above, to extend the status of the polytheistic Meccans to foreigners, who supposedly must pay for the sins of their own nations, runs counter to the definitions

of civilians and combatants according to the medieval law of nations and the modern revisions of law and justice.

Beheadings are not practiced in many other modern Muslim nations. In Saddam Hussein's Iraq, Syria, Egypt, and other states that developed civil legal codes, prison sentences have been substituted for the severe penalties known as the *hudud*. Further, there is a system of justice, even in nations that follow Islamic law, as in Saudi Arabia in which arguments are made, evidence is brought, and individuals may deny their crimes or introduce reasonable doubt as to their culpability. A wide debate on the validity of the *hudud* penalties exists in the Muslim world because they violate international standards of human rights, and they have been protested when they were re-introduced as in the Sudan, Libya, or in Afghanistan under the Taliban.

4. **Dealing with Prisoners of War.** The Battle of Badr also stimulated debate on the disposition of prisoners of war. Muslim jurists have distinguished such rules for combatants, slaves, women, children, and old persons. In 7th century combat, a prisoner of war could expect the worst fate; indeed, a few early Islamic warriors called for the wholesale slaying of all captives. However, Islam attempted to break the habits of Arabian tribal ruthlessness in combat. The Prophet Muhammad's record is mixed, for he had ordered the killing of those he deemed serious enemies of Medina and Islam while sparing others. Muhammad decimated the Jewish tribe of Banu Qurayzah in the Battle of the Ditch. The leaders of this tribe switched allegiance to the Meccans during the battle, according to Islamic accounts, and thus were considered serious enemies by Muhammad. Following Muhammad's practice, the majority of Islamic scholars support the killing of most warriors following combat, while sparing some for ransom or enslavement. However, the debate over prisoners and the morality of killing them would continue beyond Badr and many other Islamic battles.

Battles against the Jewish Tribes of Medina.

The most controversial aspect of Muhammad's relationship with Judaism was his specific experience with the three Jewish tribes of

Medina. Islam is heavily influenced by Judaic law (pork prohibition has its roots in Judaic law), yet the Muslims and Jews of Medina clashed in the 3rd, 4th, 5th, and 7th year of the Hijrah (628-634 A.D.). This fighting led to the expulsion of the Banu Qaynuqa, Banu Nadir, and Banu Qurayzah tribes and the destruction of the Jewish section of Medina known as Khaybar. From an Islamic law of war perspective, interactions with the Jews also led to debates on:[43]

- The cutting of trees during combat, generally prohibited as it denies food and shade in the harsh desert climate;
- the death penalty for insulting the Prophet Muhammad;
- prohibitions on eating animals killed in combat; and,
- killing during the sacred months except in self-defense (i.e., the Muslim months of Ramadan and Muharram, although this rule is not widely enforced and is debatable).

It is important to grasp the context of the disagreements of the past since Islamic militants are using them, taken out of context and in combination with other contemporary grievances, to justify their anti-Semitism. The question of Palestine is not the only, but certainly the most, troublesome of these contemporary grievances for the entire Islamic world. The Islamic, or religious orientation, to the issue is not always well-understood in the West, or even in Israel for that matter. Jerusalem is regarded as the third holy city in Islam. From there, the Prophet Muhammad ascended to the heavens and was acknowledged by the earlier Prophets. Islamists and ordinary Muslims alike claim that Palestine is a religious endowment (*waqf*) for the Muslim community, and this claim stands in addition to the nationalist and territorial arguments of the Palestinians, who are, after all, Christians as well as Muslims. So, a contemporary issue has been welded to the earlier historic disputes, and recurs in the rhetoric of Islamic war as declared by the radicals today.

Objections to Christians.

Islam, Christianity, and Judaism share far more concepts and traditions than most people realize. Most importantly, each is based on Prophetic tradition; that is, the Prophets of the Old Testament,

particularly Moses, as well as Jesus, the Son of Mary, are recognized and honored in Islam. All three faiths possess divine Revelation through their Prophets and share a belief in an afterlife and a Day of Judgment.

Antipathy toward Christians perhaps is more deeply connected to injustices experienced in the colonial and modern era than in the period of early Islam. Many Westerners now believe, thanks to the Muslim radicals' ahistorical rhetoric, that negative perceptions stem from the Crusades. It is true that the Crusaders declared war on Muslim territories, but as their short-lived states were limited geographically and assimilated to the local culture, the Mongols were a far more devastating force in the Muslim world of that time. Still, various mutual misunderstandings and aspects of cultural conflict date from these battles between Muslim groups and "the Franks," as they were then known. The first of the Capitulations, or capitulatory treaties, the most-favored nation treaties that granted strong advantages to foreign mercantile interests, dates back to Louis IX's abortive Crusade effort in Egypt. These treaties caused resentment of the West and were abolished only in the 20th century. Christian ridicule or oppressive practices against Muslims in the colonial period, and actions such as the conversion of mosques to churches and the seizure of religiously endowed lands as in Algeria, exacerbated existing antipathies.

The chief objections that may be traced further back include:

- misunderstandings or antipathy toward the concept of the Trinity, which Muslims often regard as *shirk*, particularly the notion that God is the "third of three" (a reference to the Holy Spirit) or that Jesus has a "share in divinity;"
- objections to the story of the crucifixion; and,
- teachings that Jews and Christians disregarded their own scripture and exhortations by God, and are therefore less righteous than Muslims.[44]

It is understood, however, that Christians and Jews should follow their own rules and regulations and are not held accountable to Muslim obligations. Hence, the radicals' assertions that Muslims should force the Jews to convert or die are absolutely incompatible

with the tolerance that should be extended to the Peoples of the Book. Militants or educators and teachers who utilize the word "Crusader" to mean Christians or Westerners (thereby avoiding any state-ordered penalties) are likewise expressing a sentiment that is incongruous with Muslim tolerance and desire for peace.

Interfaith Reconciliation.

Muslims long have attempted to reconcile their common heritage with Jews and Christians with the tumultuous period of early Islamic history. Later, Jews and Christians had reason to dislike the elements of discrimination applied to them in the past by Muslim states, such as the wearing of distinctive clothing and their restriction to ride donkeys instead of horses as well as other rules, but they did possess the rights to govern their own communities.[45] Muslims likewise can rationally resent past and current hatred and discrimination leveled at them in many parts of the Western world. But it is crucial that Muslims defuse modern radical efforts to categorize Christians and Jews as enemies who are essentially no different than polytheists. It is most important to address and revise the presence of such ideas in educational materials, lectures and sermons, and in fact, the Kingdom of Saudi Arabia's efforts to rein in and reform these products hopefully will ameliorate these attitudes as a part of the reformation of *jihadist* worldviews. Interfaith reconciliation is not a one-party effort, so it will rely as well on the participation of non-Muslim as well as Muslim representatives, and crucial to its success will be a voluntary attitudinal shift and not only that ordered by governmental authorities.

Islamic Code of Conduct in War.

The media presents many images of innocent women and children who are victims of *jihadist* suicide bombers. If *jihadists* use Islam to justify this violence, then Islamic teachings can also be used to discredit these abhorrent acts. In one Quranic verse, Prophet Muhammad comes across a slain woman while riding in battle, and he frowns with anger.[46] His attitude prompted a distinct code of conduct among Islamic warriors which includes:

- No killing of women, children, and innocents—these might include hermits, monks, or other religious leaders who were deemed noncombatants;
- No wanton killing of livestock and animals;
- No burning or destruction of trees and orchards; and,
- No destruction of wells.

Abu Bakr, the first caliph after Muhammad's death, formulated a detailed set of rules for Islamic conduct during war. He gave the following instructions to a Muslim army setting out for Syria, which was then governed by the Byzantine Empire:

> Stop, O people, that I may give you ten rules for your guidance in the battlefield. Do not commit treachery or deviate from the right path. You must not mutilate dead bodies. Neither kill a child, nor a woman, nor an aged man. Bring no harm to the trees, nor burn them with fire, especially those which are fruitful. Slay not any of the enemy's flock, save for your food. You are likely to pass by people who have devoted their lives to monastic services; leave them alone.

The Quran clearly forbids indiscriminate killing as discussed previously in citing from Surah al-Maida, verse 32. These points are reinforced by other sayings of Prophet Muhammad:

> It has been narrated on the authority of Abu Huraira that the Messenger of God said: "Do not desire an encounter with the enemy; but when you encounter them, be firm." (*Muslim Book* 19, *hadith* No. 4313)

> It is narrated on the authority of Abdullah that a woman was found killed in one of the battles fought by the Messenger of God. He disapproved of the killing of women and children. (*Muslim Book* 19, *hadith* No. 4319)

> It is narrated by Ibn 'Umar that a woman was found killed in one of these battles; the Messenger of Allah therefore forbade the killing of women and children. (*Muslim Book* 19, *hadith* No. 4320)

> And in a *hadith* narrated by Abdullah ibn `Amr ibn al-As, Muhammad said: "You are neither hard-hearted nor of fierce character, nor one who shouts in the markets. You do not return evil for evil, but excuse and forgive." (al-Bukhari, Vol. 6, *Book* 60, *hadith* No. 362).

Even books written by modern Islamic militant ideologues contain a code of conduct for warfare. In the fourth chapter of *Human Rights in Islam*, Abu al-'A'la Mawdudi, one of Pakistan's founding fathers and chief ideologists, states:

> Islam has first drawn a clear line of distinction between the combatants and the noncombatants of the enemy country. As far as the noncombatant population, such as women, children, the old and the infirm, etc., is concerned, the instructions of the Prophet are as follows: "Do not kill any old person, any child, or any woman." (Abu Dawud) "Do not kill the monks in monasteries," or "Do not kill the people who are sitting in places of worship." (Musnad of Ibn Hanbal)
>
> During a war, the Prophet saw the corpse of a woman lying on the ground and observed: "She was not fighting. How then came she to be killed?" From this statement of the prophet, jurists have drawn the principle that those who are noncombatants should not be killed during or after the war.

Islamic radicals have defended attacks on civilians with several sorts of twisted logic. Israelis—men and women—serve for different lengths of time as active military, and up to a certain age, in the reserve military forces. Therefore, the popular Shaykh al-Qaradawi and others reason that all Israelis, including women and children, are potential combatants and enemies of Islam. One can see that this logic could then be applied to Western invaders or even travelers who are considered to be enemies or worse, spies. Nepalese civilian workers in Iraq were taken hostage and brutally murdered. Their killers noted that they "worshipped Buddha" (i.e., they were unbelievers) and served the enemies of Islam (the United States). Clearly, the early texts call instead for a normal definition and respectful treatment of noncombatants.

Perhaps the most damming indictment of Osama Bin Laden comes from a text that members or associates of al-Qaeda frequently refer to in their speeches and writings. This text is *The Polity Governed by Islam*ic *Law* (*al-Siyasa al-Shari`ah)*, a book written by 13th century Islamic jurist Taqi ibn Taymiyyah. Ibn Taymiyyah provides an anarchistic interpretation of *jihad* because he disapproved of Muslim leaders' cooperation with, or lack of condemnation of, the Mongols, a people who followed their own religio-legal code, although those

who conquered the Middle East later converted to Islam. The book argues that a Muslim owes allegiance to a ruler who is considered an upstanding Muslim. From this argument, the converse is constructed—that a ruler who is not an upstanding Muslim is not worthy of allegiance, and may be declared an unbeliever in the process known as *takfi*r. What is anarchistic here is that sedition, or revolting against the ruler, was a capital crime in Islam. Violence and upheaval were considered injurious to the Muslim community, so sanctioning *jihad* against a ruler was revolutionary, incendiary, and forbidden, despite the example of various secessionist groups in Islamic history. Ibn Taymiyyah also discounts the Christians' role in early Islamic history and views interfaith commonality as a luxury, giving an ideological justification to declare unrestricted war on Christians and Jews.

However, if a *madrasah* student who is taught from this text simply reads its pages more closely, he would find a contradiction. On pages 144-145, Ibn Taymiyyah explains that killing (warfare) is not the goal of Islam, but is a means of protecting the faith and those who preach it from hostilities. He also writes that those who do not battle Muslims and do not prevent the (free) practice of faith and preaching it are not to be killed, and war is not to be declared upon them.[47] Ibn Taymiyyah's arguments are based on Muhammad's early wars against the Meccans in preserving his society from persecution.

War verses in the Quran, al-Anfal, verses 60-62, have prompted Islamic commentaries on warfare, its preparedness, and the concept of deterrence: "Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into the hearts of the enemies of God and your enemies." (Verse 60, al-Anfal) It is easy to simply quote verse 60 and not the next verse: "But if the enemy incline towards peace, do thou (also) incline towards peace, and trust in God: for He is the one that heareth and knoweth." (al-Anfal, Verse 61)

Early Islamic Debate on Deception in War.

In the 5th year of the *Hijrah*, the Battle of the *Ahzab* (Confederation) occurred, in which an army of 10,000 marched on Medina from Mecca. The large Meccan army was faced by 3,000 Muslims. Muhammad

took the advice of Salman al-Farissi (the Persian) to dig a trench around Medina, an uncommon tactic in early Arabian warfare. The trench surprised the Meccans, and, as they laid siege to Medina, the confederation began to split apart.

One of the more important concepts of early Islamic warfare was a debate on deception, or deceptive tactics in warfare, which included the use of techniques unknown to the Arab tribes, espionage, and other actions that were not part of the code of honor at the time. Modern readers who think of intelligence, espionage, or surprise tactics as integral parts of war should try to recall the concepts of chivalry that governed the knights of medieval Europe, in which the rules of dueling and combat were as important as victory itself. The early Muslim warriors believed their very manhood rested on chivalrous, generous, hospitable, and consistently honorable behavior.

The Battle of the Confederacy (also called the Battle of the Ditch) opened a crucial discussion on reconciling honesty, truthfulness, and clarity that every Muslim should strive for with the deceptive strategies employed in warfare. In al-Bukhari, Chapter 73, *hadith* No. 1298, Muhammad said: "Verily, war is deception."[48] Muslims would debate this, and come to the conclusion that deception was sanctioned to win wars but should not operate in daily social life within Medina. Among the tactics used in Muhammad's time during the Battle of the Confederates were:[49]

- Newly converted Naim bin Masud returned to his Meccan tribe and gathered intelligence prior to the Battle of the Confederates. His espionage provided Muhammad and his leaders with valuable information on the weakness of the Meccan alliance with other tribes.
- In the Battle of Bani Lahyan (the first offensive battle initiated by the Muslims), Muhammad ordered his armies northward towards Syria to give the Meccans a sense that they were secure in the south. Muhammad's army then attacked the Meccans from the rear, threatening the tribe in their very encampments.

Drawing upon the *hadith* of al-Nawawi, Islamic scholars agreed that deception in war was sanctioned if practiced upon non-Muslims who had broken truces but was not permitted between non-Muslim and Muslim entities coexisting peacefully. Another Prophetic saying on deception is his statement that a liar is not one whose lies repair relations among people and whose intent is to bring goodness.[50] Here, fair speech, and what we might call "white lies" in the interest of peacemaking, are acceptable and not deceptive.

Tactics of Early Islamic Armies.

Today many Muslims attribute their success in conquering a vast expanse of territory in a relatively short period of time to faith. This typically fuels *jihadist* rhetoric as Muslims today fail to understand the mechanics of early Muslims' tactical achievements. Arab warriors had trained from childhood in tribal warfare. In pre-teen years, many rode camels and horses, wielded swords, threw spears, and were proficient in the use of the lance and archery.[51]

Many of these Islamic armies did not need to exceed 20,000 troops due to their versatility. The armies harassed the flanks with cavalry, while each infantryman emptied his arrows into the enemy formation, threw his lance, and fought hand-to-hand. Arab armies of the early Islamic period were broken up into units of ten. Muslim women accompanied the military expeditions and often administered aid to wounded Islamic warriors as well as the *coup de grace* for those wounded enemies left in the battlefield. Women would bring up the rear of the Islamic army, collecting weapons, armor, and anything else of value to the moving Muslim force. Islamic warfare also borrowed tactics from Persia and Byzantium, such as Greek fire and siege engines. The *Chronicle of al-Tabari*, written in 923 A.D., offers an account of how early Muslim armies were organized and fought.

Components of an early Muslim army included the following:

- The Guides *(al-Adilla' or al-Ada)*: Scouts who studied approaches to the terrain and the battlefield.
- The Eyes *(al-Ayun*): Specialists in cavalry reconnaissance.
- The Stuffers *(al-Hashir*): Brought up the rear of an army.
- Those of Action *(al-Fa`alah)*: Fixed bridges and dug trenches.
- The Poets *(al-Shu`ara*): Motivated fighters prior to battle.[52]

Early Islamic armies did not devise any notable military technological innovations; their success relied on speed; deception; flexibility; and the use of threats, negotiation, truces, duplicity, patience, and violence.[53] Their weaponry was not advanced. Indigenous to the Arabian heartland were bows and arrows, lances, and a straight sword made in Yemen or India which might be worn in a shoulder harness. References are made to women who fought with tent poles (as lances). Warriors wore leather or simple chain mail shirts. However, once they advanced beyond the Arabian peninsula, these armies adopted the use of the battering rams, catapults, mangonels (a type of large catapult), towers to push against walls, ballistas (used to launch missiles), and mining which were employed in the Byzantine art of war.[54]

Muslim armies gave their adversaries three choices, delivered in writing or orally through a messenger under a flag of truce: (1) embrace Islam, (2) enter into a truce (*`ahd*) in which *jizya,* a tax that signaled surrender to Muslim authority in return for relative self-government, was paid, or (3) continue to fight. Al-Tabari termed it the "final ultimatum." Islamic scholars have debated the issuance of this ultimatum; their positions include:

- Issuing it before the battle (Quran, al-Fath, verse 16).
- The ultimatum is not required as it gives away the element of surprise.[55]
- If the Muslims know the intent of the adversary, then a formal ultimatum is not necessary, but recommended. Two *hadith*s cover the issuance of ultimatums: the first describes Muhammad as not engaging in battle until dialogue proved unsuccessful. In the second, Muhammad sends an expedition to warn the leader to fear God and outlines terms for Muhammad's victory.

The concepts of truces and when they may be broken—mentioned in the Quran, al-Ma'ida, verse 1, al-Isra', verse 34, and al-Nahl—also preoccupied early Islamic theologians. Certain legal schools held that a truce or armistice of a *jihad* could be maintained for up to but no longer than 10 years.[56] Events however demonstrated variations on this principle.

Muslim scholar Ibn Khaldun provided a social theory for the Muslims success in battle and applied this theory to other ebbs and flows of power. He wrote of the solidarity or tribal connectedness (*`asabiyya)* of the Muslim warriors. Unfortunately, this primordial solidarity tended to break down, as he showed with a historical and proto-sociological analysis, after tribal warriors settled down in urban milieus and over several (three) generations. When Muslims argue that faith was a factor in the military prowess of the Muslims, they often connect this idea of solidarity—formulated in modern terms as *esprit de corps*—and cohesion with the religious idealism that the fighters had in common.

Alliances.

Islamic rulings are further complicated because many Muslim scholars held that innovations potentially were corrupting, leading the community away from the mores of Medina. Yet many new capabilities, weapons, and situations arose. As one might expect, opinions vary on alliances between Muslim and non-Muslim powers. The Ottomans extended the period under which a truce or treaty with a non-Muslim power for commercial reasons could hold from 10 years to the lifetime of a Sultan. Some scholars later held that it was permissable for Muslim states to call for aid from Western allies, as in the Gulf War of 1991.

Regular and Irregular *Jihad*.

Most scholarship on Islamic warfare has been written for a limited academic audience. Since the Islamic Revolution in Iran, the broader Islamic revival, and the rise of numerous militant movements that audience has expanded, and scholars sought to explain the attitudes of *jihad*ists to a nonspecialist readership. The classic definitions of Islamic warfare did not, as we have seen, explain the popularity of the *jihadist* vision. John Kelsay, like some other scholars, refers to two forms of warfare in Islam, regular and irregular *jihad*. The strict rules of warfare and definitions discussed in this text involve regular *jihad*; that is, *jihad* designed to expand Muslim territory and which involves two or more nations at war. Irregular *jihad*, which includes

uprisings, revolutions, or internal rebellions, expands the definitions of the Islamic rules of war. As mentioned earlier, each exhibits differing conceptions of leadership, and they are not considered equally valid. Kelsay writes,

> From the perspective of groups like Hamas and Islamic *Jihad*, irregular war is a fact of life. The necessity to struggle against injustice is an obligation that Muslims cannot ignore . . . assassinations, deception, kidnappings—these acts which are either justified or excused by the realities of the struggle that contemporary Muslims are commanded to undertake. Or so irregulars argue.[57]

This unorthodox argument,[58] along with the previously explained idea of labeling a Muslim as a non-Muslim (*takfir*), the perception of the Muslim world as being in a non-Islamic (*jahili*) condition, and the view of *jihad* as the sole solution, is factionalizing the Muslim world. It distorts the classical definitions of war against apostates, unbelievers, rebels, and brigands, and misdirects the debate over the nature of the collective or individual duty to *jihad*.

This argument ignores Islamic scholarship on the topic of warfare, arguing that certain tactics, if employed under the guise of irregular warfare, are legitimate and not subject to conventions and restrictions. That Islamic militants are attempting to create new doctrine to circumvent the body of Quranic verses and prophetic sayings that do not support their goals is significant. It is not very certain that Muslim youth understand the distinction between modern and classic, or moderate and radical versions. This is so despite the fact that extremism, terrorism, and irregular acts of violence are generally disapproved of in the classical texts.[59] Clerics could more clearly explain to their public how Islamic injunctions discredit the radicals' tactics of suicide operations, assassinations, kidnappings, hostage-taking, and ransom demands.

Conclusion.

Understanding the importance of the classic Islamic texts and the ultimate goals of Islam itself—peace and social equity—will enable us to fight terrorism through information operations combined with other means. It will also permit us to better comprehend the views and options of our Muslim allies.

Al-Qaeda and like-minded groups seek to employ Islam and secure Islamic conquest for their own purposes and ignore the emphases that the sacred texts place on restraint and justice. Osama Bin Laden and other extremists want Muslims to believe that Muhammad took up the sword to kill disbelievers, while Islamic texts show that Muhammad resorted to fighting only in defense of his new society in Medina. Religious scholars must work more assiduously to discredit this version of Islamic history.

We are not proclaiming or inventing an Islamic "reformation," a theme that has been appearing in the media. An Islamic reform movement began in the 19th century, and there is a well-established tradition of liberal "readings" of the texts. Unfortunately, the extremists and other trends of Muslim thinkers have countered many of these arguments, seeing them as instruments for Westernization. The emphasis on justice, moderation, and restraint long predates our era. Hopefully, it will bring Muslims closer to other faiths and heal the fissures created by the extremists' brand of Islamic warfare.

Policy Recommendations and Concerns.

The United States rightly has identified the stultification and even subversion of Islamic education in places like Saudi Arabia, Afghanistan, and Pakistan. *Madrasas* there do not focus on the complexity of the classical texts of Islam, nor teach students to analyze the reasons for this complex nature, but instead indoctrinate martyrdom and bellicosity. However, the dilemma goes far beyond these problems. As much as we wish to encourage alternatives to Islamic militancy, we need to recognize that they cannot be dictated to Muslims on our own terms and according to our preferred scenarios. Indeed, heated debate and conflicts between Muslims on the role of religion in their polities and societies likely will continue for many decades. If democratization is to proceed, these conflicts may become even more pronounced and the results may not be to the secular Westerner's taste. At the very least, as American military and diplomatic personnel engage in the Middle East, a more complex understanding of Islam is needed to guide us and help us comprehend our Muslim allies' fight against Islamic ideological extremism.

In a 1938 speech urging greater U.S. involvement against the Nazis, Winston Churchill pleaded: "We must arm. Britain must arm. America must arm . . . but arms . . . are not sufficient by themselves. We must add to them the power of ideas."[60] With this in mind, U.S. policymakers should:

1. *Become more cognizant of the complexity of Islam*ic *law and the debates among Muslims.* This does not mean that policymakers should direct the process or outcome of these debates.

2. *Be aware of the danger of simplist*ic *characterizations of Islam as a "violent religion."* Such characterizations inflame the emotions of Muslims everywhere, heighten perceptions of Western hostility, and limit our own ability to understand the future of the war on terrorism.

3. *Understand how jihadist groups manipulate, hide and deemphasize aspects of Islam*ic *history, law, and* Quranic *verses. Jihadists* and the *madrasas* and study groups they sponsor are not creating theologians who will contribute to the spiritual growth of Islam but suicide bombers and foot-soldiers involved in Islamic nihilism.

4. *Recognize that what al-Qaeda and its franchises fear most are Islam*ic *laws, histories, and principles that do not conform to their militant ideologies.* Therefore, the struggle between liberal and radical interpretations of Islam is a key aspect of the global war on terror.

5. *Acknowledge that a perfectly defined delineation between "mainstream" and extremist views is not evident.* Al-Qaeda and other *jihadists* proselytize with interpretations such as those of Muhammad ibn Abd al-Wahhab, Ibn Taymiyya, and Sayyid Qutb. But Wahhabism is at the core of today's Saudi Arabia, and Saudis must decide how to best counter interpretations that lead toward extremism. Ibn Taymiyya's and Sayyid Qutb's notions of social justice, the necessary Islamic character of leadership, and the importance of the Quran are highly palatable ideas to most Muslims, in contrast with other key *jihadist* notions in these theorists' work. That mixture of palatable and offensive ideas compounds the difficulties of the Egyptian government in seeking to limit radical influence. We nonetheless must understand the implications of the measures our allies choose to adopt.

6. *Realize that the majority of Muslims do not speak Arabic*. This means that Islamic teachings can be manipulated, as evidenced

by the varying English translations of the Quran ranging from the moderate to the radical. To the non-Arabic speaking masses in Afghanistan, Pakistan, or Indonesia, Arabic is a sacred language. Therefore, a radical cleric preaching and lacing his speech with Arabic and Quran*ic* words takes on an air of holiness, even though the sentiments he expresses reflect *jihadic* opinion.

7. *U.S. forces, particularly those involved in psychological operations, need to be educated in aspects of Islam*ic *history, law, and culture.* As Islamic militants quote and violently interpret verses from the Quran and *hadith*, U.S. and allied forces should not plead ignorance, but achieve a higher level of familiarity with religious and other aspects of Muslim culture. U.S. and allied forces may better comprehend the specific dilemmas of our Muslim allies if they are familiar with the messages of *jihadi*st **and** moderate Islam. Alternatively, they should consult experts who are well-versed in these matters.

8. *Recognize the simultaneous impracticality of armistices and reconciliation with Islamist militants, and the Islam*ic *rationale for attempting such solutions.* Such efforts were attempted in both Saudi Arabia and Iraq, but, in fact, those already passionately committed to the *jihadist* worldview will not be won over, and only those less committed might waver. We might therefore conclude more pessimistically.

9. *Factor in the possibility of failure in the battle against jihadist sentiment, while working as assiduously as possible for a different outcome.* That Islamism consists of moderate as well as radical, extremist groups operating in a politically unstable environment may rather point to a protracted struggle and period of reformulation. Knowledge of Islamic discourses will still be helpful and necessary in determining our responses to such a situation.

GLOSSARY OF ISLAMIC TERMS, PERSONALITIES, AND ORGANIZATIONS

Abd al-Wahhab, Muhammad: Founder of Wahhabism. Cleric who lived in the mid-18th century and sought to purify Arabia Islamically. His strict brand of Islam and mission to purge Arabia of pre-Islamic practices was adopted by Muhammad Ibn Saud in the 1740s. The Wahhabis call themselves *Muwahidun* (Unitarians).

Abu Bakr: The first caliph of Islam after Muhammad's death.

Abu Dawud: An early Muslim who compiled *hadith*s (prophetic sayings and deeds). The name may apply to his compendium.

Abu Huraira: An early Muslim who collected a large number of *hadith*s (prophetic sayings and deeds) soon after the Prophet's death. The name applies to the person and his compendium.

Abu Sufyan: Initially the Prophet Muhammad's fiercest opponent in Mecca, he was responsible for the initial genocide of Muslims and their exile from Mecca. After the capture of Mecca in 630 A.D., he converted to Islam. Abu Sufyan's descendants would become the Ummayad dynasty of 661-750 A.D.

al-Adilla' or al-Ada' (The Guides): Scouts, who studied approaches to the terrain and the battlefield.

`Ahd: A truce.

Ahl al-Kitab: (Peoples of the Book): Scriptuaries, or monotheists who possess a revelatory scripture: Jews, Christians, Magians (Zoroastrians), and Sabeans.

'Ali bin Abu Talib: Prophet Muhammad's cousin and son-in-law, who rose to become the fourth caliph of Islam.

Aman: A safe-passage agreement issued to a person from non-Muslim territory. One carrying an *aman*, but found to be a spy, could be executed.

Apostasy: One of the most serious crimes in Islamic law. Denying one's faith in Islam, or conversion to another religious creed.

`Asabiyya: Group feeling, or solidarity, *esprit de corps* of the early Muslim warriors.

Awqaf: Prohibitory and perpetual endowments; like a lawful form of mortmain. A Muslim may set aside land or property and the income deriving from it, as *awaqf*. Neither rulers nor heirs could seize *awqaf*. It supported schools, libraries, or other public works, and the Muslim clerics were in charge of it prior to the creation of state supervisory bodies or ministries.

`Ayun (Eyes): Specialists in cavalry reconnaissance.

Ba`athat: Noncombat expeditions or missions that could be diplomatic in nature, a courier, or political exchange. Certain Islamic texts consider these to be combative in nature.

Badr Corps: The military wing of the Supreme Council of Islamic Revolution in Iraq (SCIRI).

Banu Nadir: One of three Jewish tribes living in Medina.

Banu Qaynuqah: One of three Jewish tribes living in Medina.

Banu Qurayza: One of three Jewish tribes living in Medina.

al-Bukhari: Compiler of one of the highly respected, or "sound," *hadith* collections.

Caliph (Khalifah): A political office used to govern urban areas of pre-Islamic Arabia and chosen by the consensus of tribal elders. The term predates Islam and simply means "successor." The four Caliphs to succeed Muhammad from 570-632 A.D were, in order, Abu Bakr, `Umar, 'Uthman, and `Ali.

Dar al-Islam: Literally the abode or house of Islam. The territory controlled by Muslims where Islamic law is observed.

Dar al-harb: Literally the abode or house of war. Territory that is not controlled by Muslims.

al-Fa`alah: (Those of Action): Fighters designated to fix bridges, dig trenches, and ditches.

Fatwa: An opinion, or *responsum*, issued by an Islamic jurist. A *fatwa* answers a particular question, and in Sunni Islam, jurists utilize the Quran, *hadith*, legal analogy, and consensus in *fatwa* construction, while Shi`i jurists may also use a creative process known as *ijtihad*. Khomaini, as an Ayatollah, the Mufti of a Muslim city or country, or a well-educated *`alim* or religious scholar is qualified to issue a *fatwa*, but Osama bin Laden is not qualified to do so.

Fitnah: The term has many meanings, including sedition, schism, insurrection, to mislead, and to guide in error.

G*hazw*: Originally meant a raid but has evolved into the term for battle. When one sees this term in the context of a sentence, it may also denote battles that the Prophet Muhammad participated in directly.

Hadith: Hadith are sayings and actions of the Prophet Muhammad, and there are seven collections of compiled *hadith* that are considered to be "sound," or reliable by the majority of Muslims: al-Bukhari, Al-Tirmidhi, Muslim, Abu Dawud, al-Nisa'i, al-Nawawi, and Ibn Majah. These are the recorded sayings of Muhammad or his Companions, in both the Shiite and Sunni versions of Islam.

Harb: War, the general term for warfare not specifically designated as *jihad*.

Hashir: (Stuffer): Specialists who brought up the rear of an army.

Hijrah: Refers to the migration of Muslims from Mecca to Medina and Prophet Muhammad escaping the genocide of Muslims in Mecca around 622 A.D.

Hudud: Severe penalties for the capital crimes in Islamic law which include apostasy, sedition, adultery, and fornication. At the court's discretion, the penalties may be death by the sword, lapidation (stoning, usually to death), or lashing.

Ibn Kathir: Islamic scholar who lived in the 13th century and authored 13 major works of Islamic history, thought, jurisprudence, and explanations of the Quran and *hadith*. Ibn Kathir was a student of Ibn Taymiyyah and two other major Islamic scholars in Damascus of the middle 13th century.

Ibn Taymiyyah: A 13th century Islamic jurist who redefined *jihad* and apostasy to address the Crusades and the Mongols who had invaded the region and influenced local rulers in his day. He is considered a spiritual source for Islamic militants and al-Qaeda.

Ibn `Umar: A person who knew and fought with Prophet Muhammad and recorded his sayings and deeds.

Imam: An *imam* is, in one meaning of the word, merely a prayer-leader. For the Shi`a Muslims, the *Imam* is appointed by God to lead the Muslims. The Ja`fari Shi`a sect are called the Twelvers because of their belief in a line of twelve *Imam*s who were the rightful authorities, the last of which is in occultation (absent, not dead or alive) and will return one day to humanity. In the Muslim rulings on war, the term *imam* stands for the legitimate ruler, who was then called the caliph. For that reason, radical leaders have sometimes used the title of *Imam*.

Jahili: From the pre-Islamic period, or "time of ignorance." Islamists often brand the West, or their own governments, as being in a state of *Jahiliyya*, just like the pre-Islamic world.

Jihad: Struggle or offensive war. Frequently defined in English as "holy war," Muslims distinguish between the greater *jihad*, the daily struggle to fulfill the requirements and ideals of Islam, and the lesser *jihad*, fighting for the faith.

Jizyah: A tax levied on the Jews and Christians, who are not subject, as are Muslims, to payment of *zakat*. The *jizyah* was similar to the Roman poll tax. Land taxes were also charged.

Kaffir: a polytheist.

Khaybar: The Jewish section of Medina when Prophet Muhammad governed the city.

Khida`: Deception or stratagem.

Madrasah: An Islamic school.

Maghribi: Arabic geographical reference to North Africa (present day Morocco, Algeria, Tunisia, and Libya).

Malik ibn Anas: An early Islamic scholar who founded the Maliki school, or *madhhab* of Islamic law.

Mawdudi, Abu al-`A'la: One of the founders of Pakistan.

Mecca: The Prophet's birthplace and where he began preaching. Mecca is also home to the Kaaba, a cube structure that is considered by Muslims to be the first house for monotheistic worship, built by Adam and rebuilt by Abraham and his son, Ishmael. Mecca is the holiest site in Islam.

Medina: Originally called Yathrib, Muhammad and his followers migrated here to escape religious persecution by the Meccans and to establish an Islamic society. It was then named *madinat al-nabi* (city of the Prophet). Muhammad, Abu Bakr, and 'Umar are buried here, and Medina is the second holiest site in Islam.

Mufti: A Muslim official who is entitled to issue a religious opinion. Often represents a city or entire state.

Muhammad: Prophet of Islam who lived from 570-632 A.D.

Musnad: A term used to explain a concept and from where these words are supported (either in the Quran or one of the four main Sunni schools of Islamic thought [Hanbali, Shaf`i, Maliki, or Hanafi]).

Niyah: Intention, specifically the pure intention to commit an act. For instance, scholars argue that the intent for prayer is more important than the physical completion of that act.

Qital: Fighting or killing, a term for military activity used in the Quran.

Quran: Islamic book of divine revelation. The Quran is divided into 114 Suras, or chapters, with 6,219 Ayahs or verses.

Saraya: These are battles that Prophet Muhammad commissioned but did not lead. Also advanced raiding parties and reconnaissance groups, usually on horseback.

Sayyid Qutb: Leader of the Muslim Brotherhood of Egypt who was executed in 1966 and is considered a founding ideologue of the Islamic militant trend in that country, and regionally. He wrote that Muslims were living in a

state of *jahiliyyah*, or pre-Islamic ignorance, and held that only *jihad* would overcome this condition and achieve an Islamic state.

*Shafa`*: Intercession with Allah on the Day of Judgment when all souls shall come before Him. This intercession can be carried out by an intermediary, the Prophet Muhammad, or one of the martyrs, or, for the Shi`a, one of the *Imam*s.

Shahid: One who is martyred for the cause of Islam.

Shari`ah*: Islamic law. Islamic law is based upon the Quran, the *hadith*, *qiyas* (analogy), and *ijma` (consensus). Jurists of the Shi`i tradition may also utilize *ijtihad* (a creative interpretive process) to issue an Islamic legal ruling, or *fatw*a. Prior to 19th century Ottoman reforms, Islamic law was not codified.

Shirk: Polytheism, idol worship. Many pre-Islamic Arabs believed in a pantheon of gods and goddesses.

Shu`ara' (Poets): Orators and poets who encouraged fighters and motivated them prior to the battle.

Shuhada: Martyrdom. For Shi`a Muslims, the concept refers to `Ali ibn Abi Talib and Hussayn who were killed by the Ummayads in battle. For Sunni and Shi`a Muslims, martyrdom may refer to those who participate in *jihad*.

Siyar: The Islamic law of nations. An area of law that is the early equivalent of international law and the rules governing hostilities, peacemaking, and treatment of foreign nationals.

Turath: Islamic or Arab legacy or precedent. The Arab and Muslim intellectual circles frequently argue over the definitions of this legacy, always seeing it as a core social, political, cultural, and religious element under siege in an era of globalization.

`Umar: The second caliph of Islam who succeeded Abu Bakr.

Waqf: (*Awqaf*, plural): A religious endowment that theoretically exists in perpetuity. A Muslim may set aside land or property and the income deriving from it, as *waqf*. Neither rulers nor heirs could seize *awqaf*. It

supported schools, libraries, or other public works, and Muslim clerics were in charge of it prior to the creation of state supervisory bodies or ministries.

Zakat: Charity. A voluntary payment of a set percent of a Muslim's income and assets that is one of the five duties, or Pillars of Islam.

ENDNOTES

1. Umar Ibn Ibrahim Al-Awasi al-Ansari, *Tafrij al-qurub fi tadbir al-hurub (A Muslim Manual of War)*, George T. Scanlon, ed. and trans., Cairo: American University at Cairo Press, 1961, pp. 1-4.

2. *Ibid*., pp. 7-19.

3. See *The Islamic Law of Nations: Shaybani's Siyar* (*Kitab al-siyar al-kabir*), Majid Khadduri, trans., Baltimore: Johns Hopkins Press, 1966. Also see Majid Khadduri, *War and Peace in the Law of Islam*, Baltimore: Johns Hopkins Press, 1955.

4. The finer points of a *fatwa* rest upon language, but also, in our times, on politics. Simply put, *fatwas* state whether something is approved, disapproved, or neutral in Islam. Often fairly brief, the jurist may explain the principles foremost in his mind, or divide the question into sub-points, each with a particular response. See, for instance, Yvonne Yazbeck Haddad, "Operation Desert Storm and the War of Fatwas," in Muhammad Khalid Masud, Brinkley Messick, and David S. Power, eds., *Islamic Legal Interpretation and Their Fatwas*, Cambridge, MA: Harvard University Press, 1996, pp. 297-309.

5. See, among other sources, Fred Donner, "The Sources of Islamic Conceptions of War," in John Kelsay and James Turner Johnson, eds., *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions*, Westport, CT: Greenwood Press, 1991.

6. Majid Khadduri, *War and Peace in the Law of Islam*, Baltimore: Johns Hopkins Press, 1955, p. 58.

7. Numerous details on the rules of safe-conduct, or *aman*, are provided in al-Shaybani's *Siyar*. See *The Islamic Law of Nations: Shaybani's Siyar* (*Kitab al-siyar al-kabir*), Majid Khadduri, trans., Baltimore: Johns Hopkins Press, 1966, pp. 158-194.

8. Bernard Lewis, *The Political Language of Islam*, Chicago: University of Chicago Press, 1982, pp. 82-83. See also Rudolph Peters, *Jihad in Classical and Modern Islam*, Princeton: Markus Wiener, 1996, p. 5.

9. Abdulaziz A. Sachedina, "The Development of *Jihad* in Islamic Revelation and History," in James T. Johnson and John Kelsay, eds., *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition*, New York: Greenwood, 1990, pp. 41, 45, 46, 47. Also see A. A. Sachedina, *The Just Ruler in Shi'ite Islam: The Comprehensive Authority of the Jurist in Imamite Jurisprudence*, New York: Oxford University Press, 1988, pp. 105-117.

10. See, for additional information, Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law*, New York: Cambridge University Press, 2001.

11. The Magians were a priestly caste of a pre-Islamic monotheistic Iranian sect sometimes confused with the Zoroastrians. The Sabeans were another monotheistic group, also known as the Mandeans.

12. Khadduri, *War and Peace*, p. 81, and the entire chapter, pp. 74-82.

13. Mahmoud Khalaf Jarad al-Issawi, *Fiqh al-ghazw (Islamic Jurisprudence of Battle)*, Amman, Jordan: Dar Ammar Printing Press, 2000, pp. 18-21.

14. We often refer to Abdullah Yusuf `Ali, *The Holy Quran: Translation and Commentary*, Brentwood, MD: Amana Corporation, 1983, often called the Washington translation. It is moderate in tone and provides in depth interpretations for the translated verses. We also consulted Dr. Muhammad Taqi-ud-Din Al-Hilali and Dr. Muhammad Muhsin Khan's *Interpretation of the Holy Quran in the English Language: A Summarized Version of Al-Tabari, Al-Qurtubi, and Ibn Kathir with Comments from Sahih-Bukhari, Summarized in One Volume*, Riyadh, Saudi Arabia: Dar-u-Salam, Publishers, 1994. This edition is more conservative in approach, with an exclusively Saudi Islamic translation and view of the Quran, here referred to as the Wahhabi version. Other English translations such as those by Arberry, Dawood, and Pickthall may be consulted, but even untrained readers will notice some differences in wording and style in each.

15. Mahmud Shaltut, "The Koran and Fighting," as translated by Rudolph Peters from *al-Qur'an wa-al-qital*, Cairo: Matba`at al-Nasr and Maktab Ittihad al-Sharq, 1948; and Cairo: Dar al-Kitab al-`Arabi, 1951, in Rudolph Peters, *Jihad in Classical and Modern Islam*, Princeton: Markus Weiner, 1996, pp. 69, 70, 79.

16. Al-Issawi, *Fiqh al-ghazw*, p, 23.

17. Dr. Muhammad Taqi-ud-Din Al-Hilali and Dr. Muhammad Muhsin Khan's *Interpretation of the Holy* Quran *in the English Language,* pp. 845-864; Elias A. Elias, *Modern Arabic-English Dictionary*, Beirut: Dar al-Khayl, 1972, p. 493; and J. M. Cowan, ed., *The Hans Wehr Dictionary of Modern Arabic*, p. 815.

18. Sohail Hashmi, "Interpreting the Islamic Ethics of War and Peace," in Sohail Hashmi, ed., *Islamic Political Ethics: Civil Society, Pluralism, and Conflict*, Princeton, NJ: Princeton University Press, 2002, p. 204.

19. Khaled Abou El Fadl, "*Ahkam al-Bughat*: Irregular Warfare and the Law of Rebellion in Islam," in James Turner Johnson and John Kelsay, eds., *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition,* Westport, CT: Greenwood Press, 1990.

20. Yusuf `Ali, *Meaning of the Holy Qur'an*, p. 78, footnote 211.

21. Peters, *Jihad*, p. 6.

22. Al-Hilali and Khan, *Interpretation of the Meaning of the Holy Quran*, pp. 1043-1064.

23. One may also go back to Franz Rosenthal, "On Suicide in Islam," *Journal of the American Oriental Society*, Vol. 66, 1946, pp. 239-259; Jalaluddin Umri, "Suicide or Termination of Life," *Islamic Comparative Law Quarterly*, Vol. 7, 1987, pp. 136-44.

24. Rudolph Peters, *Islam and Colonialism: The Doctrine of Jihad in Modern History*, The Hague: Mouton Publishers, 1979, p. 13.

25. Shaltut, "The Koran and Fighting," in Peters, *Jihad*, p. 79.

26. Al-Hilali and Khan's *Interpretation of the Holy Quran*, pp. 845-864.

27. Document 35, "Letter to Muslims of Pakistan," in Roland Jacquard, *In the Name of Osama bin Laden: Global Terrorism and the Bin Laden Brotherhood*, Durham and London: Duke University Press, 2002, p. 259.

28. Abu Lababah Hussein, *al-Islam wa al-harb* (*Islam and Warfare*), Riyadh: Dar al-Liwa Publishers, 1979, pp. 39-50.

29. A. J. Wensinck, *Concordance et indices de la tradition musulmane*, 7 Vols. Leiden: Brill, 1936-39, Vol IV, p. 180.

30. Hussein, *al-Islam wa-al-harb*, p. 48.

31. Peters, *Islam and Colonialism*, pp. 16-17.

32. Maryam Elahi, "Rights of the Child under Islamic Law: Prohibition of the Child Soldier," in Elizabeth Warnock Fernea, ed., *Children in the Muslim Middle East*, Austin: University of Texas Press, 1995.

33. *Ibid*., p. 373.

34. Hussein, *al-Islam*, pp. 45-50.

35. This text was recensed by al-Masmudi (d. 848) and al-Shaybani (d. 805), who was noted for his extensive use of *hadith*.

36. Passages from Malik's *Muwatta*, in Peters, *Jihad*, p. 23; or see Malik ibn Anas, *Al-Muwatta of Imam Malik ibn Anas: The First Formulation of Islamic Law*. Aisha Aburrahman Bewley, trans., London and New York: Kegan Paul, 1989, pp. 173-174, 180-182.

37. The penalties for homicide, bodily harm, and damage to property are described succinctly in Joseph Schact, *An Introduction to Islamic Law*, Oxford: Clarendon Press, 1964, pp. 181-187.

38. `Ali, *The Meaning of the Holy Qur'an*, p. 257, footnote 737.

39. Hussein, *al-Islam*, pp. 37-38.

40. Al-Issawi, *Fiqh al-ghazw*, pp. 68-70.

41. *Ibid*, pp. 108-114.

42. Abu Ya`la, *Kitab al-Ahkam al-Sultaniyya*, Al-Fiqqi, ed., Cairo: 1938, p. 34, cited by Khadduri, *War and Peace*, p. 108.

43. Al-Issawi, *Fiqh al-ghazw*, pp. 116-118.

44. The two essays that follow the Wahhabi translation of the Qur'an, "The Jews and the Christians" (no author indicated) and Muhammad Taqi ud-Din Hilali "Jesus and Muhammad in the Bible and the Qur'an and Biblical Evidence of Jesus Being a Servant of God and Having No Share in Divinity," in terms of tone and organization surely create an impediment to interfaith tolerance, although that may not be the intent of the translator/interpreters. Al-Hilali and Khan, *Interpretation of the Meanings of the Noble Qur'an*, pp. 1025-1041.

45. Khadduri, *War and Peace*, pp. 196-199.

46. Al-Issawi, *Fiqh al-ghazw*, pp. 151-209.

47. Hussein, *al-Islam*, p. 26.

48. *Sahih al-Bukhari*, Muhammad Muhsin Khan, trans., Medina: Islamic University of Medina, Saudi Arabia, 1996.

49. *Ibid*., pp. 324-329.

50. *Ibid*., p. 328.

51. Christon I. Archer, *et al; World History of Warfare*, Lincoln: University of Nebraska Press, 2002, pp. 152-163.

52. Al-Issawi, *Fiqh al-ghazw*, pp. 52-54.

53. Archer, *et al*., *World History of Warfare*, p. 162.

54. Edmund Bosworth, "Armies of the Prophet: Strategy, Tactics and Weapons in Islamic Warfare," in Bernard Lewis, ed., *Islam and the Arab World*, New York: Alfred A. Knopf, 1976, p. 202.

55. Al-Issawi, *Fiqh al-ghazw*, pp. 39-44.

56. Peters, *Islam and Colonialism*, p. 33.

57. John Kelsay, *Islam and War*, Louisville, KY: John Knox Press, 1993, pp. 106-107.

58. The terms "regular" and "irregular" are foreign to the conceptualization of *jihad* as found in Muslim sources. As we explained earlier, the more cogent questions are: what type of *jihad* is intended? Is it *jihad* or merely *qital*? And, who has authorized *jihad*?

59. Tamara Sonn, "Irregular Warfare and Terrorism in Islam: Asking the Right Questions," in Johnson and Kelsay, eds., *Cross, Crescent and Sword*.

60. Extract from broadcast to the United States, October 16, 1938, Churchill Archives Center, Churchill Papers, CHAR 9/132.

Order Code RL31617

Report for Congress
Received through the CRS Web

The Economic Effects of 9/11: A Retrospective Assessment

September 27, 2002

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The Economic Effects of 9/11:
A Retrospective Assessment

Summary

The tragedy of September 11, 2001 was so sudden and devastating that it may be difficult at this point in time to write dispassionately and objectively about its effects on the U.S. economy. This retrospective review will attempt such an undertaking. The loss of lives and property on 9/11 was not large enough to have had a measurable effect on the productive capacity of the United States even though it had a very significant localized effect on New York City and, to a lesser degree, on the greater Washington, D.C. area. Thus, for 9/11 to affect the economy it would have had to have affected the price of an important input, such as energy, or had an adverse effect on aggregate demand via such mechanisms as consumer and business confidence, a financial panic or liquidity crisis, or an international run on the dollar.

It was initially thought that aggregate demand was seriously affected, for while the existing data showed that GDP growth was low in the first half of 2001, data published in October showed that GDP had contracted during the 3rd quarter. This led to the claim that "The terrorist attacks pushed a weak economy over the edge into an outright recession." We now know, based on revised data, this is not so. At the time of 9/11 the economy was in its third consecutive quarter of contraction; positive growth resumed in the 4th quarter. This would suggest that any effects from 9/11 on demand were short lived. While this may be true, several events took place before, on, and shortly after 9/11, that made recovery either more rapid than it might have been or made it possible to take place. First, the Federal Reserve had eased credit during the first half of 2001 to stimulate aggregate demand. The economy responds to policy changes with a lag in time. Thus, the public response may have been felt in the 4th quarter giving the appearance that 9/11 had only a limited effect. Second, the Federal Reserve on and immediately after 9/11 took appropriate action to avert a financial panic and liquidity shortage. This was supplemented by support from foreign central banks to shore up the dollar in world markets and limited the contagion of 9/11 from spreading to other national economies. Nevertheless, U.S. trade with other countries, especially Canada, was disrupted. While oil prices spiked briefly, they quickly returned to their pre-9/11 levels.

Thus, it can be argued, timely action contained the short run economic effects of 9/11 on the overall economy. Over the longer run 9/11 will adversely affect U.S. productivity growth because resources are being and will be used to ensure the security of production, distribution, finance, and communication.

This report is retrospective in nature and will not be updated.

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The Economic Effects of 9/11: A Retrospective Assessment

On the morning of September 11, 2001, a small group of dedicated fanatics hi-jacked four commercial airplanes in flight, crashed three of them into buildings symbolic in various ways of what they found offensive about the United States, and changed the course of American history. Shortly after this occurred, a group of CRS analysts was called upon to assess the possible effects of the terrorist attacks on the U.S. economy and the ability of the government to deal with them. This was but a small part of a much larger CRS effort on various aspects of terrorism that became an on-line electronic briefing book. This briefing book has been extraordinarily successful and has been used thousands of times by congressional staff. Over time, most of the economic entries served their purposes and were withdrawn.

While the studies of the CRS staff on the economic effects of terrorism were very useful, they were not designed to address other important questions related to this tragedy. For example, what did we learn from this experience that might be useful if the United States were to experience other acts of terror? While we know how the government responded in this instance, were alternative responses available? If they were, what were they and why were they not used? Does this episode suggest that new remedial stand-by programs should be put in place now? Or are acts of terrorism likely to be so unique that one-size-for-all remedial programs are unlikely to be useful? It is to address such questions, that CRS presents this retrospective assessment.

An Overview

Economy-Wide Implications and the Fiscal-Monetary Response

When the terrorist attack occurred it was known that the U.S. economy was in a transition from an unsustainable to a sustainable rate of growth. To accomplish this, the Federal Reserve began to tighten credit in mid-1999. This tightening continued through May 2000. Key economic indicators reflected this tightening: industrial production reached a peak in June 2000 and slowly began to decline, the two consumer confidence indexes peaked in May 2000 and the unemployment rate began to rise, reaching 4.9% in August 2001 (from a low of 3.9% late in 2000). The then available data on GDP growth showed that it was quite low, but positive, during the first half of 2001. Clearly, the economy was softening and the possibility of a recession loomed.

However, the actual state of the economy was quite different from that depicted by the GDP data. As a result, various claims were made for the economic effects of 9/11 which were unfounded, in particular that it "pushed a weak economy over the edge into an outright contraction." This conclusion was based on data released in September, October, and November which showed a large rise in the unemployment rate, a fall in consumer confidence, and a contraction in GDP for the 3rd quarter of 2001.

As data revisions for GDP were released in the summer of 2002, we learned that GDP began contracting in the 1st quarter of 2001, a contraction that continued through the 3rd quarter and that positive growth began again in the 4th quarter (at an annual rate of 2.7%). This period of contraction would, of course, explain the rise in the unemployment rate. Moreover, the fall in consumer confidence seems now to be largely explained by such underlying factors as the rise in the unemployment rate, the increase in the rate of inflation, and the fall in stock prices.

Thus the events of 9/11, tragic though they were, did not "push a weak economy over the edge into outright contraction." The economy was contracting when 9/11 occurred and it was poised to shift toward positive growth shortly thereafter. The terrorist attacks did cause some severe localized effects, especially in and around the target areas, and that may have muted the magnitude of growth in the 4th quarter. This fairly modest effect may have been due to assurances given by the Federal Reserve within hours of the attack that it was still in business and that sufficient liquidity would be available for the financial community. Over the next three days, the Federal Reserve added some $100 billion per day in liquidity. As a result, it can be argued, a human tragedy was not compounded by a financial crisis.

Terrorism and National Productivity

The lasting economic effect of 9/11 will be of a different nature. Large amounts of resources are and will be committed to making production, distribution, finance, and communication more secure in the United States. Resources that could have been used to enhance the productive capacity of the country will now be used for security. Since it will take more labor and capital to produce a largely unchanged amount of goods and services, this will result in a slower rate of growth in national productivity, a price that will be borne by every American in the form of a slower rate of growth of per capita real income.

Oil Supply and Prices

A crucial part of U.S. imports, which now amounts to about 15% of GDP, is energy, primarily in the form of oil. Sharp and prolonged increases in the price of oil, popularly termed price shocks, can have significant negative effects for GDP growth in the short run. The individuals involved in the terrorist attacks came from an area that is an important source of the world's oil production. It is possible that an oil price shock, with possible negative effects on the U.S. economy, could have followed from the attacks. In this instance it did not, except for a brief spike in prices that eased within little more than a week. Also, it is somewhat reassuring that when a major mechanism for determining current and future petroleum prices – the New

York Mercantile Exchange – was closed for a week, other commodity and futures markets filled in as did the spot market, and the oil industry was not materially affected.

World Economies

Because of the large size of the U.S. economy, America is an important market for many countries. Sharp shifts in the health of the U.S. economy can have important short run consequences for the economies of U.S. trading partners, especially Canada, Mexico, and Japan. About 40% of Canada's output is exported to the United States. Mexico is also an important trading partner of the U.S. While trade with both countries, especially Canada, was disrupted in the short run, various measures were put in place to minimize these disruptions. And, indeed, they may actually expedite border crossings for an important class of trade (motor vehicles). Thus far, it would appear that apart from an initial adverse reaction, the short run effects of 9/11 have not been great on foreign economies. The quest for greater security will, however, impose a longer run cost on the world economy both in terms of a decline in productivity growth and, possibly, greater impediments to the free movement of goods, services, and capital. These flows have contributed immeasurably to the integration of the world economy and its efficient functioning.

International Capital Flows and the Dollar

While international trade plays an important role in the U.S. economy, it is not the only role played by international forces. A characteristic of the economic expansions of the 1980s and 1990s was the large net inflow of foreign capital to the United States. During the late 1990s, this net inflow furnished between one-third and one-half of the U.S. net saving. In times of international crisis and uncertainty, foreign capital has often sought refuge in the United States. This time, however, the United States is the battle ground. Even though there was no panic selling of dollar-denominated assets after 9/11, it would appear that there was a short run decline in the net purchase of U.S. assets by foreigners. This was clearly over by mid-October. However, this may be due to timely action of the Federal Reserve, which restored confidence in the smooth functioning of the nation's payments system, action supporting the dollar in international financial markets by the Bank of Japan and the European Central Bank, among others, and interest rate cuts by key central banks in support of similar cuts by the Federal Reserve.

Financial Markets

While much economic analysis tends to concentrate on the determinants of output and employment, modern market economies depend to an important extent on a well-functioning financial system and financial institutions, such as insurance companies, commercial banks, pension funds, stock exchanges, etc. These institutions play a vital function in ensuring that resources represented by saving are transformed into new capital goods. They were put in harm's way by the terrorist attacks.

The attacks on the twin towers threatened the heart of the U.S. financial system. Their destruction devastated the leading dealer in U.S. Treasury securities, the loss of whose staff accounted for almost one quarter of those killed in New York City. The debris from the collapsing towers and the general chaos in the area brought about the closing of the New York Stock Exchange, the major stock exchange in the United States, as well as closing brokerage houses and banks in the Wall Street area. The grounding of all air planes severely hampered the clearing of checks and the distribution of paper currency, creating great uncertainty for financial institutions. Timely action by the Federal Reserve, the City and State of New York, the Federal Emergency Management Agency, and individuals in the financial sector resulted in the quick return to business by the stock and commodity exchanges in the affected area. This not only ensured the timely return to normal operations by the financial system, but was also a major boost to confidence.

Sectoral, Industry, and Geographic Effects

As the contraction of GDP in the U.S. during the first three quarters of 2001 has adversely affected some sectors and geographic areas of the economy more than others, so the costs of the terrorist attacks have been borne disproportionately by a few industries, especially airlines, tourism, and insurance; small businesses in the target areas; and the city of New York, the major target area.

A. Airlines. The use of commercial airplanes as assault vehicles to wreak havoc on the United States has no precedent in aviation history. At the time of 9/11, the industry was already in financial trouble due to the recession. 9/11 severely compounded the industry's financial problem. Even though the federal government quickly responded with an aid package that gave the airlines access to up to $15 billion (consisting of $5 billion in short-term assistance and $10 billion in loan guarantees), it is by no means certain that the industry will not have to undergo a major reorganization typified by U.S. Airways filing for Chapter 11 bankruptcy and United suggesting that it may take a similar course of action.[1]

B. Insurance. Insurance was one of two industries profoundly affected by 9/11. The loss of life and property gave rise to the largest property/casualty claim in history, estimated at $40 billion.[2] While the industry as a whole has both the reserves and liquid assets to settle these claims, this will not be the case if terrorist attacks become a more frequent occurrence. The risk posed by terrorism is new and the industry has little or no prior experience upon which to base insurance rates and hold reserves. As a result, only a few insurers are offering limited, restricted, and expensive coverage for terrorism.[3] This could have a negative effect on the ability of firms and households to acquire the financial wherewithal with which to put in place new buildings and equipment. Thus far, a large number of new projects in

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[1] Edward Wong, *Is Bankruptcy Good for the Airlines?*, New York Times [www.nytimes.com/2002/10/20/].

[2] Insurance Information Institute, New York, NY: October 21, 2002.

[3] Ibid. See also Jackie Spinner, "Terrorism Insurance Bill Moves Forward, *Washington Post*, October 18, 2002.

diverse geographical areas do not seem to be adversely affected. Since the government is responsible for the safety of the country against terrorism, questions have been raised about a possible federal role in providing compensation to companies that are adversely affected by future terrorist attacks should they occur.

C. Agriculture and Food. In the days following the 9/11 attack, the agriculture sector experienced some initial economic setbacks due to the halt of commodities futures trading and losses from delayed shipments of perishable commodities by air and by truck along U.S. borders with Canada and Mexico. These losses proved transitory; nonetheless, the changing geopolitical developments that have followed 9/11 have injected a significant amount of uncertainty into any predictions about world markets and their effects on the U.S. farm sector's longer term financial health, which is highly dependent upon trade.

The anthrax attacks in October 2001 had a far more dramatic and immediate effect, not upon the agriculture economy *per se*, but upon the realization that U.S. farms and the food supply are highly vulnerable to bioterrorism. Virtually all of the congressional actions on agricultural issues taken after autumn 2001 – including the 2002 farm act (P.L. 107-171), two emergency appropriations acts (P.L. 107-117, P.L. 107-206), and a separate anti-bioterrorism act (P.L. 107-188) – have contained provisions intended to protect agriculture from the threat of bioterrorism. Nevertheless, despite both legislative and administrative actions, many policymakers maintain that 100% protection of food and agricultural enterprises is not possible, and that further action should address preparedness and response planning.

D. Small Business. Nearly 18,000 businesses were dislocated, disrupted or destroyed by 9/11. Most were in and around the World Trade Center complex. Using existing programs, the Small Business Administration, in cooperation with other federal, state, local, and charitable groups worked to alleviate the distress. As of May, 2002, 4591 loans had been made to firms near the World Trade Center complex and 96 loans in Virginia including those made to businesses at Reagan National Airport. The federal government also provided financial assistance to small businesses in and around the World Trade Center complex in the form of Community Development Block Grant funds. In addition Economic Injury Disaster Loans became available nationwide to eligible small businesses that have suffered substantial economic injury due to 9/11 or a federal action in response to 9/11. These loans provide working capital for ordinary and necessary operating expenses that would have been incurred in the absence of a disaster. There has been considerable criticism of the federal response to the plight of the thousands of small businesses in proximity of the World Trade Center. Insufficient funding, burdensome application requirements, arbitrariness, and delays have been cited.

E. New York City. The destruction of the World Trade Center towers, nearby businesses, and human lives has had a major impact on the economy of New York City. Gross City Product (GCP) was estimated to have been reduced by approximately $27.3 billion over the last 3 months of 2001 and all of 2002. The latest estimates put the tax loss stemming from the reduced economic activity at just over $2 billion in FY2002 and another $1 billion in FY2003. The tax revenue loss combined with the extraordinary expenditures for relief and recovery after 9/11 has severely strained the New York City budget. The federal response to this fiscal

crisis, through a series of legislative actions, has had two objectives: (1) to reimburse the city for emergency expenditures directly related to the attacks and (2) to reinvigorate the local economy with economic development incentives. To date, federal aid to New York City has been delivered in three phases: $11.2 billion appropriated in September 2001 for debris removal and direct aid to affected individuals and businesses; just over $5 billion in economic development incentives was approved in March 2002; and another $5.5 billion for a variety of infrastructure projects for New York City was approved in August 2002.

F. Layoffs and Unemployment Benefits. Overlaid on a labor market already weakened by recession were 462 extended mass layoffs attributable to 9/11 that displaced nearly 130,000 employees.[4] Although legislation initially introduced was directed at workers adversely affected by 9/11, the legislation that ultimately passed dealt with the economy-wide recession. It extended unemployment compensation (UC) benefits 13 weeks for those who had exhausted their basic benefits, and for UC exhaustees in "high-unemployment states," it provided 13 weeks of benefits beyond the initial 13-week extension. Workers, including the self-employed, who are not eligible for regular UC benefits may be covered by an existing program, namely, Disaster Unemployment Assistance. Through August 2002, nearly 3800 individuals in New York and Virginia had received such benefits**.**

G. Public Finances of the United States: Patriot Bonds. Counter-terrorism spending presents significant implications for the federal government. Additional spending can be financed with higher taxes, less spending on other programs, or additional debt. The U.S. Treasury, in response to the bipartisan urging of Congress, created Patriot Bonds in December 2001 to assist in financing the war on terrorism and to provide an avenue for patriotic citizens to show their support for the effort. The new Patriot Bonds were formerly identified as Series EE Savings Bonds. The War Bonds (series E bonds) offered in the 1940s are the antecedents of the Series EE bonds.

Economy Wide Implications and the Fiscal-Monetary Response[5]

The Setting

There was widespread concern at the time of the attacks that 9/11would have serious, negative effects on the overall economy, perhaps causing a deep recession. As late as January 2002, this theme still dominated official pronouncements. The President's budget submission stated: "The terrorist attacks pushed a weak economy over the edge into an outright contraction. After September 11th, the forces that had been restraining growth since mid-2000 were augmented by temporary disruptions

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[4] BLS data on extended mass layoffs attributable to the terrorist attacks as shown in CRS Report 31250, *Layoffs Due to the September 11, 2001 Terrorist Attacks and the Worker Adjustment and Retraining Notification Act (WARN)*, by Linda Levine.

[5] Prepared by Marc Labonte and Gail Makinen, Government and Finance Division.

to business travel and tourism and by the temporary shock to confidence that the terrorist attacks engendered."[6] These predictions and the theory that 9/11 caused the recession have proved to be largely unfounded. Yet, at the time they seemed plausible. In retrospect, they were, in part, the product of data that failed to give a complete picture of the economy. In fact, the picture was quite misleading.

The Existing Picture of the Economy on 9/11. During 1999 and the first half of 2000, the U.S. economy was growing at between 3% and 5% per year. The unemployment rate, 3.9% in September and October 2000, was at a 30-year low, and substantially below estimates consistent with a fully employed economy. This suggests that the economy was characterized by excess demand which could potentially be inflationary. To reduce GDP growth to a more sustainable rate, the Federal Reserve began in mid-1999 to tighten credit. This continued until May 2000. During this period, the key federal funds interest rate was raised to 6.5% from 5.0%. The index of industrial production, available monthly, reached a peak in June 2000 and slowly began to decline. By December, it had fallen 1.4%. The pace of GDP growth slowed noticeably during the second half of the year (from an annualized rate of 5% in the first half to 2% during the second half). Industrial production continued to fall during 2001 and by August it was down an additional 3.5% from December. However, the data then available showed that GDP growth during the first half of 2001 was low, but positive (the annualized rate during the first two quarters shown by these data was, respectively, 1.3% and 0.2%). The unemployment rate was also on the rise - reaching 4.9% by August. Clearly, the economy was softening and the possibility of a recession loomed.

The data for September and October were startling. Industrial production fell 1.1% in September, the largest single decline since it began to fall in July 2000, and another 0.6% in October. The unemployment rate rose to 5.0% in September (a difference from August that was not statistically significantly) and to 5.4% in October. At the end of October, GDP data for the third quarter were published and revealed that the economy contracted at an annual rate of 1.0%. Because of the time period in which the data are collected for the industrial production index and unemployment, the published results for October are relevant for indicating the initial effects of 9/11.[7] Finally, consumer confidence, measured by either the Conference Board or the University of Michigan index, declined.[8] The former fell from 114 in August to 84.9 in November while the latter fell from 91.5 in August to 81.8 in September (it rose slightly in October). With these data in hand, a number of observers blamed the terrorist attacks for the sharp fall in industrial production, the rise in unemployment, the decline in consumer confidence, and the contraction in

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[6] Budget of the United States. Analytical Perspectives. Fiscal Year 2003, p.22.

[7] The industrial production index is published on or about the 15th of each month. Thus, the data published for September were collected prior to the 11th. Similarly, the unemployment data for September are published on the first Friday of the month and are collected from a household and establishment survey conducted in August.

[8] Consumer confidence is thought by some to be an important determinant of consumption spending by households, and consumption spending is about 2/3rds of GDP. Thus, consumer confidence is thought by these individuals to play an important role in business cycles.

GDP, even though it is unlikely that the GDP contraction could have been due to 9/11, given the few days remaining in the third quarter.

The Picture of the 2001 Economy in 2002. In March and July of 2002, quite a different picture of the economy during this crucial period began to emerge. On March 26, the National Bureau of Economic Research, the think tank that dates the business cycle for the United States, declared that the economy had entered a recession beginning in March 2001, 6 months before the attacks. On July 29, the Commerce Department published the revisions to the GDP accounts for 1999-2001. These results are reproduced in Table 1. They show that GDP had begun to contract in the first quarter of 2001, a contraction that was to continue through the 3rd quarter of the year. Thus, when the terrorist attacks took place, the U.S. economy was in the third quarter of contraction and in a recession. Whatever effects the attacks may have had on the economy, they did not push "a weak economy over the edge into outright recession."

Table 1: Economic Indicators

	1999	2000	2001:1	2001:2	2001:3	2001:4	2002:1	2002:2
GDP Growth*	4.1%	3.8%	-0.6%	-1.6%	-0.3%	2.7%	5.0%	1.1%
Unemployment Rate	4.2%	4.0%	4.2%	4.5%	4.8%	5.6%	5.6%	5.9%
Unemployment Rate – New York City	6.7%	5.7%	5.7%	5.2%	6.3%	7.1%	7.6%	7.6%

* For 2001:1 through 2002:2, the data are the annualized quarterly rate of change.
Source: Bureau of Economic Analysis; Bureau of Labor Statistics.

Moreover, the "crisis in consumer confidence" as an after effect of 9/11, that supposedly pushed the economy into recession, has recently come under critical scrutiny. Why, it is asked, if consumers were so adversely affected by the attacks, did they respond in such numbers to the special financing incentives offered by the automobile companies in October 2001 that led to record motor vehicle sales for that month and another near record month in November? A crisis in confidence supposedly leads consumers to refrain from purchasing durable goods. In this case, it did not. While it is true, as shown above, that the indexes of consumer confidence fell, did they fall by more than can be explained by the underlying economic variables that confidence depends upon? A recent study suggests that this is not the case.[9] This implies that the negative effects of 9/11 on the overall economy may have been quite small. Even if they deepened or prolonged the recession, their effects were not long lived, for the data in table 1 show that economic growth resumed in the 4th quarter.[10]

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[9] See C. Alan Garner. Consumer Confidence After September 11. *Economic Review*. Federal Reserve Bank of Kansas City. Second quarter 2002. Vol. 87. No. 2. Pp. 5-26.

[10] Even this number was subject to a substantial revision. When it was originally published, it showed a growth rate of 1.7%. The July 29 revisions boosted it to 2.7%, nearly 60%
(continued...)

Notwithstanding their tragic effects on human life, the *direct* effects of the attacks were too small to make a significant dent in the nation's overall economic output. The *direct* effects were also too geographically concentrated to cause a national recession single-handedly, although a localized recession is certainly possible for New York until the rebuilding process gathers steam. Local GDP data will not be available for some time, but one can see from the unemployment data shown in Table 1 that unemployment in New York City rose more sharply after the attacks than in the rest of the country.

In its 2001 third quarter GDP release, the Bureau of Economic Analysis (BEA) stressed that most of the direct effects from the attacks were embedded in the data, so that no overall estimate could be made for the attacks' direct effect on GDP. For example, consumption of transportation and recreation services were both negative in the third quarter, but it is difficult to say how much of this decline was due directly to the terrorist attacks and how much of the decline would have occurred anyway due to the recession. The effects on the insurance industry were one area where BEA could single out the effects of the attacks. It adjusted down output in the domestic insurance industry, which is measured as premiums less benefits paid, by $21.3 billion and output among foreign insurers by $44 billion. The loss to foreign insurers is counted as a decline in imports, however, which boosts measured GDP. Thus, the net effect of the attacks on insurance output was to boost nominal GDP by $22.7 billion. When adjusted for inflation, however, the effects on the insurance industry had no impact on real GDP because they were considered price adjustments rather than changes in output. Work interruption and the loss of rental income from destroyed capital are other areas where the attacks directly lowered national income, an equivalent measure to GDP. The largest cost of the attacks, the destruction to capital, is not included in GDP, although it is measured in other economic statistics. While certain aspects of the destruction are not measured in GDP, most aspects of the reconstruction are included, boosting economic output. For example, overtime wages of police and firefighters raised national income by $0.8 billion in the third quarter.

That the direct effects of the attack are small relative to GDP and short-lived does not mean that the attacks had no impact on the economy. If the attacks were to have a lasting effect on the economy, it would have been due to indirect effects. For example, a sharp drop in consumer confidence or a decision by business to postpone capital investments in the face of uncertainty could deepen the recession. Indeed, the University of Michigan consumer confidence index fell to its lowest level since 1996 in September 2001 and has not yet returned to its August 2001 value. Another potentially harmful indirect effect could be a reluctance by foreigners to invest in the U.S. economy. By contrast, the rebuilding process could have positive indirect economic effects. The indirect effect of the attacks that is likely to be permanent is that a greater portion of our national income will likely be devoted to security measures, both public and private (see the Productivity Section). Any estimates of the indirect effects are purely speculative; there is simply no comparable historical experience.

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[10] (...continued)
higher.

At first, analysts feared that the direct effect on certain sectors would spill over into the economy at large. A sudden catastrophic event, such as the terrorist attacks of 9/11, could have set in motion a financial panic. Individuals and businesses may suddenly fear that they will not have access to currency or that the payments system involving checks and other credit instruments, essential to the smooth functioning of a market economy, may not be operable. As a result, they are tempted to go to banks and withdraw large amounts of currency. Bank may not have sufficient cash on hand to honor these requests and, in extreme circumstances, cease operations. In these circumstances, the payments system, involving checks and credit, also ceases to function. Moreover, in the 9/11 episode, part of the crucial infrastructure that facilitates the clearing of checks, ceased to function. This alone could have led to extreme caution in lending. Fears of a financial crisis proved to be unfounded. Trading in U.S. Treasury securities resumed September 13; futures and options markets in Chicago reopened September 14; and stock markets reopened September 17. It will take months to determine the total impact on the insurance industry, however.

The airline, tourism, and insurance industries are the sectors of the economy that have been singled out as potentially suffering the most harm from the terrorist attack in the medium term. Sectoral GDP data for 2001 are not yet available, so it is difficult to determine how seriously these sectors have been affected. There are employment data available, however, and these data show that only the airline industry experienced a decline in employment that was significantly larger than the overall decline in employment. It is important to remember that declines in the output of these sectors would not lead to equivalent declines in overall economic output. For example, in this case lower airline revenues would be partially offset by higher bus and train revenues.

Actions Undertaken

Monetary Policy. To forestall any possibility of a financial panic or a breakdown in banking activity, the Federal Reserve immediately after the attacks issued a simple 17-word statement: "The Federal Reserve System is open and operating. The discount window is available to meet liquidity needs." This immediately reassured the financial system that ample liquidity would be available on request. To supplement the liquidity sought by banks through the discount window, the Federal Reserve bought a large number of government securities through open market operations. In addition, the backlog of uncleared checks caused "float" or Federal Reserve credit to the financial system to rise. On the three days after the attack, the Federal Reserve, by all three means, injected over $100 billion per day into the financial system.[11] In addition, the Federal Reserve entered into or expanded existing agreements with the European Central Bank, the Bank of Canada, and the Bank of England to swap dollars for foreign currency in order to support foreign financial institutions operating in the United States. By these means an additional $90 billion

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[11] See Robert T. Parry. The U.S. Economy after September 11. *FRBSF Economic Letter*. Number 2001-35. December 7, 2001. For a distribution of the sources of the credit across the discount window, open market operations, and float, see Federal Reserve Bank of Chicago, 2001 Annual Report, pp. 14-16.

was added to the financial system.[12] These, and other timely actions, were essential to cushioning the terrorist effects on the economy. On September 17, the day the New York Stock Exchange re-opened, the Federal Reserve lowered the key federal funds rates by 0.5 percentage points. In the next 3 months, it made three additional rate cuts, bringing the federal funds target to 1.75% on December 11, 2001. These moves continued the easing of policy that had already reduced the federal funds rate from 6.5% in January 2001 to 3.5% prior to 9/11 in response to the recession. In evaluating the success of these monetary policy initiatives, it is important to keep in mind that shifts in monetary policy generally affect the economy with a lag of between 6 and 18 months. This implies that the economy may have received a significant boost after the attacks from policy changes made months *before* 9/11, meaning that the rapid recovery after 9/11 was not solely attributable to the economy's self-corrective mechanism.

Fiscal Policy. Fiscal policy operates primarily through the budget deficit: a larger structural budget deficit increases aggregate spending in the economy in the short run. Following September 11, fiscal policy became more expansionary, although much of the increase was either unintended or previously planned. Federal expenditures rose sharply, led by the $40 billion emergency appropriation (P.L. 107-38) to fund relief efforts, and these expenditures were deficit financed. "Automatic stabilizers" in the budget were allowed to function: for example, the decline in tax revenues associated with the decline in the stock market and personal income was not offset by spending cuts or tax increases. In January 2002 components of the major tax cut of 2001, EGTRRA (P.L.107-16), were phased in as scheduled, which increased the budget deficit by an estimated $31 billion in 2002; these phase-ins were planned before September 11. Finally, a stimulus bill was enacted on March 9, 2002 (P.L.107-47). It included an extension in unemployment benefits and accelerated depreciation rates for corporate investment. It is projected to result in a revenue loss of $51 billion in 2002.

Looking to the Future

The response to 9/11 dramatically highlights economists' arguments favoring monetary policy over fiscal policy: the difference in implementation lags. Changes in monetary policy were implemented on the day of and largely completed within the week following the attacks. The fiscal response was significantly slower. While the automatic stabilizers and incidental emergency expenditures occurred fairly quickly, the stimulus bill was not signed into law until March 9, 2002 and turned out to be much smaller than either party had originally intended. By the time the bill went into effect, the recession may have already ended – even though the accelerated depreciation can be claimed for the next 3 years. Although Congress can change budget policies quickly to respond to a recession or other fiscal emergency, the development of a significant legislative response to the problem usually requires a substantial investment of time and effort. Consequently, such emergency legislation sometimes is enacted and implemented after the need for it has become much less pressing or ceased altogether. While Presidents from time to time have requested extraordinary budgetary powers in order to deal more quickly with fiscal

[12] Federal Reserve Bank of Chicago, 2001 Annual Report, p. 16.

emergencies, Congress by and large has resisted such requests. During the 107th Congress, for example, Congress rejected President George W. Bush's request for a "blank check" to fund counter-terrorism and related activities in the aftermath of the 9/11, and instead provided emergency supplemental appropriations for this purpose under customary procedures. September 11 also highlighted the crucial role played by the Federal Reserve. This suggests that the ability of the Federal Reserve to exercise discretion in such circumstances is of vital importance to the economy. Some have suggested that a back-up system be put in place to allow the Federal Reserve to act quickly even if a majority of the seven governors become incapacitated and cannot act in a timely fashion or in ways required by law (such as having a quorum present for the conduct of business).

It is worth noting that decision making on all levels will have to contend with the fact that the available data are unlikely to give an accurate picture of the economy when an attack takes place, even if they are produced without much of a lag. While this is unlikely to be fatal to good decision making, it is, nevertheless, likely to be handicap.

If events continue on their present course, future economic historians may conclude that the terrorist attacks primarily demonstrated the U.S. economy's resilience. In spite of a dramatic attack at the nation's financial center during an economic recession, the economy quickly rebounded. In part, that is because virtually any attack – no matter how large or dramatic – will be small relative to a $10 trillion economy. Any effects an attack would have on the overall economy depends on indirect effects.

The course of events following 9/11 suggests that policymakers are already adept at responding to crises on the macroeconomic level. In preparing for future crises, the lesson policymakers may take is that 9/11 is more aptly viewed as a human tragedy than an economic tragedy.

Terrorism and National Productivity[13]

The Setting

One direct result of 9/11 is that the cost of domestic security has risen. That increased cost is in the form of increased outlays on the military, as well as increases in spending for domestic law enforcement, public safety, and private security services. Some industries, such as the airlines, are more affected than others but there will be nationwide effects because domestic security is a public good (i.e., it must by its nature be provided to everyone) and much of the increased cost will be borne by taxpayers.

In light of the current international political environment, it seems likely that many of the factors motivating the demand for increased domestic security will persist for some time. Given that there is going to be a substantial increase in

[13] Prepared by Brian Cashell, Government and Finance Division.

spending on public safety and security what, if any, are the macroeconomic consequences, and in particular the effects on productivity growth, likely to be?

Assessing the effects of higher costs for domestic security on the overall economy illustrates some of the limitations of existing measures of economic activity. The standard measure of overall economic activity is gross domestic product (GDP). GDP measures the market value of goods and services produced in the United States. It measures only the value of current production.

Although GDP may be the most comprehensive measure of our national standard of living, it necessarily falls short as a measure of national well-being. Many items are left out because they are difficult to measure, or because there is no market in which values are established. One example of that would be our diminished sense of security after 9/11.

There is no simple way of measuring the level of "security" itself. Moreover, an important goal of spending on security is the sense people have that they are safe as they go about their lives. There is not even a unit of measure that allows for an accounting of that sense of security. The only straightforward way to measure "security" is to add up the expenditures for labor and capital that are devoted to the provision of security. The effort to regain whatever sense of security the nation enjoyed prior to the attacks is likely to require a considerable increase in expenditures.

The effect of those expenditures on GDP, and also on measured productivity growth, will depend on where they are spent. It seems likely that both government and the private sector will be spending more for increased security. The effect on most measures of economic performance will also depend on who spends the money.

The value of goods and services that are included in GDP is based on the price paid by the final user. In the case of airline security, the product being consumed is a trip. If the cost of that trip rises because of the need for more spending by the airlines for airport security, that raises the price of the trip without changing any of its characteristics.[14]

Because of increased spending on security, the nominal value of the production of air travel will rise. But, other things being equal, the increase is attributable to increased production costs. The real value of the production of air travel would be expected to fall as consumers respond to the rise in price.

There may also be a once-and-for-all drop in productivity in the airline industry. Productivity is a ratio of the value of production to the value of the inputs (labor and capital) required to produce it. Because of the increased demand for security, each trip produced by the airline industry will require more labor and capital and so productivity will fall.

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[14] There are also costs that are not reflected in the economic accounts. Because of increased security screening, passengers are standing in line longer before boarding flights, and the value of that time is not counted as an increased cost of flying.

The effect on other industries will be similar. Certainly there will be other instances where the costs of producing a given quantity of goods or services will rise solely because of increased security requirements. That will mean an increase in the labor and capital to produce the same level of output as pre-9/11. In each case, that means a one-time reduction in the level of productivity for those industries.

Firms that are likely to face increased security costs are those that by their nature may be vulnerable to attack. That would include much of the transportation system, as well as transport for those goods that are inherently dangerous, such as fuel and chemicals. Many utilities, such as power stations and water supply, may also be affected by increased security requirements. All goods and services produced by affected firms will experience a one-time price increase, and those firms will also experience a one-time drop in productivity.

To the extent that the increased burden of security is provided by the government, that may not be reflected in most measures of productivity which account for the private sector. Nonetheless, it will have an effect on productivity in that the cost of maintaining security has increased, and resources must be diverted from other uses.

Actions Undertaken

In November 2001, President Bush signed the Aviation and Transportation Security Act (ATSA) into law. ATSA, among other things, created the Transportation Security Agency (TSA). ATSA also provided for federal oversight of airport security and required that security personnel in airports be federal employees, and strengthened the air marshal program.

In order to provide for some of the increased spending, ATSA authorized increased airline passenger fees as well as fees to be imposed on air carriers. For FY2003, the Bush Administration requested $4.8 billion to fund the TSA.

In the case of air travel, when security services are paid for by the airlines they are an intermediate good; that is, they are an input to the production of air travel rather than output, and are not counted separately in GDP. As explained above, money spent on security is a cost of production and so would be reflected mainly in the price index for air travel, and in overall price indexes to the extent that air travel contributes to total production. The same is true for security expenditures by any firm engaged in the production of other goods and services.

In contrast, when the government pays for security services it is as a final consumer and those expenditures are counted explicitly as part of GDP. Any increase in those expenditures will thus appear as both nominal and real contributions to GDP. That is not to say that the net effect would necessarily lead to a permanent increase in GDP. Any increase in spending on security by the government must either be at the expense of other spending, higher taxes, or increased government borrowing.

Similarly, individuals may increase their demand for personal security services. These expenditures will be reflected in total GDP, but they would be at the expense

of purchases of other goods and services, or be paid for by reducing household saving. Individuals will also bear a part of the cost of increased security in a way that will not be captured by conventional economic statistics. For example, if security screening in airports takes longer than it used to, the additional time it takes for airline passengers to complete their trips reduces the quality of the service and thus raises its real price.

Unless and until conditions change, the increase in the cost of "security" is likely to persist. That increased cost will either be reflected in higher prices for affected goods and services, which would reduce real incomes, or in increased public sector spending. If increases in public sector spending are financed by higher taxes, that reduces disposable income. If they result in cuts in other categories of spending, that would reduce the incomes those outlays supported. If they are financed by borrowing then, other things being equal, interest rates will rise thus dampening those sectors of the economy that are sensitive to interest rate fluctuations.

In the end, the net result is likely to be a small temporary reduction in productivity growth due to the increased labor and capital required to increase security, and as the increase in the cost of those goods and services which require higher security expenditures to produce filter through the economy. The increase in labor and capital required to produce safe air travel is likely to be a once-and-for-all change; thus any significant effect on productivity is likely to be short lived. In the long run, other factors will determine the rate of growth of productivity in the production of air travel. The only enduring effect will be a shift in the share of employment and of expenditures devoted to security. If productivity growth in those firms providing security services is much slower or much faster than productivity growth in the rest of the economy, the increased share of spending on security could alter the long-run trend rate of growth of productivity, but any effect is likely to be very small. Relative to the size of the overall economy, any long-run costs are likely to be fairly small.[15]

Oil Supply and Prices[16]

The attacks of September 11th might have had serious impacts on oil markets and, consequently, upon the economy; but they did not. Thus, the realities of post-9/11 appear to have provided no reason for government measures to enhance the stability of energy markets.

Effects of the Attacks

Among the immediate effects of the attack on the World Trade Center was the closing of the New York Mercantile Exchange (Nymex) and the possibility that oil

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[15] It is also possible that there could be occasional market disruptions because of the continuing threat of additional terrorism.

[16] Prepared by Bernard A. Gelb and Lawrence C. Kumins, Resources, Science, and Industry Division, and Marc Labonte, Government and Finance Division.

market participants – producers, refiners, marketers, and traders – would not have one of their bases for setting prices in their contracts and other transactions. The Nymex is a major oil trading market that serves as a mechanism for the important function of price "discovery" – the determination of current and future prices. Oil industry entities use as reference points publicly visible and instantly available prices established in markets such as Nymex, where market and political developments are reflected almost instantaneously in prices, embodying the collective judgement of the market participants. However, other commodity and futures markets filled in for Nymex; and, to some extent, the price discovery function shifted to the spot market. It does not appear that the oil industry was materially affected by the closing of the Nymex, which, in any event, resumed all operations in about one week.

While the immediate effect of the attacks on petroleum markets was to drive prices up, market forces – reflecting little change in supply and demand – acted quickly, and crude oil prices eased within little more than a week. Average crude oil prices paid by U.S. refiners actually declined for the month of September 2001 – falling to $23.73 per barrel from $24.44 in the previous month. The remainder of 2001 saw a continuation of price drops due to weakening demand caused by lower jet fuel consumption, and a warm winter in North America and Europe. Crude oil prices bottomed in December at a level one-third below those existing before the attacks. Events in 2002 – action by the Organization of Petroleum Exporting Countries and Iraq's supply policy prominent among them – have resulted in crude prices re-attaining 2000 highs near $30 per barrel. Politically sensitive gasoline pump prices followed a somewhat similar path. September 2001 retail prices for unleaded regular averaged seven cents per gallon above August's $1.43. But pump prices dropped sharply by year-end, reaching $1.13 per gallon before rising in spring 2002. They remained stable in the $1.40 per gallon range between then and September 2002.

For the economy as a whole, shocks to oil prices can have serious negative effects on the growth of GDP and on inflation, as experienced in 1973-74 and 1989-90. But, as noted above, the price spike following 9/11 was brief, and it was too short-lived to feed through to the overall economy. By October 2001, the economy was having more effect on the price of oil – in terms of weakening oil demand reducing oil prices – than the price of oil was having on the economy. For the independent effect of the attacks themselves on the economy, see the section titled "Economy-Wide Implications."

Lessons Learned

In a nutshell, the 9/11 events appear to have had only a transitory impact on petroleum markets. Once fears of supply disruption faded, what oil price increases took place dissipated very shortly, and significant declines followed during the remainder of 2001.

Economic developments following 9/11 demonstrated that crises that do not adversely affect the fundamentals of supply or demand in energy markets have no lasting effect on those markets. And, inasmuch as there was neither disruption of oil

market fundamentals nor serious general economic effects, there was little scope for new government policy to enhance the stability of energy markets.[17]

World Economies[18]

The Setting

Following the terrorist attacks on 9/11, an already weak international economy was weakened further. The attacks occurred as the world economy was experiencing its first synchronized global recession in a quarter-century. Global growth was 1.4% for 2001 – down considerably from 4% in 2000. (For the world, an annual growth rate of less than 2% is considered to be a recession.) As a result of stimulative monetary and fiscal policies, particularly in the United States and China, the recession turned toward a weak economic recovery. According to DRI-WEFA, an econometric forecasting firm, the recovery is expected to generate global growth of about 1.9% in 2002 – still technically a world recession and lower than the growth rate of 2.3% in 1998 during the worst of the Asian financial crisis.

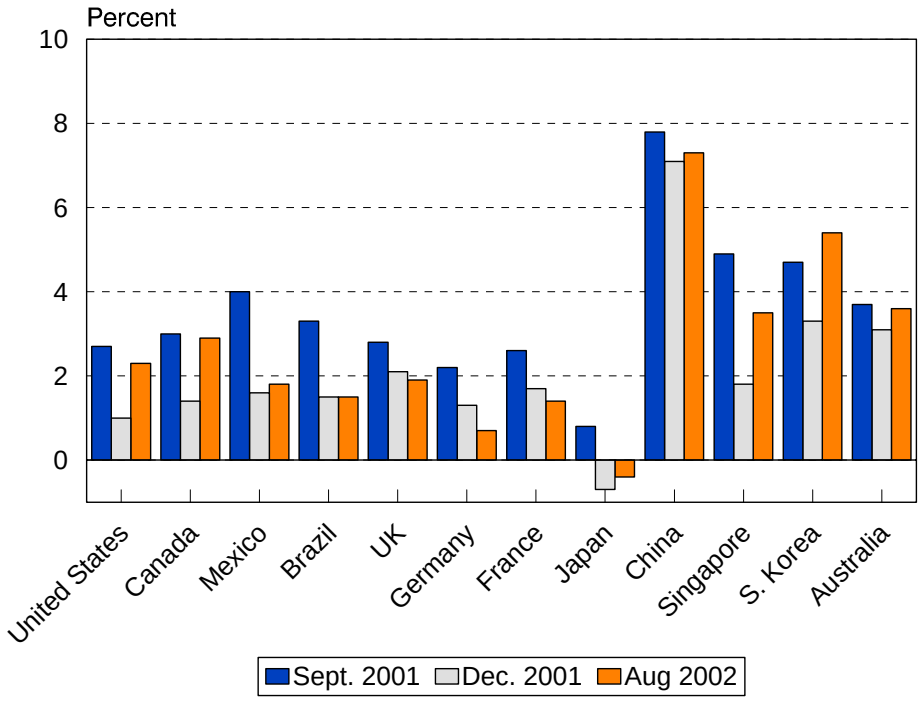
The weakened international economy has been a policy concern for Congress because of the possible negative effects on U.S. economic growth, increased financial instability in certain Latin American and Asian countries, effects on international trade and capital flows, and, in some countries, effects on political stability. The policy issues for Congress centered on what actions should be taken to revitalize world economic growth – particularly in the nations cooperating in the anti-terrorism effort, what the United States and the International Monetary Fund should do for countries facing financial crises (such as Argentina, Brazil, Uruguay, and Turkey in which financial turmoil would cause significant economic damage and political unrest domestically and harm to U.S. financial institutions and investors), and how to expedite imports and exports slowed by increased security procedures.

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[17] Discussions of the issue of safeguarding energy production and other plant sites from physical attacks can be found among the entries in CRS's Electronic Briefing Book on terrorism on CRS's web site.

[18] Prepared by Dick K. Nanto, Foreign Affairs, Defense, and Trade Division.

Figure 1. 9/11 and the Forecasts for Economic Growth in Selected Countries



Source: Blue Chip Economic Indicators, various issues.

In the aftermath of 9/11, economic forecasts of growth in major countries of the world turned considerably more pessimistic, particularly for the fourth quarter 2001. As the year 2002 has progressed, however, forecasts of economic growth for 2002 have risen considerably. As shown in Figure 1, between September and December 2001, the consensus forecasts for economic growth for 2002 in 12 representative countries dropped dramatically (for the United States, from 2.7% to 1.0%).[19] By August 2002, however, based on actual performance during the first half of the year and as the immediate effects of 9/11 were overtaken by other economic events, the forecasted growth rates have risen, although, except for South Korea, the expected growth rates still are below those made before 9/11.

Prior to 9/11, the slowdown in the U.S. economy already was being transmitted to other economies through trade and investment channels, particularly through a sharp decline in U.S. imports of high-technology components from Asian suppliers. The aftershocks of the terrorist attacks were felt immediately in foreign equity markets, in tourism and travel, in consumer attitudes, and in temporary capital flight from the United States. Central banking authorities worldwide reacted by injecting liquidity into their financial systems. Still, the downturn in business conditions became more generalized, and the world has had to rely on China and the United States – the only two major economies to register significant growth – to pull itself out of the recession. By and large, however, the sharp immediate drop in stock values, airline travel, and general consumer confidence was temporary. After a few

[19] *Blue Chip Economic Indicators*, September 10 and December 10, 2001, August 10, 2002.

months, most began to turn upward again, but what recovery has occurred has been fragile and difficult to sustain.

The recession, along with increased government spending for the antiterror campaign, contributed to rising federal debt in the United States and other nations. Combined with a weakening dollar that pushed up the exchange value of the yen, Euro, Chinese renminbi, and other currencies, central governments intervened to bolster the value of the dollar by purchasing more U.S. debt instruments. A side effect of this activity is that, despite Japan's weak economy, its holdings of U.S. Treasury securities continue to rise ($321.0 billion by May 2002). China also has become a major foreign holder ($80.9 billion) of U.S. debt.

September 11 also marked the end of an era. In the United States, it wiped out the lingering euphoria from the roaring 1990s with its dot-com bubble, surging stock market, and unbridled optimism and replaced it with a cloud of uncertainty, a heightened sense of fragility, and lowered expectations of growth. This was followed in 2002 by major accounting scandals to push several high-flying U.S. companies into bankruptcy. This had a major effect on equity markets in other major industrial nations, since equity markets tend to be highly integrated and overall movements in stock prices tend to mimic each other. Since 9/11, in particular, stock market values in the United Kingdom, Germany, France, Canada, and Japan have tended to move in tandem with those in the United States (as measured by the S&P 500). On each of these markets, equity values, after initially recovering from the 9/11 shock, have subsequently fallen, and on September 11, 2002, they generally were below the lowest values reached in the immediate aftermath of 9/11.[20]

While most of the immediate economic repercussions from 9/11 proved to be temporary, certain medium- and long-term effects are still being played out. Perhaps the most obvious medium-term effect is that citizens and institutions worldwide now are clamoring for more security, but that security comes at a price. Insurance costs, in particular, have risen – in part because of 9/11 but also because of subsequent events. Terrorism coverage has been under review worldwide. It is scarce, and where available expensive. Germany, the United Kingdom, and other countries have been considering government measures, such as establishing the government as a reinsurer of last resort.[21] Even in countries, such as Italy, whose insurance companies did not have large exposure to 9/11 ($20 million for Italian insurers), insurance rates, particularly for larger companies, have risen considerably.

In what might prove to have significant medium- and long-term effects, increased border security slowed shipments not only of final goods but of inputs in the supply chain of manufacturers. Some automobile assembly plants along the U.S.-Canadian border, for example, had to stop temporarily or slow operations because

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[20] For charts showing movements of the S&P 500 relative to the FTSE 100 Index for the United Kingdom, the XETDRA Index for Germany, the CAC 40 Index for France, The S&P/TSX Composite Index for Canada, and the Nikkei 225 Index for Japan, see: [http://cbs.marketwatch.com/tools/stockresearch/globalmarkets/intIndices.asp?siteid=mktw].

[21] Insurance Soars Up to 100 Per Cent in Wake of Terrorist Attacks. *Evening News*(Edinburgh, Scotland), February 2, 2002. P. 3.

cross-border shipments necessary for just-in-time inventory systems were delayed at the border. During the 1980s, borderless economies were being touted. That strategy is being challenged as heightened security measures, both on truck and maritime container shipments, have produced longer delays. Easing these bottlenecks while maintaining security is requiring large capital outlays for new equipment and more paperwork. The net effect of these additional costs of international trade could be that businesses will rely less on overseas production and have to adjust their just-in-time production methods. They may have to return to maintaining larger supply inventories which could raise costs.

For example, intensified U.S. security measures implemented in the aftermath of the terrorist attacks were partly responsible for the 2.4% decline in Canada's exports to the United States in 2001 after a robust gain of 16.3% in 2000.[22] Although since the immediate post-September 11 days, the waiting times have decreased for some 6,000 freight trucks per day that cross at the Ambassador Bridge from Windsor, Ontario to Detroit, the trade-offs still are evident between security concerns and the needs of manufacturers (in particular, the 41 General Motors, Ford, and Chrysler assembly plants located within a one-day drive of the bridge).[23] According to the Organization for Economic Cooperation and Development, the increased costs of international shipping are roughly equivalent to the reduction in tariffs on industrial goods of 2.5 percentage points agreed to under the Uruguay Round of Multilateral Trade Negotiations.[24]

The movement toward liberalization of world trade, however, seemed resistant to the terrorist attacks. In the World Trade Organization's Fourth Ministerial Conference in Doha, Qatar, on November 9-14, 2001, participants launched a new round of global trade liberalization talks.

The change in U.S. political, security, and diplomatic relations necessitated by the war on terrorism and Afghan campaign also had economic repercussions. U.S. aid policy took an abrupt turn in favor of providing assistance to Afghanistan and front line states, such as Pakistan and the Central Asian republics. With antiterrorism the overriding aim of U.S. foreign policy, concerns over nuclear tests by Pakistan and India suddenly became less prominent, and most sanctions were lifted to clear the way for economic and/or military assistance to the two nations.

Actions Undertaken

In the immediate aftermath of the attacks, the central banks of the United States and other nations injected a large amount of liquidity into the world financial system to avoid payment failures and cascading defaults. This liquidity later was withdrawn

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[22] Canada. Department of Foreign Affairs and International Trade. Trade Update. May 2002. Third Annual Report on Canada's State of Trade. Available at: [www.dfait-maeci.gc.ca/eet/state-of-trade-e.asp].

[23] Shannon, Elaine. Manning the Bridge. *Time*, September 9, 2002. Pp. 100-104.

[24] Organization for Economic Cooperation and Development. *OECD Economic Outlook No 71*, June 2002. P. 131.

as the system returned to normal. Other countries also provided some fiscal stimulus to their economies, but most had less leeway to do so than did the United States.

Increased security at borders has impeded international trade flows, but governments are working to ease the bottlenecks. Canada allocated $1.2 billion to enhance border security and improve the infrastructure that supports major border crossings. On September 9, 2002, President Bush and Canadian Prime Minister Jean Chrétien recognized the Free and Secure Trade Program designed to speed pre-screened trucks across the U.S.-Canadian border and facilitate the $1.3 billion in trade each day. The program offers increased integrity in supply chain management by providing expedited clearance processes to those carriers and importers who have enrolled in the U.S. Customs-Trade Partnership Against Terrorism or Canada's Partners in Protection. In December 2002, the crossings in Detroit and five other locations are to have dedicated lanes for trucks whose information is to be instantly verified by computer.

Partly as a result of the poor world economic conditions following 9/11 combined with the need for international cooperation in the war on terrorism, the Bush Administration has taken a somewhat more conciliatory approach toward emergency lending by international financial institutions. After early skepticism of so-called "bailout packages" for countries in financial distress, the U.S. Treasury supported a stand-by credit totaling $2.8 billion from the International Monetary Fund for Uruguay in March, June, and August 2002 and a new $30 billion stand-by credit package for Brazil in August 2002. While the Bush Administration still favors more crisis prevention, shifting more of the "burden of bailouts" to private sector lenders, and limits on official finance, the U.S. Treasury has stated that the United States will support countries that follow the right economic policies (i.e. currently Brazil and Uruguay but no further assistance to Argentina until the Argentine authorities develop a sustainable economic program).[25]

With respect to aid to Afghanistan and Pakistan, in a January 2002 conference on Afghan reconstruction, the United States pledged $297 million in aid, a figure that in FY2002 was being exceeded as the United States provided food, medicine, and other emergency support to that country. Given Pakistan's position as a front line state in the Afghan campaign, the United States lifted economic sanctions on Pakistan and cleared the way for a $1 billion financial package that included $600 million in direct aid, a proposal for $73 million for border security, debt relief, and increased market access for $142 million in Pakistani apparel exports to the United States. In the spring of 2002, as the threat of nuclear war between Pakistan and India arose along the Line of Control dividing Kashmir, it became apparent that the United States continued to have a strong interest in the stability of the region and the prevention of another conflict in Kashmir that could affect U.S. troops and divert attention away from the antiterror campaign. Diplomatic efforts by the United States and other nations temporarily eased tensions, but the threat of war raised security issues that likely will continue to affect U.S. foreign economic policy – particularly

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[25] Dam, Kenneth W. The Role of the United States in the Global Economy, Remarks by Kenneth W. Dam, Deputy Secretary of the Treasury at the Center for Strategic and International Studies, Washington, D.C., September 11, 2002.

sanctions policy. The United States also sent U.S. troops to the Philippines and promised to send military equipment there to help the Philippines in its conflict with the Abu Sayyaf radical Muslim insurgents.

Looking to the Future

In the aftermath of 9/11, it appears that the international economy has currently become a one-locomotive world. Only United States – with some help from China – has had the size and strength to provide the economic stimulus to world economies necessary to help pull them out of the global recession. Japan and Western Europe remained coupled to the U.S. business cycle and have remained dependent on exports for economic recovery rather than relying upon domestic fiscal and monetary policies. The limited recovery in their domestic sectors has been too weak and unsteady to counter the global downturn. For U.S. policymakers, therefore, actions to restore health to the American economy also may determine global economic conditions. In this sense, foreign and domestic economic interests coincide.

U.S. policy options include the usual array of stimulative monetary and fiscal policies. The United States may coordinate monetary and fiscal policies with other nations or use its influence to induce foreign economic policymakers to pursue politically unpopular, but necessary, economic policies or reforms. Foreign economic policymakers also share U.S. interests in strong domestic economies. At times, however, national political, economic, or other considerations arise that hamper the ability of a country to pursue needed economic reforms or policies. This has been the case with Japan, where vested interests have thwarted plans to rid the banks of a large accumulation of nonperforming loans, or with European monetary authorities, who seem overly reluctant to lower interest rates at times because of their fear of rekindling inflationary pressures. While other countries may respond positively to U.S. pressures, such activity also can generate resentment among allies for what can be seen as American interference in domestic affairs.

The effect of terrorism could be significant in raising the costs of international trade because of heightened security measures. While businesses are adjusting, easing these bottlenecks while maintaining security is requiring large capital outlays and more paperwork. Although certain domestic industries would applaud what amounts to increased costs for imports, American exporters also face heightened costs to ship their products to foreign markets. As tariffs and other barriers to trade are being reduced or eliminated through multilateral trade negotiations and free-trade agreements, the possibility exists that non-tariff barriers imposed to assure security, whether warranted or not, may take their place.

The weights given to competing interests of the United States also have shifted because of the antiterror campaign. This has altered the calculus for the use of sanctions to achieve, nonproliferation, human rights, or pro-democracy goals.

International Capital Flows and the Dollar[26]

The Setting

The terrorist attacks on New York and Washington raised concerns that foreigners would curtail their purchases of U.S. financial assets, thereby weakening the value of the dollar. Responding to these concerns, the Federal Reserve moved aggressively on its own and in tandem with other central banks to supply liquidity and take other actions in order to avert a potential crisis in financial markets. These efforts were largely successful: by year-end U.S. equity markets slowly recovered their pre-attack values, and the exchange rate value of the dollar returned to its pre-attack rate after fluctuating within a fairly narrow range. Although data also indicate that capital outflows were higher than normal for the month of September 2001, panic selling of U.S. assets did not occur.

Background

The 9/11 attacks on New York and Washington struck at the heart of the U.S. financial center, disabling some stock and equity markets for a short time. These attacks raised concerns about the ability of the markets to absorb the shock and about the prospects that foreign investors might curtail their purchases of U.S. financial assets and reduce the inflow of capital into the U.S. economy, thereby weakening the value of the dollar. Although a decline in the value of the dollar would have benefitted export-sensitive and import-competing U.S. industries, it likely also would have pushed up interest rates and had a negative impact on such interest-sensitive industries as autos and housing.

International flows of capital have grown dramatically over the last decade. These flows exercise a primary influence on exchange rates and global flows of goods and services. They also allow the United States to finance its trade deficit because foreigners are willing to lend to the United States in the form of exchanging the sale of goods, represented by U.S. imports, for such U.S. assets as stocks, bonds, and U.S. Treasury securities.

The dollar is heavily traded in financial markets around the globe, at times playing the role of a global currency. Disruptions in this role have important implications for the United States and for the smooth functioning of the international financial system. This prominent role means that the exchange value of the dollar often acts as a mechanism for transmitting economic and political news and events across national borders. While such a role helps facilitate a broad range of international economic and financial activities, it also means that the dollar's exchange value can vary greatly on a daily or weekly basis as it is buffeted by international events. Recent data indicate that the *daily* trading of foreign currencies totals more than $1.2 trillion, or more than the annual amount of U.S. exports of

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[26] Prepared by James K. Jackson, Foreign Affairs, Defense, and Trade Division.

goods and services. The data also indicate that 90% of the global foreign exchange turnover is in U.S. dollars.[27]

In the U.S. foreign exchange market, the value of the dollar is followed closely by multinational firms, international banks, and investors who are attempting to offset some of the inherent risks involved with foreign exchange trading. On a daily basis, turnover in the U.S. foreign exchange market[28] averages $254 billion; similar transactions in the U.S. foreign exchange derivative markets[29] averages $135 billion.[30] Foreigners also buy and sell U.S. corporate bonds and stocks and U.S. Treasury securities.

A comprehensive set of data on capital flows, represented by purchases and sales of U.S. government securities and U.S. and foreign corporate stocks and bonds, into and out of the United States is collected by the Treasury Department on a monthly basis. These data indicate that during September 2001, capital flows out of U.S. capital markets were slightly higher than normal. These capital flows were in the form of a statistically significant[31] decline in foreigners' net purchases of U.S. government and corporate bonds and an increase in Americans' net purchases of foreign stocks and bonds. While 9/11 likely was a factor in the shift of some of these capital flows,[32] it is impossible from the data alone to separate out the effects of the attacks from other events that might have caused investors to pare back their accumulation of some dollar-denominated securities. In addition, foreign capital flows around the world generally fell in terms of volume in 2001.[33] The attacks of September 11 added to existing concerns about the course of the economy over the next year. Following the attacks:

- Currency traders quickly forged a voluntary "gentleman's agreement" not to profit from the event, which helped stabilize the value of the dollar, measured against a broad range of currencies.

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[27] *Central Bank Survey of Foreign Exchange and Derivatives Market Activity in April 2001; Preliminary Global Data*. Bank for International Settlement, October 2001. p. 2-4. A copy of the report is available at: [http://www.bis.org/press/p011009.pdf]

[28] Defined as foreign exchange transactions in the spot and forward exchange markets and foreign exchange swaps.

[29] Defined as transactions in foreign reserve accounts, interest rate swaps, cross currency interest rate swaps, and foreign exchange and interest rate options.

[30] *The Foreign Exchange and Interest Rate Derivatives Markets Survey: Turnover in the United States*. The Federal Reserve Bank of New York, April, 2001. p. 1. A copy of the report is available at: [http://www.newyorkfed.org/pihome/triennial/fx_survey.pdf]

[31] These results were derived at the 95% confidence level for monthly data from January 2000 through September 2001.

[32] Phillips, Michael M., Michael R. Sesit, and Silvia Ascarelli, Foreign Investors, Jittery Over Holdings, Begin Pulling Some Funds From the U.S. *The Wall Street Journal*, September 26, 2001. p. B 14.

[33] Global Financial Stability Report: Market Developments and Issues, September 2002. International Monetary Fund, Washington, DC, 2002, pp. 20-27.

By September 14, however, the agreement had faltered as currency speculators began driving down the value of the dollar.[34]

- The Federal Reserve, concerned about the prospects of a panic in international financial markets, coordinated actions among central bankers and financial ministers around the globe to ensure the smooth operation of the international financial markets. These actions included an infusion of liquidity by the Federal Reserve and the European Central Bank and coordinated intervention in the foreign exchange markets on at least two occasions by the Federal Reserve, the European Central Bank, and the Bank of Japan to support the value of the dollar.[35] Federal Reserve officials also signaled to U.S. banks that they would suspend temporarily some U.S. bank regulations in order to provide U.S. credit markets with needed liquidity, adding to other efforts to stem market uncertainty concerning liquidity and settlement problems associated with the Bank of New York.[36] Two weeks after the attacks, the dollar had declined 3% against the euro and 3.6% against the yen as foreigners' demands both for dollars and for some U.S. financial assets waned.

- The Bank of Japan intervened in foreign currency markets on five instances between September 11 and September 27 by buying dollars to stop the rise in the value of the yen. These efforts were undermined partially by Japanese firms that were repatriating some U.S. holdings to shore up their cash balances to meet financial reporting deadlines on September 30.[37]

- The Federal Reserve lowered key interest rates by one half a percentage point on September 17 and on October 2: the one-point drop in rates left the federal funds rate at 2.5 % and the bank discount rate at 2.0%, the lowest those rates had been since 1962. The drop in rates on September 17 was followed by other central

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[34] Downey, Jennifer, and Grainne McCarthy, Dollar Movement Is Limited on Decision by Traders Not to Overact to Attacks. *The Wall Street Journal*, September 13, 2001. p. C 2.

[35] Ip, Gregg, G. Thomas Sims, and Paul Beckett, Fed Pumps Cash to Bank System to Help Meet Spiking Demand. *The Wall Street Journal*, September 13, 2001. p. C-1.; Ip, Gregg, and Paul Beckett, Fed Acts to Bolster Banks at Home and in Europe. *The Wall Street Journal*, September 14, 2001. p. A 2.; Hardy, John, Dollar Rises on More Central Bank Intervention. *The Wall Street Journal*, September 28, 2001. p. C 13; Ip, Greg, and Jim VandeHei, Economic Front: How Policy Makers Regrouped to Defend the Financial System. *The Wall Street Journal*, September 18, 2001. p. A 1; Cool Heads at the Central Banks. *Financial Times*, October 1, 2001. p. 2.

[36] Raghavan, Anita, Susan Pulliam, and Jeff Opdgke, Team Effort: Banks and Regulators Drew Together to Calm Markets After Attack. *The Wall Street Journal*, October 18, 2001. p. A 1.

[37] Zaun, Todd, Japan Steps in Again to Damp Yen, Ease Lot of its Exporters. *The Wall Street Journal*, September 26, 2001. p. A 10; Hardy, John, Dollar Rises on More Central Bank Intervention. *The Wall Street Journal*, September 28, 2001. p. C 13.

> banks, including the European Central Bank, the Bank of Canada, and the Swedish central bank.[38] The Swiss central bank lowered its interest rates to stop the Swiss franc, which had been targeted by some investors fleeing from dollars, from appreciating further. The following day, the Bank of England cut interest rates by one-quarter of a percentage point. At the European Central Bank's bi-monthly meeting on September 27, the Bank decided to keep its interest rates unchanged at 3.75%. A similar action by the Bank on October 25 sparked a large sell-off of corporate stocks in Europe and strengthened foreign demand for dollar-denominated assets.[39]

Panic selling of dollar-denominated assets did not occur, as some had feared, following 9/11 attacks. In many respects currency and financial markets remained more steady than many had expected and regained their pre-attack levels within weeks. By mid-October, investors had discounted the effects of the attacks and had turned firmly toward the dollar, which recovered its pre-9/11 rates against the yen and the euro.[40] While some foreigners reduced their dollar asset holdings immediately following the attacks due to concerns about the safety and profitability of such investments,[41] other investors showed continued interest in dollar-denominated assets. Issues of high quality, investment grade corporate bonds and auctions for Treasury securities after 9/11 went smoothly with strong sales pushing up prices of benchmark 10-year Treasury securities.[42] Initially, this demand stemmed from expectations that the Federal Reserve would lower key benchmark interest rates by another one-half percentage point on October 2. The price of a bond is inversely related to the interest rate, so lowering interest rates raises the price, making the bond more valuable. On October 4, the Treasury Department took the unprecedented move of holding an unscheduled auction of 10-year Treasury bonds to avert a breakdown in one part of the financial markets that had been disrupted by the terrorist attacks from spilling over to other markets.[43]

The lack of action by the European Central Bank in lowering key interest rates and poor economic performance of other economies further strengthened foreign demand for dollar-denominated assets. In addition, the events of 9/11demonstrated that in times of crisis, investors still seem to prefer the U.S. dollar-denominated bond market to its euro counterpart. During the three weeks following the attacks, not a

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[38] Sesit, Michael, and Michael Williams, Europe, Canada Reduce Rates After Fed's Cut; Japan Sells Yen. *The Wall Street Journal*, September 18, 2001. p. A 14.

[39] Karmin, Craig, Frustrated Investors Trigger Massive Stock Sale As Europe's Central Bank Leaves Rates Unchanged. *The Wall Street Journal*, October 26, 2001. p. C 11.

[40] McCarthy, Grainne, Dollar Climbs Against Euro and the Yen. *The Wall Street Journal*, October 12, 2001. p. C 13.

[41] McGee, Suzanne, and Kara Scannell, Trying Hard, A Few Companies Raise Cash. *The Wall Street Journal*, September 28, 2001. p. C 1;

[42] Parry, John, New Signs of Economic Weakness and Abatement of Price Pressures Set Stage for Treasury Rally. *The Wall Street Journal*, September 28, 2001. p. C 15.

[43] Ip, Greg, Treasury Sale Averts a Crisis in 'Repo' Market. *The Wall Street Journal*, October 5, 2001. p. C 1.

single corporation sold a bond in euros, while issues of corporate bonds in the U.S. market fell only a third below its average. A report by the European Commission states that the shift toward dollar-denominated assets in times of crisis reflects "the relative strength and resilience of the U.S. dollar as a financing currency in volatile market conditions."[44]

Options and Implications for U.S. Policy

The September 11 attacks dealt a major challenge to the U.S. economy and to policymakers around the world. Financial and foreign exchange market activities were slightly out of the norm the first few weeks following the attacks, but actions by the Federal Reserve and by other central banks helped head off a financial panic and a loss of confidence by ensuring that the financial system was supplied with liquidity through coordinated actions. Central bank coordination in times of crises is not uncommon, but the speed with which the coordination was reached and the aggressiveness of the banks to stem any loss of confidence in the financial system are unusual. The high level of coordination among central banks likely demonstrates the lessons they learned and the techniques they developed by addressing other financial crises over the last two decades. It likely also demonstrates the recognition that national economies have become highly interconnected and that a shock to one creates spillover effects onto other economies and markets.

The highly developed and broad-based nature of the U.S. financial system proved that it could weather one of the worst blows in decades. Not even the aggressive actions by the Federal Reserve, however, could anticipate or forestall all of the potential repercussions. The Federal Reserve, for instance, performs a number of functions that, although not readily apparent to most market participants, are essential to the smooth operating of the system by providing for the timely settlement of market transactions and for sufficient financial resources, or liquidity. Disruptions to this process can create additional, and potentially serious, problems in other financial markets that are not apparent at first glance. The crisis also demonstrates that the financial markets are highly efficient at processing information, a phenomenon which aids in spreading both good and bad news quickly. As a result, the markets absorbed the impact of 9/11 quickly and likely moved on in a short time to assess the economic effects of other economic events and other economic news. This means that the overall course of the U.S. economy, rather than 9/11 likely determined the flows of capital into and out of the United States through the remainder of 2001.

The fiscal stimulus provided to the economy by additional federal government spending, combined with the measures taken by the Federal Reserve to lower interest rates, are the most important U.S. policy factors affecting the flows of capital into and out of the United States. The Federal Reserve moved aggressively following the terrorist attacks to reassure investors and to demonstrate the strength of the U.S. economic system. Congressional actions to reinforce that approach appear to have had a similar reassuring impact on foreign investors, currency traders, and the

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[44] Sims, G. Thomas, In Crisis, Bond Investors, Issuers Seem to Prefer to Deal in Dollars. *The Wall Street Journal*, October 23, 2001. p. C 16.

domestic economy. Such actions included the $40 billion Emergency Supplemental Appropriations for reconstruction and defense (P.L. 107-38, September 18, 2001), and $15 billion to aid the airline industry.

Financial Markets[45]

The Setting

The destruction of the World Trade Center forced a suspension of financial activity in lower Manhattan, the world's leading financial center. Despite the terrible human losses, and the considerable damage to physical and electronic infrastructures, all the major financial markets were back in operation by September 17. Some–notably the government bond market and the futures markets–continued to face capacity constraints, but by September 24, normal hours and trading volumes had resumed.

Financial Infrastructure. The electronic infrastructure that supports the financial markets–computer systems that execute, process, and record billions of transactions daily and telecommunications networks that link investors, markets, and financial institutions–suffered severe damage, but a massive repair effort – organized and carried out by private telecommunications and financial firms with little government assistance – ensured that the markets and banking system were not paralyzed. Most affected financial firms had backup data recording systems (partly as a result of Y2K initiatives). Many firms had to improvise to provide office space and electronic connections for their workers, and were generally successful in doing so. In the aftermath, private firms worked to improve their emergency preparedness, but changes tended to be incremental – for example, there was no mass movement of financial firms and institutions away from lower Manhattan.

Securities Markets. The attack halted all trading in stocks and bonds. Trading in U.S. Treasury bonds–which are important benchmarks for interest rates–resumed on September 13, with an abbreviated trading session ending at 2 p.m. Over the next week, volume in the Treasury market was well below normal levels: several major government bond dealers were in the World Trade Center, including Cantor Fitzgerald, the market leader. To help alleviate capacity problems, the Securities and Exchange Commission (SEC) on September 19 amended its rules to allow bond traders five business days to process trades, rather than the usual two. On September 20, normal trading hours resumed.

The stock exchanges reopened on September 17, after the longest suspension of trading since the Great Depression. Amid fears of a market crash, the Federal Reserve lowered the federal funds rate from 3.5% to 3.0% on the morning of the reopening. The SEC suspended rules that restrict when firms can buy back their own shares. Despite these regulatory actions to support the market, major U.S. stock indices plunged on that day. The Dow Jones Industrial Average fell a record 685

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[45] Prepared by Mark Jickling, Government and Finance Division.

points, or 7%, while the NASDAQ and S&P 500 indexes recorded similar percentage drops. (Measured in percentage terms, however, the Dow's fall was far short of the record for the worst day, which was the 23% drop on October 19, 1987.)

Stock prices continued to fall during the rest of September, but returned nearly to pre-attack levels by mid-October. Short-term volatility is not the same as panic; SEC Chairman Harvey Pitt observed that investors appeared to be trading on fundamentals–the prospects for the real economy–rather than on emotion.

Commercial Banking. The commercial banking system suffered some disruptions, but there was no nationwide interruption of the flow of credit. In the immediate aftermath, the processing of checks, credit cards, and other payments slowed to almost a halt upon the shutdown of air traffic, which carries much of the paperwork for these currency substitutes. Delays in the payments system caused very large balance sheet imbalances at several major banks, but quick regulatory action preserved confidence in the banking system. The Federal Reserve declared that it would provide liquidity for banks, while the Federal Deposit Insurance Corporation reaffirmed that it would insure the safety of their deposits. These agencies, with the Office of the Comptroller of the Currency and the Office of Thrift Supervision, asked banks to work with customers affected by the terrorism, not only in the affected locations, but nationwide in light of electronic and physical (mail) disruptions to flows of payments and receipts.

Banks borrowed extensively from the Federal Reserve's lending facility (the discount window) to carry uncleared payments. Although prominent banks are in the affected areas, nearly all these banks keep assets and liabilities in other locations and have back-up record keeping. Some foreign banks found their U.S. activities suspended, but do not appear to have suffered large losses. Normal operations resumed for much of commercial banking within a week of the attack.

Conclusion. The Asian financial crisis of 1997-98 alerted regulators to the global danger posed by sudden drops in the value of financial assets in particular countries or regions, and the possibility that local disruptions could trigger a worldwide financial meltdown. Y2K preparations addressed the possibility of a massive failure of the financial system's electronic infrastructure. With the World Trade Center attack, both these threats emerged simultaneously, but the resulting disruptions were less severe and prolonged than most observers would have predicted under such unimaginable conditions. The response to the attack demonstrated that the financial sector's ability to recover from catastrophe is robust, while government agencies – notably the Federal Reserve – used their existing tools effectively to prevent panic in the markets. In the financial sphere, the private and public responses to 9/11 do not suggest that either new regulatory powers or greater government involvement in emergency planning are needed.

Sectoral, Industry, and Geographical Effects

The Airline Industry[46]

The Setting. The airline industry continues to struggle in the wake of 9/11. Although passengers are returning, the industry is still operating at well below its historical levels. This is obviously affecting the industry's profitability. US Airways has filed for Chapter 11 bankruptcy and United is suggesting that it may file this fall. Among major airlines, only Southwest was profitable in 2001, and Southwest was the only major carrier still showing a profit halfway through 2002. Industry losses were at record levels in 2001 and these losses are continuing into 2002. There is, therefore, considerable concern that the airline industry as we have known it over the last few years is likely to go through a period of major structural change.

In September 2001, Congress and the Bush Administration moved swiftly to provide the airline industry with federal financial support. The Air Transportation Safety and System Stabilization Act (Stabilization Act)(P.L. 107-42) signed into law on September 22, 2001, gave the airlines access to up to $15 billion in short-term assistance. The first $5 billion provided direct aid to pay for industry losses associated with the results of the World Trade Center and Pentagon attacks. Access to the remaining $10 billion in the form of guaranteed loans is subject to stringent requirements promulgated by the Office of Management and Budget. Thus far, of this $10 billion, $545 million in loans has been approved and another $900 million has received tentative approval.

Current Situation. A year after the attack, significant numbers of airline employees remain laid-off or may yet be subject to layoffs. A few airlines have started to recall employees and increase flights, but only minimally so far. As many as 1,000 aircraft operated prior to 9/11 remain parked in the Arizona desert and are in storage for at least the near future. The actions of the airlines are obviously affecting related industries. Boeing and its subcontractors have laid-off significant numbers of employees and production of new aircraft has been reduced. Airline service providers, such as caterers and airports, as well as the travel industry, also are experiencing revenue losses.

According to the Air Transport Association (ATA), the airlines lost approximately $1.4 billion in revenue during the four-day shutdown of the national aviation system in the immediate aftermath of 9/11. Since service resumed, they have continued to lose money as significant numbers of travelers avoid flying, opting instead to use other means of transportation or to just stay home.

The airline industry was in financial trouble before the attacks. Most Wall Street analysts were projecting an overall financial loss for the industry in the range of $1-$2 billion for 2001. Industry losses for the full year were instead over $7 billion (were it not for the assistance provided by the Stabilization Act the losses could have

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[46] Prepared by John W. Fischer, Resources, Science, and Industry Division.

been in the range of $11 billion). Although the magnitude of losses has eased as we go further into 2002, most major airlines remain unprofitable.

The Policy Response. The federal government does not typically provide any financial assistance as a result of an airline accident. The events of 9/11, however, were extraordinary. The coordinated actions of terrorists leading to the destruction and loss of life on four aircraft, and widespread destruction and loss of life on the ground, had no precedent in aviation history. These actions were clearly beyond the scope of any policy consideration ever envisioned by the United States. As a result, new thinking about the exposure of the airline industry, and other industries, to terrorism was required, leading to the Stabilization Act.

As mentioned earlier, the Stabilization Act provides the airline industry with several different forms of assistance. Most important among these was immediate access to cash assistance. The Act provided $5 billion in direct aid to the airlines, $500 million of which was reserved for cargo airlines. The funds were made available on the basis of each airline's share of industry traffic measured by available seat miles prior to September 11. Payments from this program could not exceed the direct and incremental losses suffered by an airline since 9/11. As of July 2002, $4.3 billion of these funds had been distributed to eligible airlines.

The Act also provides the aforementioned $10 billion in guaranteed loans for the industry. This program is designed to provide longer term stability to the industry and make it more credit worthy in private markets. The distribution of these loans is controlled by an "air transportation stabilization board" (ATSB) consisting of the Secretaries of Transportation and Treasury, the Chairman of the Federal Reserve, and the Comptroller General (nonvoting). Application and other operating procedures for this program were in accordance with guidance provided by the Office of Management and Budget. The Board appears to have considerable discretion as to how funds from this program will be distributed. All loan applications for this program were required by June 28, 2002.

Thirteen airlines applied for the loan program. At the time of this writing, one airline, America West, has received $380 million in loan funds. An additional loan of $900 million for US Airways has been tentatively approved, pending the airlines finalization of a business plan compatible with ATSB conditions, and with the bankruptcy court. The loan applications of several airlines including Vanguard, Frontier Flying Service (this is not Frontier Airlines, which also applied for a loan), National and Spirit have been denied by the ATSB. Vanguard partially as a result of this decision has filed for bankruptcy and ceased operating.

Another important element of the Stabilization Act was a provision extending war risk insurance to the industry for 180 days, which has since been extended several times. Most airlines were about to lose their existing private market war risk coverage, which would have forced them to stop flying. By stepping in, the federal government essentially provided gap insurance, with the hopes that the regular private insurance market will become available in the months ahead.

Lessons Learned. There was consensus after 9/11 that the industry needed immediate help in the short term and that this could best be handled by direct

assistance. Even with legislation in place, the issue of how this aid is being distributed remains an issue a year later. This is because of a clear desire amongst policymakers to limit aid to a level needed to stabilize the industry, but not to pay for losses incurred by the industry before September 11 which could mean subsidizing some uncompetitive companies. Further, there is concern that the industry remain competitive after its financial stabilization. This means that any aid distribution scheme should ensure that a sufficient number of airlines survive the current turmoil.

Airline industry financial results in the first and second quarter of 2002 have been dismal, with a few notable exceptions (Southwest, Airtran, Jet Blue). The US Airways bankruptcy filing in August 2002 and United Airlines announcement that it might file for bankruptcy this fall are seen by many industry observers as only precursors of additional future bad news. It now appears, that the events of September 11 changed the airline industry in some fundamental ways that are not yet fully understood. Business travel, the most profitable part of the industry's customer base, seems to be greatly reduced. There are numerous explanations for this. Absent so far, however, is a market based solution for the industry's longer term profitability issues.

We have long since learned that there is a fine line between providing assistance to an industry and intervening in its business activities. The airline industry was once highly regulated. There are concerns that too much federal intervention could be a start down the path to new forms of government regulation. This would be true if the government were to involve itself in industry business practices. There is a real concern that the loans being provided by the ATSB could distort the industry by keeping otherwise incapable competitors in the marketplace for an extended period of time. In the process it is quite possible that these airlines actions, e.g. fare sales, will have negative implications for airlines that did not receive federal loans. The question still to be answered, therefore, is whether the federal response to 9/11 will contribute to a healthy competitive airline industry or whether it will instead contribute to several additional years of industry financial turmoil.

The Insurance Industry[47]

The insurance industry was profoundly affected by 9/11, because of both the cost and the unanticipated nature of the event. The industry has long been able to cope with natural disasters: a long history of such disasters provides experience for insurance companies in setting rates. Thus, insurance rates and the reserves held by companies have been based on and provisions made for such disasters. Even natural disasters can prove to be much larger than anticipated and strain the financial resources of insurance companies. Hurricane Andrew in 1992, for example, resulted in some $19 billion in claims, threatened the financial solvency of several insurance companies, and resulted in a major increase in insurance rates in areas affected by hurricanes. While this sum was large, it is dwarfed by the events of 9/11. Total insured losses for life, property, and business interruption are not yet known with precision, but current estimates are that payouts will be at least $40 billion and could

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[47] Prepared by the Banking, Insurance, Securities and Macroeconomic Policy Section. Government and Finance Division.

be substantially higher. Moreover, there is no historical precedent for these attacks, leaving the industry vulnerable in setting insurance premiums and making provisions for reserves that would be needed to pay off claims in the event of any future attacks.

Terrorism and the Industry. Terrorism on the scale of 9/11 raises a major issue for the insurance industry. It is not so much whether insurers have the financial flexibility and capital strength to pay claims arising specifically from 9/11, but whether there exist sufficient data, cost and risk models to underwrite and price insurance against future attacks. Beyond some scale, terrorist attacks take on the characteristics of war, an "uninsurable" risk because of its size, scope, and unpredictability. The current unwillingness of the industry to provide unlimited terrorism coverage has led some observers to suggest a possible need for some form of federal backstop. Thus far, the industry has balked at providing the same, undifferentiated coverage as was available prior to 9/11 because of the difficulty of spreading the risk. The traditional method of spreading risk in the industry is for primary insurers to be underwritten by reinsurance firms, but after 9/11 major reinsurers announced that they would no longer cover acts of terrorism in their reinsurance contracts with primary insurers. Reinsurance is generally written on a one-year basis, and approximately 70% of commercial reinsurance policies in effect on 9/11 expired December 31, 2001. Without reinsurance, or facing stiff premiums for reinsurance, primary insurers cut back on their coverage. The unavailability of terrorism risk insurance could impede lenders in financing commercial property acquisitions and new construction, with potentially adverse consequences for the economy.

What began as a bleak picture of the industry's financial health brightened as 2002 progressed. An increase in reinsurance rates and an increased demand for insurance in light of 9/11 have improved near-term earnings for the industry. Reinsurers have raised approximately $30 billion in new capital since 9/11. Moreover, the rise in reinsurance premiums could also cause primary insurance companies to consider alternatives for spreading risk, including such innovative capital market alternatives – developed following Hurricane Andrew – as "catastrophe bonds," which allow insurance risks to be spread over a much deeper market of bond holders. This could, of course, change dramatically were the U.S. to experience another round of costly terrorist attacks.

The dire picture also painted for commercial properties and industries that could not acquire terrorism insurance has brightened. While some primary coverage insurers have dropped their terrorism coverage and others have increased premiums considerably for commercial clients, and home and auto owners, not all of the increases are due to terrorism risks, but rather to the normal market cycle that is related, in part, to alternative investment earnings. For the most part banks have not stopped financing projects for clients who lack terrorism insurance, but have increased fees in areas or for projects where the risk of terrorism is thought to have increased. Other lenders appear not to have tightened credit for the vast majority of projects. Nevertheless, there are areas and certain high profile projects (e.g., trophy properties, theme parks, key infrastructure, sports stadiums, etc.) for which terrorism insurance apparently cannot be acquired at any price. As with the financial health of the industry, should the United States experience additional costly terrorist attacks, it might be impossible to acquire insurance against terrorism.

Faced with reinsurance renewals in January 2002 that excluded terrorism, and with no federal backstop for future losses, primary insurers petitioned their respective state regulators to exclude terrorism coverage from the policies they sold. Such exclusion would allow the insurers to separately price and sell (or decline to sell) insurance riders specifically for major terrorism attacks. The most common approach taken by the regulators excludes terrorism as a covered event only if total losses from an event exceeded $25 million, if at least 50 persons were killed or seriously injured, or if the event involved nuclear, biological, or chemical materials. In addition, multiple but related incidents occurring within a 72-hour period are considered to be a single event for purposes of the exclusion. Most states, the major exceptions being New York and California, approved this exclusion. In making the decision to exclude terrorism from regular coverage, state regulators had to balance the interests of businesses in need of insurance simply to operate, and primary insurers whose solvency position could be jeopardized if forced to cover losses from future terrorist acts.

Financial Position of the Industry. The insured losses of 9/11 raise two key issues for the industry: solvency and liquidity. There is a general consensus that the industry as a whole can absorb the ultimate costs of 9/11 (i.e., that it will not reduce the industry as a whole to insolvency) and that is will not create liquidity problems for the vast majority of insurers.

Solvency. The U.S. insurance system at this time is strongly capitalized and can fulfill its obligations without a threat to the stability of the overall system (this also appears to be true of individual firms in the U.S. industry at this time). In 2000, the property and casualty industry had $318.7 billion in surplus. Most insurance analysts would agree that insured losses from a catastrophe would have to exceed $50 billion before they would challenge a substantial number of insurer' claims-paying ability. Nonetheless, terrorist attacks in the future on this scale could severely compromise the solvency of the industry, even despite rising capital in 2002.

Liquidity. Insurers had $921 billion in total assets in 2000. Of this amount, some $48.4 billion (5%) was held in cash and short-term investments that companies could quickly liquidate to pay claims, while $769 billion consisted of long-term bonds (63%) and stocks (19%). Despite a declining stock market, the heavy weighting toward bonds – which have been increasing in value – provides some assurance that any need to sell longer term assets to gain further liquidity would be possible without realizing financial losses.

Remaining Issues. Historically, insurers have always excluded certain kinds of risk from insurance coverage, either because not enough is known about the risk to quantify it and price it, or because the risk involves such scale that no insurer could presume to charge enough to afford a payout. War is considered to be the classic case of these problems occurring together. Terrorism, beyond some point in size or repetition, would likewise be considered an "uninsurable risk." Thus there have been calls for the government to assist the industry: first, to cover a risk that the private sector cannot; and second, to assist the economy – including the insurance industry. A question related to the possibility of federal intervention to provide a terrorism backstop or outright disaster assistance remains: at what point is terrorism no longer an insurable risk?

Agriculture and Food Sector [48]

The Setting. Prior to the September 11 terrorist attacks, the farm economy was beginning to recover from several years of low prices and depressed exports. Like other parts of the U.S. economy, in the days following the attacks the agriculture sector experienced some initial shocks, but USDA and private sector agricultural economists predicted that the adverse impacts from the immediate problems – such as delays and losses in shipping perishable commodities by air, the halt of commodities futures trading – would be largely transitory. In the longer term, the global macroeconomic situation has greater influence on the financial health of the farm sector. Farm income is highly dependent upon the value of farm exports (domestic demand for agricultural products is relatively constant) and upon the cost of inputs (e.g., fuel and fertilizer). Changing geopolitical developments that followed 9/11 did inject a significant amount of uncertainty into any predictions about the behavior of world markets and their effects on the U.S. farm sector's longer term financial health.

The anthrax attacks that followed upon the heels of the 9/11 events had a far more dramatic and immediate effect, not upon the agriculture economy *per se*, but upon the realization that U.S. farms and the food supply are highly vulnerable to bioterrorism – intentional contamination by organisms or chemicals injurious to crop, animal, or human health. Virtually all of the actions on agricultural issues taken after 9/11 focused on this aspect of the autumn 2001 crises.

Actions Undertaken and Policy Response. Congress did not directly address the issue of protecting the farm sector economy from potential losses due to terrorism in its deliberation of the 2002 farm bill[49], which was halted briefly when 9/11 occurred. Nonetheless, when bill debate resumed in the House in October 2001, some supporters of the bill alluded to the need to protect the economic health of the farm sector to ensure the security – in terms of abundance – of the U.S. food supply. The Farm Security and Rural Investment Act of 2002 (P.L. 107-171) provides several kinds of income and price support protection to producers of the major U.S. commodity crops (wheat, feed grains, cotton, rice, soybeans, and minor oilseeds), and also to peanut, dairy, and sugar producers. The Act also reauthorizes and expands USDA programs to promote agricultural exports.

Shortly after 9/11, in the aftermath of the anthrax attacks, legislators' preeminent concern became the vulnerability to bioterrorism of agriculture's natural resource base, the U.S. food supply, and agricultural research facilities and plant and animal disease collections. Section 7221 of the 2002 farm act authorizes the appropriation of such sums as necessary for: (1) a competitive grants program to construct and upgrade the security of facilities conducting counterterrorism research

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[48] Prepared by Jean M. Rawson, Resources, Science, and Industry Division.

[49] A farm bill is a collection of new laws and amendments to longstanding laws, that sets the overall direction of federal food and farm policy for a specified number of years. Farm bills typically contain not only commodity price and income support provisions, but also provisions on agricultural trade, conservation, and domestic food assistance, among many other things.

at public colleges and universities; and (2) research and Extension Service activities to improve bioterrorism prevention, preparedness, and response.

Federal food safety regulatory agencies took action immediately to improve the protection of the food supply. USDA's Animal and Plant Health Inspection Service (APHIS) increased the inspection staff at U.S. ports of entry by 350 and added 20 veterinarians to imported and domestic disease surveillance and control programs.[50] APHIS also stepped up the agency's smuggling interdiction activities and made $1.5 million in grants available to states specifically to help them plan their response to potential foreign animal disease outbreaks. The Department's meat and poultry inspection agency, the Food Safety and Inspection Service (FSIS) placed the agency's 7,600 inspectors on high alert to look for ante-mortem and post-mortem irregularities in meat animals and poultry, conducted mock exercises to improve response time and communication in emergency situations, and worked with slaughtering and processing firms to improve the security of both the physical plant and the workforce.[51] USDA's in-house research agency, the Agricultural Research Service (ARS) took steps to increase biosecurity systems at its 104 laboratories nationwide, particularly the Plum Island Foreign Animal Disease Diagnostics Lab (Greenport, NY), and the National Veterinary Services Lab in Ames, Iowa. ARS and APHIS operate these labs jointly.

The Department of Health and Human Services' (DHHS) Food and Drug Administration (FDA) began to hire 400 additional employees for inspecting imported foods; 151 laboratory analysts; 84 compliance officers; and 38 risk assessors to improve FDA's speed and efficiency in responding to possible bioterrorism threats.

In January 2002, President Bush signed a bill (P.L. 107-117) that made available the second half ($20 billion) of the emergency defense funding appropriated after the September 11 attacks (P.L. 107-38). P.L. 107-117 provided a total of $328 million to USDA for antiterrorism efforts, of which $113 million went to ARS for research; $119.1 million to APHIS for strengthening border control; $15 million to FSIS for making the meat and poultry supply more secure; $81 million to the Office of the Secretary for upgrading facility and operational security of USDA facilities, and $151.1 million to FDA for a wide range of counter-terrorism activities related to food. Subsequently, the President signed an FY2002 emergency supplemental appropriation (P.L. 107-206, enacted in August 2002), which contains an additional $25 million for upgrading the APHIS/ARS animal disease lab in Ames, Iowa.

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[50] APHIS is charged with protecting U.S. agriculture against accidental introductions of plant pests and animal diseases through inspection of craft, cargo, and passengers at U.S. ports of entry. APHIS also is responsible for establishing quarantines, controlling the interstate commerce of regulated articles, and directing and coordinating eradication efforts with state and federal agencies inside areas of quarantine.

[51] FSIS is responsible for ensuring the safety of meat and poultry products, provides continuous inspection at meat and poultry slaughtering operations, makes daily visits to processing firms to verify the performance of their plant and on-line sanitation processes, and makes visits to foreign countries to assure that their inspection systems are at least equal to ours before they are permitted to export meat and poultry to the United States.

Separately, the recently enacted Public Health Security and Bioterrorism Response Act of 2002 (P.L. 107-188, enacted in June 2002) provides FY2002 authority for the supplemental appropriations to USDA made in P.L. 107-206, and authority for appropriation of such sums as are necessary in FY2003 through FY2006 for food safety and protection activities (among many other provisions). P.L. 107-188 specifies that appropriations in the out-years are for the Secretary to use to: (1) support ARS, APHIS, Forest Service, and federal-state cooperative research on bioterrorism prevention, preparedness, and response; (2) strengthen coordination with U.S. intelligence agencies; and (3) develop an early warning surveillance system for agricultural bioterrorism. The Act also makes a number of major changes in FDA's regulatory authority over food, particularly imports. (For more information on food safety and protection, see CRS Issue Brief 10099, *Food Safety and Protection Issues in the 107th Congress*, and Issue Brief 10082, *Meat and Poultry Inspection Issues*.)

The House bill that currently reflects the President's decision to create a Department of Homeland Security (H.R. 5005) would transfer the APHIS border inspection function and employees to the new department's Office of Border and Transportation Security. The bill also would put the Plum Island Foreign Animal Disease Diagnostics Laboratory in the new department. The Senate proposal, S. 2452, differs from the House bill in that it would transfer all of APHIS's Pest and Disease Exclusion program area (which includes other activities beside border inspection), but not the Plum Island lab. (For more information on APHIS and Homeland Security Department issues, see CRS Report RL31466, *Homeland Security Department: U.S. Department of Agriculture Issues*.) H.R. 5005 and S. 2452 do not contain any other food safety related provisions, but Homeland Security Director Tom Ridge testified in March 2002 that the Administration is considering reorganizing or consolidating all federal agencies having food safety responsibilities (about 12 in all) in order to improve not only food safety, but food protection in the post-9/11 era.

Looking Ahead. The main lesson learned from the events of autumn 2001 was that the financial health of the agricultural sector, the income of the Nation's farmers, and the safety and availability of food are dependent upon the proper functioning of an enormous number of separate entities or factors – the crop and livestock sectors; the transportation system; the food manufacturing industry; the food safety regulatory agencies; and global trade, politics, and economics, just to name a few. Disruption of any one of these by terrorism could have serious consequences. The most frequently cited example is the foot-and-mouth disease outbreak in England, which inflicted economic damage on the tourism industry and agricultural trade, as well as on the entire farm sector.

Despite the steps taken by the food safety and agriculture related agencies in the immediate aftermath of the 2001 attacks, the prevailing opinion among those most involved is that much remains to be done. The task of protecting thousands of open-air, biological enterprises, like cattle feedlots, or putting inspectors at all the points where, for example, foot-and-mouth disease organisms could be brought into the country, is daunting, and 100% effectiveness is impossible. Therefore, many policymakers view preparedness and response as the best place to focus improvements and funding.

This focus, however, rekindles debates that have been going on for years, if not decades. Some food safety analysts and policymakers have long argued that: (1) the highly disparate inspection approaches of the two major regulatory agencies, FDA and FSIS, should be made more consistent; (2) funding for inspection should be allocated on the basis of analyses of risk to human health from various pathogens; (3) the responsibility for food safety at least should be vested in one federal office that can coordinate the programs of the 12 agencies that now hold pieces of this responsibility; and (4) a single food safety office should administer a unified budget for all the agencies and programs involved. Going a step further, the General Accounting Office (GAO) has long argued that the food safety agencies should be consolidated and their statutes rewritten to address current problems (e.g., invisible microscopic pathogens rather than obvious physical defects in foods) and emerging technologies to control them (e.g., rapid diagnostic tests, irradiation).[52] Several Members of Congress share this view. Industry representatives have argued that the statutes should be changed before any physical consolidation is considered.

These arguments essentially focus on one approach to better communication and coordination among the many food safety related agencies. After 9/11, when both the government and U.S. public were looking for ways to make immediate improvements in food protection as well as safety, several policymakers maintained that poor communication, not organizational structure, was the biggest obstacle to better coordination. They held that a shared information database and tracking system, particularly between FDA, FSIS, APHIS, and the U.S. Customs Service, could vastly improve the agencies' abilities to track and deter problems in both domestically produced and imported foods. Congress provided authority for the beginnings of such a system in the recently enacted bioterrorism act (P.L. 107-188). If the Administration proceeds with its stated intention to address food safety and protection issues in regard to homeland security, reaching a consensus could be a lengthy process.

Small Business[53]

The Setting. The 9/11 attacks dislocated, disrupted or destroyed nearly 18,000 businesses—the vast majority being small businesses—in and around New York City's World Trade Center (WTC) complex.[54] Economic disruption quickly spread to countless firms across the United States. In the aftermath of the attacks, the U.S. Small Business Administration (SBA) continues to help small firms by means of an assortment of long-standing loan and managerial assistance programs.

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[52] See *Food Safety and Security: Fundamental Changes Needed to Ensure Safe Food*. GAO Report GOA-02-47T. October 2001.

[53] Prepared by Bruce Mulock, Government and Finance Division.

[54] "World Trade Center Disaster: Final Action Plan for New York Business Recovery and Economic Revitalization." Empire State Development in cooperation with New York City Economic Development Corporation. January 30, 2002, p. 2. (Hereafter cited as the New York State Action Plan). [www.empire.state.ny.us/wtc/grant/ActionPlan/actionplan.pdf], visited May 1, 2002.

Although researchers are paying increased attention to the long-term effects of disasters and the factors that affect the ability of a community to recover, there has been little systematic research on recovery processes and outcomes. In particular, "the processes and outcomes associated with the recovery of private businesses have almost never been addressed in the disaster recovery literature."[55] Despite the paucity of research and analysis concerning the effects of disasters on small businesses, several key findings emerge:[56]

- Compared to large firms, small ones seem to be particularly vulnerable to disaster impacts and losses. Small businesses tend to have inadequate cash reserves, are less able to raise capital, and generally are unprepared to cope with disasters and their effects.

- Small firms forced to temporarily close typically face immediate cash flow problems and, thus, need to resume quickly operations in order to remain viable. The longer it takes business enterprises to recover, the larger the impact on the revenue-generating power of local governments because local jurisdictions depend on sales and property taxes. Prolonged business disruptions have the potential for jeopardizing community-financed services such as public works and economic development initiatives.

Actions Undertaken. Following the terrorist attacks on the World Trade Center the SBA dispatched employees from its headquarters and regional offices to augment its staff in New York City. Experienced SBA loan officers were made available in Disaster Recovery Centers located throughout the disaster area to assist business owners and individuals.[57]

The SBA has worked in partnership with the Federal Emergency Management Agency (FEMA), the American Red Cross, and other federal, state and local agencies in support of the New York City Mayor's Office of Emergency Management (NYOEM) to assist the residents of New York City who were stricken by the terrorist attacks.

The agency offers both Physical Disaster Loans to repair or replace disaster-damaged property and Economic Injury Disaster Loans (EIDL) to cover operating expenses businesses could have afforded to pay if the disaster had not occurred. SBA physical disaster assistance is not limited to small firms; the agency makes such loans to businesses of all sizes, nonprofit organizations, homeowners, and renters.

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[55] James M. Dahlhamer and Kathleen J. Tierney, "Winners and Losers: Predicting Business Disaster Recovery Outcomes Following the Northridge Earthquake."[http://www.udel.edu/DRC/preliminary/243.pdf], visited April 29, 2002.

[56] *Ibid.*

[57] Testimony of Hector Barreto, Administrator of the U.S. Small Business Administration, before the House Small Business Committee, December 4, 2001. [http://www.house.gov/smbiz/hearings/107th/2001/011206b/barreto.html], visited June 11, 2002.

As of September 30, 2002, the SBA had approved 5,254 loans in connection with the attacks on the World Trade Center, for a total of $435 million (average size loan: approximately $82,900). In Virginia, SBA had approved 132 loans, including those for businesses at Ronald Reagan National Airport, for $16.6 million in connection with the attack on the Pentagon (average size loan: approximately $125,800).

The federal government has also provided financial assistance to small businesses in and around the WTC in the form of Community Development Block Grant (CDBG) funds. As part of the $40 billion emergency appropriation (P.L. 107-38) passed by Congress and signed by the President in September 2001, $700 million in special CDBG funds were provided to the state of New York for use by the Lower Manhattan Development Corporation. On January 10, 2002, the President signed the FY2002 Defense Appropriations bill which included an additional $2 billion in special CDBG funds[58] for New York City's economic recovery (part of roughly $20 billion appropriated pursuant to the attacks on the WTC).[59]

In addition to the Physical Disaster and EIDL programs, the agency also administers a Military Reservists EIDL program. The purpose of the MREIDL program is to provide funds to eligible small businesses to meet the ordinary and necessary operating expenses they could have met, but are unable to meet because of essential employees being "called up" to active duty as military reservists.

SBA officials administratively widened access for Economic Injury Disaster Loans effective October 22, 2001. Previously, only businesses located in declared disaster areas were eligible for the EIDL program. Under the new regulations, EIDL assistance has been made available nationwide to eligible small businesses that have suffered substantial economic injury as a direct result of the September 11th attacks or a federal action taken in response to the attacks. EIDLs provide eligible firms with the working capital needed to pay ordinary and necessary operating expenses that they would have been able to pay had the disaster not occurred. Nationwide, SBA had approved 4,495 Expanded Economic Injury Disaster Loans for $505 million (average size loan: approximately $112,347).[60]

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[58] CDBG funds are generally used to help build low-income housing. P.L. 107-38 allowed HUD to waive certain requirements, or promulgate alternative requirements. U.S. Dept. of Housing and Urban Development, "Statutory and Regulatory Waivers Granted to New York State for Recovery from the September 11, 2001 Terrorists Attacks," *Federal Register*, vol. 67, no. 18, Jan. 28, 2002, p. 4164.

[59] Details on how the $2.7 billion in total CDBG funds are being allocated, including funding for small businesses, is available in a letter to New York City Council Member Helen Sears from the City of New York, Independent Budget Office [http://www.ibo.nyc.ny.us/iboreports/CDBGLetter.pdf], visited May 1, 2002.

[60] By way of comparison, in response to California's Northridge earthquake in 1994, SBA made 51,688 loans to homeowners and renters totaling $1.167 billion, and 13,328 loans to businesses totaling $6.545 billion. And, specifically in terms of loans made in response to terrorism, SBA made 172 loans for $10.4 million for the Oklahoma City bombing, and nine loans for $512,400 for the World Trade Center bombing in 1993. The latter are the only

(continued...)

Nevertheless, despite the efforts of SBA staff and other federal officials, some argue that small businesses—especially those directly affected by the attack on the World Trade Center— have received little or no financial aid.[61]

General complaints about federal financial assistance for small businesses reportedly include:

- Insufficient federal financial assistance to fully satisfy the damages that occurred.

- To a large degree, those who needed grants and loans the most have received the least.

- Delays by agencies have intensified the bitterness many small businesses feel toward the government. With every additional month they are forced to wait for help, more face the prospect of closing down permanently. Of these many mall-business owners are angry not only about the amount of aid they have received but also about what they view as the government's almost Orwellian logic of determining how the money will be distributed.

- The continual questioning of their motives by those who sit on the other side of the desk, processing their claims and applications.

Complaints specifically in connection with the Small Business Administration include:

- The SBA's requirement for collateral, usually a home, hasn't worked well in New York City, where relatively few business people own their homes. For those who do, they are faced with the difficult decision of whether to put them at risk.

- The SBA requirement stipulating that any money a business receives from its insurance company or as a grant must be turned over immediately the agency to pay down the loan precludes companies assembling a survival package from multiple sources.

- "The SBA isn't geared up, in terms of their legislative mandate or their way of life, to support this kind of disaster," according to Carl Weisbrod, president of the Alliance for Downtown New York, a business-advocacy group.

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[60] (...continued)
loans made by the agency in response to terrorism prior to 9/11.

[61] For one of the most comprehensive treatments of the inadequacy of the federal response to New York City's small businesses, see: Sarah Bartlett, "Letter From Ground Zero," *Inc. Magazine*, September 2002, p. 58-62. Note: All of the following bulleted items are included in the article.

Looking to the Future. Congress has long recognized the primacy of local and state responsibility for disaster recovery assistance to businesses; the federal role has consistently been viewed as supplemental.[62] The potential for future attacks, however, raises questions about the possibility of the federal government needing to assume a far greater role. Presently, the SBA is generally regarded as the federal agency primarily responsible for helping small businesses recover from the physical damage and economic injury associated with terrorist attacks.

Reports indicate that, to some degree, SBA demonstrated flexibility in responding to 9/11. The agency exercised its administrative authority to expand eligibility for Economic Injury Disaster Loans (EIDL) to small businesses nationwide, not just in declared disaster areas.[63] Nevertheless, despite the agency's half century of disaster assistance experience, the nature and magnitude of the consequences of possible future terrorist attacks—including those involving weapons of mass destruction (WMD)—raise questions about the sufficiency of the SBA's role and authority.

Scenarios of devastating attacks also lead to the broader question of what would constitute a comprehensive federal response. Should the economic development role of the federal government be limited, as has been suggested, to rebuilding infrastructure, or should it be interpreted far more broadly? In a largely free market economy, would a large-scale federal role in assisting small businesses be necessary for the economic revival of a city or area that had suffered devastation from weapons of mass destruction?

New York City's Budget[64]

The Setting. Areas struck by disasters or terrorist acts typically experience a decline in economic activity immediately. The drop in economic activity leads to reduced tax revenue for the local governments in the affected area. However, local government obligations persist and may actually increase, particularly in the period immediately following the attack. The unexpected loss of revenue coupled with the increased financial burden of responding to a terrorist act or natural disaster often leads local governments to request assistance from both the state government and the federal government. Based on estimates detailed below, New York City experienced a drop in gross city product (GCP) of approximately $19.4 billion in FY2002 and a corresponding drop in tax revenue of just over $2 billion. The scope of the federal government's response to such economic strains on local governments, and in particular New York City after 9/11, is the issue addressed in this section.

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[62] U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, *Federal Cost of Disaster Assistance*, hearings, 105th Cong., 2nd sess., Mar. 26, 1998 (Washington: GPO, 1998), p. 86. Prepared statement of Judy A. England-Joseph, Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, United States General Accounting Office.

[63] A fact sheet on SBA's expanded EIDL program is available at: [http://www.sba.gov/news/current01/economicinjuryfactsheet.html], visited May 23, 2002.

[64] Prepared by Steven Maguire, Government and Finance Division.

Local Economic Impact. According to estimates by the New York City Comptroller, the 4-year gross city product (GCP) loss from the 9/11 attacks ". . . is $82.8-$94.8 billion." Of that total loss, $27.3 billion is for the last 3 months of 2001 and all of 2002. In all likelihood, the long-run economic impact of the terrorist attack on New York will be determined by the size and distribution of the government subsidies intended to encourage development in the New York metropolitan area. The provisions offered by the federal government can be divided into two broad categories, (1) financial aid to reimburse local expenditures on emergency response and (2) economic redevelopment assistance for rebuilding. The first would alleviate the short-run strain on the local government budget generated by the attacks and the second is more focused on minimizing the long-run local economic effects.

Tax Revenue Loss. According to the estimates of a variety of budget analysts, tax revenue in New York City dropped considerably after 9/11. However, the exact amount of the revenue loss is still uncertain. Soon after the attacks, in an October 4, 2001 press release, The New York City Comptroller, William C. Thompson, Jr., estimated that tax revenues in FY2002 would be ". . . $738 million less than currently projected," as a result of the attacks.[65] Since that announcement, there has been some debate over how much the revenue loss is directly attributable to the terrorist act and that which is the result of the coincident decline in the national economy.

In a letter dated April 18, 2002, the Federal Reserve Bank of New York seemed to agree with the revenue loss estimates of the Comptroller, noting that the "New York City Comptroller's initial estimate of the attack-related tax revenue losses to the city, on the order of $600 million in the fiscal year ending in June [2002], appears reasonable; a similar amount is expected to be lost in the next fiscal year [2003]."[66]

In a letter dated May 23, 2002, the Deputy Mayor for Economic Development and Rebuilding, Daniel Doctoroff, provided an assessment of the immediate financial needs of New York City. The letter was sent to the Federal Emergency Management Agency (FEMA) to outline the uses for the federal funds that had been appropriated to FEMA. In the letter, the Deputy Mayor included tax revenue loss estimates directly related to the terrorist attacks.[67] The Deputy Mayor suggested that of the available FEMA appropriation, $451 million should be used to reimburse the city for

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[65] New York City Comptroller, "Trade Center Attack Could Cost City Economy More Than $100 Billion Over 2 Years: City Will Need Additional Federal Aid To Recover," press release, Oct. 4, 2001. The press release is available at the following website: [http://comptroller.nyc.gov/press/2001_releases/print/01-10-064.shtm].

[66] From the document accompanying a letter from William J. McDonough, President, Federal Reserve Bank of New York, letter to The Honorable Carolyn B. Maloney, New York, April 18, 2002, p. 7.

[67] Daniel L. Doctoroff, Deputy Mayor for Economic Development and Rebuilding, letter responding to a FEMA request for an outline of the "City's priorities for the use of FEMA funds," May 23, 2002. In the same letter, the Deputy Mayor provided a less detailed estimate of the change in forecast revenue before and after the attack of $3.1 billion. The estimate does not clearly disentangle the effects of the general slowdown in the economy and the direct effects of the attacks.

revenue losses in FY2002 and $199 million for FY2003. Reimbursement for the tax revenue losses were identified by the Deputy Mayor as "New York City's most immediate need."[68]

In a July 26, 2002 response to a congressional request, the GAO offered that the New York City budget office estimate of $1.6 billion in lost tax revenue in FY2002 and $1.4 billion in FY2003 ". . . appear to reasonably approximate the impact of the terrorist attacks on tax revenues."[69] In the same letter, the GAO also generally agreed with the state budget office estimate of state tax revenue losses of $1.6 billion in FY2002 and $4.2 billion in FY 2003. It is unclear why these estimates of the tax revenue loss from the respective budget offices are significantly larger than earlier estimates.

On September 4, 2002, the New York City Comptroller released a revised estimate of the tax revenue loss in FY2002 that could be attributed to (1) the terrorist attacks and (2) the economic slowdown.[70] The comptroller estimates that in FY2002, New York City lost $2.015 billion of tax revenue because of the attacks and $519 million because of the economic slowdown. For FY2003, the comptroller estimated that the revenue loss resulting from 9/11 would be $928 million. In both fiscal years, the loss in personal income tax revenue represents the largest contributor to the tax revenue loss. The estimates for FY2002 seem to rely on the assumption that the city was rising out of recession in the first quarter of FY2002 which began July 1, 2001, before 9/11. Thus, by that assumption, most of the decline in tax revenue after 9/11 could be attributed to the terrorist attacks, not the recession.

Actions Undertaken. The following section provides a brief overview of the federal response to 9/11. The focus is on the New York City Government because the two other local governments affected by the events of 9/11, Arlington County, VA and Somerset County, PA, were not as severely affected as New York City. The federal aid to New York City has principally come in three phases with additional assistance possible. Generally, federal expenditures have been dedicated to reimburse the New York City government for response and clean-up expenditures and to revitalize Lower Manhattan. In some cases, the economic redevelopment expenditures by the federal government may substitute for what the City would have been responsible for in the absence of the federal funds.

Phase 1, September 19, 2001 (P.L. 107-38): Emergency Appropriations. Soon after the attack, Congress passed the Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States which appropriated $40 billion to be used for the

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[68] Daniel Doctoroff, Deputy Mayor for Economic Development, letter to Brad Gair of FEMA, Table 2: Revenue Losses Caused by 9/11, May 23, 2002, p.4.

[69] U.S. General Accounting Office, "Impact of Terrorist Attacks on Tax Revenues," GAO letter report,GAO-02-882R, (Washington: July 26, 2002), p. 2.

[70] William C. Thompson, Comptroller, City of New York, "One Year Later: The Fiscal Impact of 9/11 on New York City," September 4, 2002.

response.[71] The Act was broadly worded to give the executive branch flexibility to address the immediate needs of the areas attacked, particularly New York City. The New York City Independent Budget Office (IBO) estimated that approximately $11.2 billion of the $40 billion emergency supplemental was directed to New York City response and recovery efforts.

The Federal Emergency Management Agency (FEMA) controlled $6.35 billion, which has been and is currently being allocated to individuals and families. The emergency appropriation also provides aid to businesses through Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program. The CDBG program's primary purpose is economic development through reduced rate loans for economically distressed areas. FEMA has also paid for the cleanup of the WTC site with a part of the $6.3 billion. The IBO estimated that $2.7 billion has been appropriated for the CDBG program for New York City.

The IBO also identified several other categories of appropriations for the remaining $2.15 billion of the $11.2 billion that was spent in New York City. Included in this group is federal spending on: transportation ($390 million); repair and relocation of federal offices ($265 million); aid to individuals ($259 million); SBA loans ($150 million), assistance to hospitals ($140 million) and local counter-terrorism activities ($81 million). Federal spending on transportation, public health, and local counter-terrorism activities likely substituted for, or augmented, city and state government expenditures.

Phase 2, March 9, 2002 (P.L. 107-147): Economic Stimulus Package. Economic Stimulus Package The terrorist attack coincided with a general slowdown in the national economy. Some analysts argue that the terrorist attacks, along with apparent corporate accounting misdeeds, exacerbated and already slowing economy. In response to the apparent slowing economy, Congress crafted an economic stimulus package, the "Job Creation and Worker Assistance Act of 2002." The Act was intended to have the dual purpose of boosting the national economy and helping New York City recover and rebuild.

The specific provisions for New York City are listed below along with the Joint Committee on Taxation's (JCT) estimate of the federal revenue loss:

- An expansion of the Work Opportunity Tax Credit (WOTC) for certain employers in New York City ($631 million);
- A 30% bonus depreciation for property placed in service in the Liberty Zone ($1.6 billion);
- Expanded authority for New York City to issue up to $8 billion of tax-exempt private-activity bonds and to advance refund outstanding bonds ($2.2 billion);

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[71] For more details on the legislation, see CRS Report RL31187, *Combating Terrorism: 2001 Congressional Debate on Emergency Supplemental Allocations*, by Amy Belasco and Larry Nowels.

- And other business tax provisions designed to encourage new capital investment in New York City ($950 million).

Unlike the appropriations in Phase 1, Phase 2 focuses more on the long-term economic recovery of lower Manhattan. Geographically targeted incentives, like those found in Phase 2, are often criticized by economists as shifting investment and growth from one area to another without an overall improvement in the broader national economy. While federal expenditures and lost federal tax revenue do not create new growth and economic vitality nationwide, they may be effective tools to achieve other policy goals. As for the New York City budget, the only relief may be higher tax revenues generated in the future from the private investment in the City induced by the federal incentives.

Phase 3, August 2, 2002 (P.L. 107-206): Supplemental Appropriations. This supplemental appropriation is a mix of aid for individuals and businesses that were directly affected by the attacks and to the city and region generally for repair of infrastructure damaged by the attacks. Specifically, the four specific appropriations are (cost, citation):

- Funds from the federal Highway Trust Fund for any project on a Federal-aid highway related to the New York City terrorist attack, most likely reconstruction of the West Side Highway ($167 million, 116 Stat. 882);

- Capital investments grants to Amtrak from the Federal Railroad Administration to "replace, rebuild, or enhance the public transportation systems serving the Borough of Manhattan, New York City, New York" ($1.8 billion, 116 Stat. 883);

- Additional funds for community development through the Lower Manhattan Development Corporation for "assistance for properties and businesses (including the restoration of utility infrastructure) damaged by, and for economic revitalization directly related to, the terrorist attacks . . ." ($783 million, 116 Stat. 889); and

- Additional funds for FEMA to carry out the provisions of the Stafford Act provided that FEMA "recognize those people who were either directly employed in the Borough of Manhattan or had at least 75 percent of their wages coming from business conducted within the Borough of Manhattan as eligible for [rent and mortgage payment] assistance..." ($2.7 billion, 116 Stat. 894).

The third phase blends assistance for rebuilding critical City infrastructure, such as roads and utilities, with grants and loans to individuals and businesses. The infrastructure spending, it is hoped, will lay the foundation for future economic growth. The loans and grants to businesses and individuals are designed to lure them back into Lower Manhattan or if still present, to remain. The infrastructure spending financed by the federal government may have been financed from state and local

revenues if not for the federal contribution. Given the tight New York City budget, the loans and grants may not have been offered without federal assistance.

In addition, New York City has received a commitment from FEMA and the Federal Transit Administration (FTA) to allocate $4.55 billion for a proposed intermodal transit hub in Lower Manhattan. The source funding for the transit hub is uncertain, though it is likely from a mix of existing appropriated federal funds. FEMA's commitment to the transit hub is unusual as noted in the agency's press release announcing the commitment:

> Typically, FEMA's Public Assistance program reimburses disaster-related losses and damages on individual projects. Recognizing the interdependence of lower Manhattan's bus, subway, rail, ferry and walkways, FEMA broadly interpreted its guidelines to allow maximum flexibility to support lower Manhattan's transportation needs as it recovers from the attack.[72]

Thus, the federal response has had two general themes, (1) to reimburse New York City for emergency expenditures directly related to the attacks and (2) to reinvigorate the New York City economy with economic development incentives. In the first case, the federal government assists the local government directly. In the second, the local government is helped indirectly through federal funds that may have otherwise been the responsibility of the state and local governments. Also, any additional economic development spurred by federal expenditures may generate tax revenues in the future for New York City. There has not been a direct federal transfer dedicated to reimbursing New York City for lost tax revenue.

Looking to the Future. In the future, should the federal government replicate its response to major terrorist attacks in a manner similar to the 9/11 response? In conclusion to a February, 2002 testimony, Director of the New York City Independent Budget Office (IBO) Ronnie Lowenstein stated that: "Our disaster relief needs are being met; the need now is for economic recovery and rebuilding."[73] In the same testimony, IBO Director Lowenstein described the purpose of federal aid "...as serving two broad purposes: First, for disaster relief and assistance, including security and antiterrorism needs, and second, for economic recovery and rebuilding.

There has not been a federal program implemented to replace lost tax revenue. Even though many of the federal assistance programs have clearly helped New York City meet fiscal obligations through expenditure reimbursement, the revenue component of the New York City budget has not been addressed. In a possible future disaster on the scale of 9/11, Congress may be called upon to consider revenue

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[72] Federal Emergency Management Agency, Press Release No.: FEMA-1391-DR-NY-PR-137, *FEMA and FTA Announce Aid to Revamp Transportation Network for Lower Manhattan*, August 12, 2002, available at:[http://www.fema.gov/diz01/d1391n137.shtm].

[73] Testimony was before the Joint Hearing of the City Council Finance, Lower Manhattan Redevelopment, and State and Federal Legislation Committees. The City of New York Independent Budget Office, Director Ronnie Lowenstein, February 11, 2002, p. 5, available at the following website, [http://www.ibo.nyc.ny.us/]. This may not represent the opinion of all those in or about ground ground zero that were affected by 9/11. For some dissenting views, see the section above on small business.

replacement as a legitimate response to the unavoidable fiscal strains disasters place on local budgets.

The rebuilding of Lower Manhattan with the assistance of the federal government indirectly helps the city budget through reconstructing the City's lost tax base. However, the federal revenue for New York City economic development incentives come at the expense of other federal spending priorities. Thus, even though New York City will likely be better off with the additional federal spending for economic development, other federal spending will have to be reduced, taxes increased, or more debt issued. If policy makers believe the benefit of economic development in New York City outweighs the costs, then the second purpose of federal aid suggested by the IBO Director is justified.

However, some have argued that rebuilding or replacing the lost office space that resulted from the attacks may not be justified. Two Harvard economists have stated the opinion that

> The World Trade Center was a heavily subsidized project meant to prop up a declining region. As such, the prices in New York after the bombing may very well not justify reconstruction on a large scale.[74]

They also question whether aid designed to spur development in lower Manhattan is warranted stating that government subsidies for rebuilding the site, regardless of the level government providing the subsidies, "....are unlikely to be an efficient use of funds."[75]

As of this writing, it is not clear whether all the office space lost in the attacks will be replaced. Several designs to do so became quite controversial when presented to the public. Many critics argued for a plan with less commercial space than the World Trade Center.

Layoffs and Unemployment Benefits[76]

The Setting. The events of 9/11 immediately affected the U.S. labor market. The displacement of workers posed financial difficulties for job losers with little other income, particularly if their jobless spells were lengthy. Increased unemployment also meant less revenue for the federal government at a time of unexpected spending needs (e.g., due to military action in Afghanistan), and for state governments, some of which were grappling with tight budgets.

The repercussions from 9/11 were overlaid on a labor market weakened by the recession that began in March 2001, with the unemployment rate already above the 3.9% low reached during the 1990s economic expansion. During the first 8 months

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[74] Edward L. Glaeser and Jesse M. Shapiro, "Cities and Welfare: The Impact of Terrorism on Urban Form," Journal of Urban Economics, vol. 51, no. 2, March 2002, p. 214.

[75] Edward L. Glaeser and Jesse M. Shapiro, "Cities and Welfare: The Impact of Terrorism on Urban Form," Journal of Urban Economics, vol. 51, no. 2, March 2002, p. 214.

[76] Prepared by Celinda Franco and Linda Levine, Domestic Social Policy Division.

of 2001, companies had announced their intention to lay off a record high of more than one million employees. The number of workers separated from payrolls as a result of large-scale layoffs that actually occurred also climbed markedly in the months leading up to September.[77] However, the industries that most often laid off workers due to the recession (e.g., computer and other manufacturers as well as telecommunications and other internet-related enterprises) were not those most adversely affected by the terrorist attacks. Similarly, the impact of the recession and terrorist attack were concentrated in different geographic areas.

Employers reported that between September 15, 2001 and March 30, 2002 they called 462 extended mass layoffs[78] that were directly or indirectly attributable to the attacks.[79] Almost 130,000 employees lost their jobs in these actions, with 9 out of 10 let go within 2 months of the attacks.[80] The air transportation industry laid off 38% of these employees, and the accommodations (hotel and motel) industry, 23%. Although employers in 33 states called terrorist-related layoffs, the majority of events and worker displacement occurred in just five states (i.e., California, Nevada, Illinois, New York, and Texas).

Actions Undertaken. The federal-state Unemployment Compensation (UC) program has been in place since 1935 to provide a financial cushion for jobless workers. Historically, while the UC program has been supplemented from time to time by other programs that provide payments to those out of work, the precipitating event for congressional action related to worker displacement typically has been a broad-based recession. This once again proved to be the case.

Immediately after 9/11, Congress introduced legislation that would have provided additional assistance only to those workers displaced from jobs in certain industries as a result of the terrorist attacks and subsequent security measures.[81] However, the recession focused congressional attention on legislation that would temporarily extend benefits for all individuals who exhausted their 26-week limit of regular UC benefits. The Temporary Extended Unemployment Compensation

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[77] *The Challenger Employment Report* and the U.S. Bureau of Labor Statistics' (BLS) series on extended mass layoffs as shown in CRS Report 30799. *Corporate Downsizing and Other Mass Layoffs*, by Linda Levine.

[78] BLS defines extended mass layoffs as separation actions involving at least 50 employees and lasting longer than 30 days.

[79] BLS data on extended mass layoffs attributable to the terrorist attacks as shown in CRS Report 31250. *Layoffs Due to the September 11, 2001 Terrorist Attacks and the Worker Adjustment and Retraining Notification Act (WARN)*, by Linda Levine. **Note**: Given the few, if any, additional separation actions and worker displacements after March 30, 2002 that resulted from the terrorist attacks, BLS has stopped publishing data separately on this "non-natural disaster," which was a reason for publishing extended mass layoff data that was added due to September 11.

[80] Left uncounted on any systematic basis are those employees who were furloughed a few at a time or whose hours were cutback as a result of the terrorist attacks.

[81] Information on these proposals can be found in CRS Report 95-742, *Unemployment Benefits: Legislative Issues in the 107th Congress*, by Celinda Franco.

(TEUC) program was included in the Job Creation and Worker Assistance Act of 2002 (P.L. 107-147), which was enacted on March 9, 2002.[82] The TEUC program provided up to 13 weeks of federally funded extended benefits to eligible workers in all states who had exhausted their regular UC benefits. P.L. 107-147 also provided 13 weeks of extended benefits beyond the initial 13-week extension for UC exhaustees in "high-unemployment" states (i.e., those with an insured unemployment rate (IUR) of at least 4%).[83]

For persons who are not eligible for regular UC benefits, there already exists Disaster Unemployment Assistance (DUA), which are payments to those whose employment or self-employment is lost or interrupted as a direct result of a major disaster. (Unauthorized aliens are not eligible for benefits under UC or DUA). DUA benefits are wholly federally financed through the Federal Emergency Management Agency (FEMA). DOL regional offices oversee the program, and it is administered by the same state agency that administers the UC program. The DUA weekly benefit amount and duration are the same as under the UC program.[84]

DUA benefits have been available to workers who were unemployed as a direct result of 9/11 in New York City and Northern Virginia. On March 20, 2002, Congress passed a bill (H.R. 3986, P.L. 107-154) extending the duration of DUA benefits from 26 to 39 weeks. This 13-week extension of DUA only applied to workers unemployed as a result of 9/11. According to the Department of Labor, 3,210 eligible individuals in New York received DUA benefits totaling $12,554,733, and 541 eligible individuals in Virginia received DUA benefits totaling $294,847, as of August 2002.

Looking to the Future. Should another terrorist attack occur that disrupts the employer-employee relationship, the Congress might turn once again to the UC and DUA systems. Such factors as how widespread the problem is across industries or geographic areas, how many employees are affected, and how long the employment disruption is expected to last could affect whether policymakers seek to modify the two programs and whether they believe additional measures are necessary.

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[82] For more information on the TEUC program, see CRS Report RL31277, *Temporary Programs to Extend Unemployment Compensation*, by Jennifer Lake.

[83] The TEUC trigger of 4% IUR differs from the triggers used in the permanent Extended Benefits (EB) program under which states trigger the EB program with 5% or 6% IUR , or 6.5% total unemployment rate. Another important difference in the two programs is that TEUC is fully federally funded, while the EB program is half state and half federally funded.

[84] Further information on the program is available in CRS Report RS21023, *Disaster Unemployment Assistance (DUA).*

Public Finances of the United States: Patriot Bonds[85]

The Setting. After 9/11, policymakers in the United States were confronted with the issue of financing unanticipated expenditures for recovery and terrorism response activities.[86] Because of apparent similarities with past extraordinary expenditure needs, such as the military buildup for World War II, several proposals emerged for a similar financing mechanism: war bonds. As with war bonds issued in the 1940s, a new version of war bonds would be one of many debt instruments available to the U.S. Treasury that could be used to finance deficit spending.

Actions Undertaken. In response to the terrorist attack, several lawmakers introduced legislation that would have authorized the Treasury to offer an updated version of war bonds. Before any of the proposals could become law, the Treasury recognized bipartisan congressional interest in creating a new version of war bonds and responded by introducing "Patriot Bonds" based on the existing Series EE savings bond program. On December 11, 2001, the United States Treasury began offering Patriot Bonds [http://www.publicdebt.treas.gov/sav/savpatriotbond.htm]. These bonds are Series EE Savings Bonds with "Patriot Bond" and a profile of Thomas Jefferson featured on the saving certificate.

Brief History of Savings Bonds. On March 1, 1935, the first savings bonds (Series A) were issued to provide a savings instrument for small savers and to lower interest costs to the Treasury by expanding the potential market for Treasury securities. It was scheduled to expire in April, 1941, but President Roosevelt and Congress agreed that month to extend the program and rename the current Series E bonds "Defense Savings Bonds." After the attack on Pearl Harbor in December, 1941, Defense Savings Bonds were renamed War Bonds. The Treasury sold $54 billion in war savings bonds from May, 1941 through December, 1945, a period when defense expenditures totaled $261 billion.

Series EE bonds were introduced in January, 1980. While there have been some changes over time in their interest rate formula, the current bonds pay interest at the time of redemption at a rate based on 90% of the average yields on Treasury securities maturing in 5 years over the preceding 6-month period. Taxes owed may be deferred until redemption or paid as interest accrues. Proceeds from the sale of war bonds, Series EE bonds, or Patriot Bonds have always been included in general revenues, and not earmarked explicitly for a designated category of expenditures.

Policy Analysis. Some proponents of Patriot Bonds claimed that the new bonds would allow citizens to "invest" in recovery and terrorism response activities, and perhaps allow the Treasury to issue debt at lower interest rates than would otherwise be possible. Proponents suggested that the goal of the new bonds would be ". . . to develop a way for patriotic Americans to contribute directly to the effort

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[85] Prepared by Steven Maguire, Government and Finance Division.

[86] For more on the financial obligation of the U.S. government for past wars see: CRS Report RS21013, *Cost of Major U.S. Wars and Recent U.S. Overseas Military Operations*, by Stephen Daggett and Nina Maria Serafino.

to rebuild the broken and to retaliate against . . . international terrorism."[87] Those who thought Patriot Bonds were unnecessary argue that new savings bonds would not likely produce any interest savings, would not be earmarked for defense spending, and would not add anything that is not already available.

The debt and net fiscal position of the federal government would be roughly the same whether the debt for additional defense spending were Patriot Bonds or Treasury bonds. However, mainstream macroeconomics suggests that debt finance would stimulate aggregate demand in the short run and reduce economic growth in the long run by "crowding-out" private investment through higher interest rates or a larger international trade deficit. The mainstream analysis assumes private saving would remain unchanged. An alternative option would be to finance these unanticipated expenditures with higher taxes. This option would have a negligible effect on the economy because greater government spending–and thus aggregate demand–would likely largely offset the contractionary effects that higher taxes would have on private spending.

Looking to the Future. The policy question is: "In the future, should the federal government introduce new saving instruments to finance unexpected increases in defense expenditures?" If the Patriot Bond designation induced more U.S. savings bond purchases, then some may consider the program a success. If the additional Patriot savings bond purchases came from existing planned saving and substituted for other Treasury securities, the cost of issuing federal debt may have actually decreased slightly after the introduction of Patriot Bonds. In addition, if Patriot Bond purchases were financed with lower private consumption, then the bonds reduced the cost of issuing federal debt further because the savings rate increased. A higher savings rate, all else equal, exerts downward pressure on interest rates.

As of this writing, it is difficult to evaluate the impact of the Patriot Bond on savings rates, although, the Treasury does track the monthly sales of savings bonds. In the 3 months after the terrorist acts in September 2001, Series EE savings bonds sales fluctuated dramatically. In October of 2001, before the Patriot Bond designation was introduced, sales of Series EE bonds spiked to $973 million, almost three times the October 2000 sales level of $334 million. In November 2001, sales dropped to $194 million only to rise to $489 million in December 2001, the month Patriot Bonds were first available. For the first 6 months of 2002, monthly Patriot Bond sales averaged $444 million. Total sales for January through June in 2002 were higher than the same period in 2000 and 2001, though less than sales in 1999.

The terrorist acts, and other macroeconomic factors, likely caused the fluctuations as many investors were initially uncertain about how the United States economy would respond to the attacks. However, the introduction of the Patriot Bond designation, though perhaps providing a sense of participation in the "war effort" for those who purchased them, did not seem to have a significant effect on the net fiscal position of the U.S. In addition, the relatively small volume of savings

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[87] Sen. Mitch McConnell, remarks in the Senate, *Congressional Record*, daily edition, vol. 147, September 19, 2001, p. S9485.

bond debt relative to total Treasury debt (as of March 2002, savings bonds comprised about 3.2% of total debt outstanding) weakens any effect the Patriot Bond program could have had on federal interest costs and borrowing.

Conclusions

It is by no means possible to put together an exhaustive list of conclusions from the discussion above. Those that follow are at best selective and tentative in nature, as the full implications of 9/11 have yet to be drawn.

Among the major conclusions is that 9/11 is more appropriately viewed as a human tragedy than as an economic calamity. Notwithstanding their dire costs in human life, the direct effects of the attacks were too small and too geographically concentrated to make a significant dent in the nation's economic output. September 11 did not trip a fragile economy into recession. The economy was already in its third consecutive quarter of contraction even though the data showing this were not available until a later time. Moreover, the contraction in the U.S. was coincident with the slowdown in economic growth of the major economies, the first time this had occurred in 25 years. Thus, many of the factors associated with the world slowdown, such as rising unemployment and falling confidence may have been wrongly attributed to 9/11. In the final analysis it may be difficult to separate the effects of the terrorist attacks from the then on-going recession. Individuals may continue to assert that various economic events were caused by 9/11 when, in fact, they were not.

There is, of course, the possibility that, but for the timely and decisive action by the Federal Reserve in concert with other major central banks, the effects of 9/11 on both the U.S. and world economies would have been quite different. In this context it should not be overlooked that markets have powerful mechanisms and incentives to overcome negative shocks. This was typified by the action of individuals in the financial sector to restore their institutions to a normal state of function as quickly as possible. For many observers this has re-validated the wisdom of having a central bank capable of exercising a large amount of discretion.

Although the attacks were unique in American history, several existing government programs and agencies were successfully modified in a short time to cope with the economic ramifications. Successfully modified programs or agencies include FEMA, unemployment programs, monetary policy, and programs to help small businesses, although not to the total satisfaction of the latter. In the case of the financial industry, preparations for Y2K left the industry well prepared to cope with the loss of data and infrastructure in wholly unintended ways. Undoubtedly, much was learned by the affected agencies that will be useful if similar tragedies were to occur in the future. Fiscal policy also responded, but far more slowly than monetary policy initiatives. In the case of the airlines, new legislation was quickly implemented to cope with their special problem. A fiscal response to the threat posed to the insurance industry by terrorism remains in debate. There also remains a largely state issue that has federal consequences in the face of terrorism. Many states operate under balanced budget requirements. Expenditures to remediate the

adverse effects of terrorism as well as the destruction of a part of a state's tax base can throw state budgets into deficit and inflict additional hardships on a state's taxpayers as legislatures comply with constitutional requirements to balance budgets. As a result of 9/11, the budget of the state of New York was pushed into deficit forcing some difficult choices on the legislature and, arguably, constraining the ability of the state to address the special needs of New York City. This experience may well lead to future congressional consideration of the appropriate federal role in assisting states, regions, and cities adversely affected by terrorism.

In an important sense 9/11 does mark the end of an era, for it reveals that the United States is vulnerable to attacks on its home soil. One of the major modes of transportation became a vehicle for attacking symbols of America. The attackers were able to board these planes with weapons that were not then deemed to be contraband. But the net effect has been devastating for the passenger airline industry even with the government aid that has been forthcoming. It is now doubtful that the industry will survive in its present state.

In addition to the airline industry, 9/11 had led to the recognition that the nation's food supply may be vulnerable to biological attack, our cities to bio-terrorism, and that American ports could serve as entry points for weapons of mass destruction. This vulnerability has had several effects. First, it has led to a reallocation of national resources toward the production of greater security. This will temporarily affect the growth of productivity adversely, the major factor providing the growth of per capita income. Second, it has and will likely continue to change the business structure of the United States and, to some degree, the structure of other economies as well over the longer run. How Americans spend their leisure time has been changed by 9/11. This may be temporary or longer lasting. This change affects their spending and with it the structure of the industry supplying goods and services for leisure.

Third, the vulnerability of the U.S. to terrorism raises new questions about risk – and the role of government in protecting against risk – in a capitalist economy. The risk posed by terrorism is unlike the risk faced by a typical business firm or household. Unlike a natural disaster, the lack of historical examples makes future risks largely unpredictable. Therefore, businesses cannot fully plan ahead to safeguard against its effects. Unlike a natural disaster, it is a risk addressed by the security that government provides for its citizens. When this security fails or is breached, it can have devastating consequences for selected business firms, geographical areas, and elements in the population. 9/11 had a severe effect on New York City, the airlines industry, and especially the insurance industry. While the latter appears to be able to withstand the claims due to 9/11, it is doubtful if it could withstand several attacks with the consequences of 9/11. Traditionally, there has been an understanding that certain risks, such as war, could not be handled by market mechanisms and required government involvement. The government is now trying to determine the point when terrorism stops being an insurable risk and begins to look more like war. At present, the situation is ambiguous. Private insurers are still willing to insure most firms and projects against terrorism, but some "trophy" projects that make likely targets have not been able to acquire insurance. That is apparently because insurers do not know how to price such risks and insureds may prefer to "self insure" rather than pay very high premiums. This effect would be

stronger if firms should think that the federal government is implicitly willing to compensate them in the event of a catastrophe. In this context, the terrorism insurance bills before Congress would seek to make explicit what is now implicit by defining the point past which the government would provide insurance because the private market no longer can. In the absence of such legislation, large or ostentatious projects may continue to have difficulty getting coverage, and as a result fewer such projects may be built in the future. Conversely, legislation could increase the "moral hazard" problem present in the terrorism insurance market: if the federal government steps in to protect against calamitous losses, more trophy projects that make attractive targets will be built. For safety reasons, it can be argued, government may have to assume a role in pricing such that the cost to the private owners of building these types of properties reflects the costs to society.

Ayatollah Khomeini Declassified







ALGIERS ACCORDS

January 19, 1981

DECLARATION OF THE GOVERNMENT OF THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA

The Government of the Democratic and Popular Republic of Algeria, having been requested by the Governments of the Islamic Republic of Iran and the United States of America to serve as an intermediary in seeking a mutually acceptable resolution of the crisis in their relations arising out of the detention of the 52 United States nationals in Iran, has consulted extensively with the two governments as to the commitments which each is willing to make in order to resolve the crisis within the framework of the four points stated in the resolution of November 2, 1980, of the Islamic Consultative Assembly of Iran. On the basis of formal adherences received from Iran and the United States, the Government of Algeria now declares that the following interdependent commitments have been made by the two governments:

General Principles

The undertakings reflected in this Declaration are based on the following general principles:

A. Within the framework of and pursuant to the provisions of the two Declarations of the Government of the Democratic and Popular Republic of Algeria, the United States will restore the financial position of Iran, in so far as possible, to that which existed prior to November 14, 1979.In this context, the United States commits itself to ensure the mobility and free transfer of all Iranian assets within its jurisdiction, as set forth in Paragraphs 4-9.

B. It is the purpose of both parties, within the framework of and pursuant to the provisions of the two Declarations of the Government of the Democratic and Popular Republic of Algeria, to terminate all litigation as between the Government of each party and the nationals of the other, and to bring about the settlement and termination of all such claims through binding arbitration. Through the procedures provided in the Declaration, relating to the Claims Settlement Agreement, the United States agrees to terminate all legal proceedings in United States courts involving claims of United States persons and institutions against Iran and its state enterprises, to nullify all attachments and judgments obtained therein, to prohibit all further litigation based on such claims, and to bring about the termination of such claims through binding arbitration.

Point I: Non-Intervention in Iranian Affairs

1. The United States pledges that it is and from now on will be the policy of the United States not to intervene, directly or indirectly, politically or militarily, in Iran's internal affairs.

Points II and III: Return of Iranian Assets and Settlement of U.S. Claims

2. Iran and the United States (hereinafter "the parties") will immediately select a mutually agreeable central bank (hereinafter "the Central Bank") to act, under the instructions of the Government of Algeria and the Central Bank of Algeria (hereinafter "The Algerian Central Bank") as depositary of the escrow and security funds hereinafter prescribed and will promptly enter into depositary arrangements with the Central Bank in accordance with the terms of this declaration. All funds placed in escrow with the Central Bank pursuant to this declaration shall be held in an account in the name of the Algerian Central Bank. Certain procedures for implementing the obligations set forth in this Declaration and in the Declaration of the Democratic and Popular Republic of Algeria concerning the settlement of claims by the Government of the United States and the Government of the Islamic Republic of Iran (hereinafter "the Claims Settlement Agreement") are separately set forth in certain Undertakings of the Government of the United States of America and the Government of the Islamic Republic of Iran with respect to the Declaration of the Democratic and Popular Republic of Algeria.

3. The depositary arrangements shall provide that, in the event that the Government of Algeria certifies to the Algerian Central Bank that the 52 U.S. nationals have safely departed from Iran, the Algerian Central Bank will thereupon instruct the Central Bank to transfer immediately all monies or other assets in escrow with the Central Bank pursuant to this declaration, provided that at any time prior to the making of such certification by the Government of Algeria, each of the two parties, Iran and the United States, shall have the right on seventy-two hours notice to terminate its commitments under this declaration.

If such notice is given by the United States and the foregoing certification is made by the Government of Algeria within the seventy-two hour period of notice, the Algerian Central Bank will thereupon instruct the Central Bank to transfer such monies and assets. If the seventy-two hour period of notice by the United States expires without such a certification having been made, or if the notice of termination is delivered by Iran, the Algerian Central Bank will thereupon instruct the Central Bank to return all such monies and assets to the United States, and thereafter the commitments reflected in this declaration shall be of no further force and effect.

Assets in the Federal Reserve Bank

4 Commencing upon completion of the requisite escrow arrangements with the Central Bank, the United States will bring about the transfer to the Central Bank of all gold bullion which is owned by Iran and which is in the custody of the Federal Reserve Bank of New York, together with all other Iranian assets (or the cash equivalent thereof) in the custody of the Federal Reserve Bank of New York, to be held by the Central Bank in escrow until such time as their transfer or return is required by Paragraph 3 above.

Assets in Foreign Branches of U.S. Banks

5. Commencing upon the completion of the requisite escrow arrangements with the

Central Bank, the United States will bring about the transfer to the Central Bank, to the account of the Algerian Central Bank, of all Iranian deposits and securities which on or after November 14, 1979, stood upon the books of overseas banking offices of U.S. banks, together with interest thereon through December 31, 1980, to be held by the Central Bank, to the account of the Algerian Central Bank, in escrow until such time as their transfer or return is required in accordance with Paragraph 3 of this Declaration.

Assets in U.S. Branches of U.S. Banks

6. Commencing with the adherence by Iran and the United States to this declaration and the claims settlement agreement attached hereto, and following the conclusion of arrangements with the Central Bank for the establishment of the interest-bearing security account specified in that agreement and Paragraph 7 below, which arrangements will be concluded within 30 days from the date of this Declaration, the United States will act to bring about the transfer to the Central Bank, within six months from such date, of all Iranian deposits and securities in U.S. banking institutions in the United States, together with interest thereon, to be held by the Central Bank in escrow until such time as their transfer or return is required by Paragraph 3.

7. As funds are received by the Central Bank pursuant to Paragraph 6 above, the Algerian Central Bank shall direct the Central Bank to (1) transfer one- half of each such receipt to Iran and (2) place the other half in a special interest-bearing security account in the Central Bank, until the balance in the security account has reached the level of $1 billion. After the $1 billion balance has been achieved, the Algerian Central Bank shall direct all funds received pursuant to Paragraph 6 to be transferred to Iran. All funds in the security account are to be used for the sole purpose of securing the payment of, and paying, claims against Iran in accordance with the claims settlement agreement. Whenever the Central Bank shall thereafter notify Iran that the balance in the security account has fallen below $500 million, Iran shall promptly make new deposits sufficient to maintain a minimum balance of $500 million in the account. The account shall be so maintained until the President of the Arbitral Tribunal established pursuant to the claims settlement agreement has certified to the Central Bank of Algeria that all arbitral awards against Iran have been satisfied in accordance with the claims settlement agreement, at which point any amount remaining in the security account shall be transferred to Iran.

Other Assets in the U.S. and Abroad

8. Commencing with the adherence of Iran and the United States to this declaration and the attached claims settlement agreement and the conclusion of arrangements for the establishment of the security account, which arrangements will be concluded within 30 days from the date of this Declaration, the United States will act to bring about the transfer to the Central Bank of all Iranian financial assets (meaning funds or securities) which are located in the United States and abroad, apart from those assets referred to in Paragraph 5 and 6 above, to be held by the Central Bank in escrow until their transfer or return is required by Paragraph 3 above.

9. Commencing with the adherence by Iran and the United States to this declaration and the attached claims settlement agreement and the making by the Government of Algeria of the certification described in Paragraph 3 above, the United States will arrange, subject to the provisions of U.S. law applicable prior to November 14, 1979, for the transfer to Iran of all Iranian properties which are located in the United States and abroad and which are not within the scope of the preceding paragraphs.

Nullification of Sanctions and Claims

10. Upon the making by the Government of Algeria of the certification described in Paragraph 3 above, the United States will revoke all trade sanctions which were directed against Iran in the period November 4, 1979, to date.

11. Upon the making by the Government of Algeria of the certification described in Paragraph 3 above, the United States will promptly withdraw all claims now pending against Iran before the International Court of Justice and will thereafter bar and preclude the prosecution against Iran of any pending or future claim of the United States or a United States national arising out of events occurring before the date of this declaration related to (A) the seizure of the 52 United States nationals on November 4, 1979, (B) their subsequent detention, (C) injury to United States property or property of the United States nationals within the United States Embassy compound in Tehran after November 3, 1979, and (D) injury to the United States nationals or their property as a result of popular movements in the course of the Islamic Revolution in Iran which were not an act of the Government of Iran. The United States will also bar and preclude the prosecution against Iran in the courts of the United States of any pending or future claim asserted by persons other than the United States nationals arising out of the events specified in the preceding sentence.

Point IV: Return of the Assets of the Family of the Former Shah

12. Upon the making by the Government of Algeria of the certification described in Paragraph 3 above, the United States will freeze, and prohibit any transfer of, property and assets in the United States within the control of the estate of the former Shah or of any close relative of the former Shah served as a defendant in U.S. litigation brought by Iran to recover such property and assets as belonging to Iran. As to any such defendant, including the estate of the former Shah, the freeze order will remain in effect until such litigation is finally terminated. Violation of the freeze order shall be subject to the civil and criminal penalties prescribed by U.S. law.

13. Upon the making by the Government of Algeria of the certification described in Paragraph 3 above, the United States will order all persons within U.S. jurisdiction to report to the U.S. Treasury within 30 days, for transmission to Iran, all information known to them, as of November 3, 1979, and as of the date of the order, with respect to the property and assets referred to in Paragraph 12. Violation of the requirement will be subject to the civil and criminal penalties prescribed by U.S. law.

14. Upon the making by the Government of Algeria of the certification described in Paragraph 3 above, the United States will make known, to all appropriate U.S. courts, that in any litigation of the kind described in Paragraph 12 above the claims of Iran should not be considered legally barred either by sovereign immunity principles or by the act of state doctrine and that Iranian decrees and judgments relating to such assets should be enforced by such courts in accordance with United States law.

15. As to any judgment of a U.S. court which calls for the transfer of any property or assets to Iran, the United States hereby guarantees the enforcement of the final judgment to the extent that the property or assets exist within the United States.

16. If any dispute arises between the parties as to whether the United States has fulfilled any obligation imposed upon it by Paragraphs 12-15, inclusive, Iran may submit the dispute to binding arbitration by the tribunal established by, and in accordance with the provisions of, the claims settlement agreement. If the tribunal determines that Iran has suffered a loss as a result of a failure by the United States to fulfill such obligation, it shall make an appropriate award in favor of Iran which may be enforced by Iran in the courts of any nation in accordance with its laws.

Settlement of Disputes

17. If any other dispute arises between the parties as to the interpretation or performance of any provision of this declaration, either party may submit the dispute to binding arbitration by the tribunal established by, and in accordance with the provisions of, the claims settlement agreement. Any decision of the tribunal with respect to such dispute, including any award of damages to compensate for a loss resulting from a breach of this declaration or the claims settlement agreement, may be enforced by the prevailing party in the courts of any nation in accordance with its laws.

UNDERTAKINGS OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN WITH RESPECT TO THE DECLARATION OF THE GOVERNMENT OF THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA

1. At such time as the Algerian Central Bank notifies the Governments of Algeria, Iran, and the United States that it has been notified by the Central Bank that the Central Bank has received for deposit in dollar, gold bullion, and securities accounts in the name of the Algerian Central Bank, as escrow agent, cash and other funds, 1,632,917.779 ounces of gold (valued by the parties for this purpose at $0.9397 billion), and securities (at face value) in the aggregate amount of $7.955 billion, Iran shall immediately bring about the safe departure of the 52 U.S. nationals detained in Iran. Upon the making by the Government of Algeria of the certification described in Paragraph 3 of the Declaration, the Algerian Central Bank will issue the instructions required by the following paragraph.

2. Iran having affirmed its intention to pay all its debts and those of its controlled institutions, the Algerian Central Bank acting pursuant to Paragraph 1 above will issue the following instructions to the Central Bank:

(A) To transfer $3.667 billion to the Federal Reserve Bank of New York to pay the unpaid principal of and interest through December 31, 1980 on

(1) all loans and credits made by a syndicate of banking institutions, of which a U.S. banking institution is a member, to the Government of Iran, its agencies, instrumentalities or controlled entities, and

(2) all loans and credits made by such a syndicate which are guaranteed by the Government of Iran or any of its agencies, instrumentalities or controlled entities.

(B) To retain $1.418 billion in the escrow account for the purpose of paying the unpaid principal of the interest owing, if any, on the loans and credits referred to in Paragraph (A) after application of the $3.667 billion and on all other indebtedness held by United States banking institutions of, or guaranteed by, the Government of Iran, its agencies, instrumentalities or controlled entities not previously paid and for the purpose of paying disputed amounts of deposits, assets, and interests, if any, owing on Iranian deposits in U.S. banking institutions. Bank Markazi and the appropriate United States banking institutions shall promptly meet in an effort to agree upon the amounts owing.

In the event of such agreement, the Bank Markazi and the appropriate banking institution shall certify the amount owing to the Central Bank of Algeria which shall instruct the Bank of England to credit such amount to the account, as appropriate, of the Bank Markazi or of the Federal Reserve Bank of New York in order to permit payment to the appropriate banking institution. In the event that within 30 days any U.S. banking institution and the Bank Markazi are unable to agree upon the amounts owed, either party may refer such dispute to binding

arbitration by such international arbitration panel as the parties may agree, or failing such agreement within 30 additional days after such reference, by the Iran-United States Claims Tribunal. The presiding officer of such panel or tribunal shall certify to the Central Bank of Algeria the amount, if any, determined by it to be owed, whereupon the Central Bank of Algeria shall instruct the Bank of England to credit such amount to the account of the Bank Markazi or of the Federal Reserve Bank of New York in order to permit payment to the appropriate banking institution. After all disputes are resolved either by agreement or by arbitration award and appropriate payment has been made, the balance of the funds referred to in this Paragraph (B) shall be paid to Bank Markazi.

(C) To transfer immediately to, or upon the order of, the Bank Markazi all assets in the escrow account in excess of the amounts referred to in Paragraphs (A) and (B).

DECLARATION OF THE GOVERNMENT OF THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA CONCERNING THE SETTLEMENT OF CLAIMS BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

The Government of the Democratic and Popular Republic of Algeria, on the basis of formal notice of adherence received from the Government of the Islamic Republic of Iran and the Government of the United States of America, now declares that Iran and the United States have agreed as follows:

Article I

Iran and the United States will promote the settlement of the claims described in Article II by the parties directly concerned. Any such claims not settled within six months from the date of entry into force of this agreement shall be submitted to binding third-party arbitration in accordance with the terms of this agreement. The aforementioned six months' period may be extended once by three months at the request of either party.

Article II

1. An International Arbitral Tribunal (the Iran-United States Claims Tribunal) is hereby established for the purpose of deciding claims of nationals of the United States against Iran and claims of nationals of Iran against the United States, and any counterclaim which arises out of the same contract, transaction or occurrence that constitutes the subject matter of that national's claim, if such claims and counterclaims are outstanding on the date of this agreement, whether or not filed with any court, and arise out of debts, contracts (including transactions which are the subject of letters of credit or bank guarantees), expropriations or other measures affecting property rights, excluding claims described in Paragraph 11 of the Declaration of the Government of Algeria of January 19, 1981, and claims arising out of the actions of the United States in response to the conduct described in such paragraph, and excluding claims arising under a binding contract between the parties specifically providing that any disputes thereunder shall be within the sole jurisdiction of the competent Iranian courts in response to the Majlis position.

2. The Tribunal shall also have jurisdiction over official claims of the United States and Iran against each other arising out of contractual arrangements between them for the purchase and sale of goods and services.

3. The Tribunal shall have jurisdiction, as specified in Paragraphs 16-17 of the Declaration of the Government of Algeria of January 19, 1981, over any dispute as to the interpretation or performance of any provision of that declaration.

Article III

1. The Tribunal shall consist of nine members or such larger multiple of three as Iran and the United States may agree are necessary to conduct its business expeditiously. Within ninety days after the entry into force of this agreement, each government shall appoint one-third of the members. Within thirty days after their appointment, the members so appointed shall by mutual agreement select the remaining third of the members and appoint one of the remaining third President of the Tribunal. Claims may be decided by the full Tribunal or by a panel of three members of the Tribunal as the President shall determine. Each such panel shall be composed by the President and shall consist of one member appointed by each of the three methods set forth above.

2. Members of the Tribunal shall be appointed and the Tribunal shall conduct its business in accordance with the arbitration rules of the United Nations Commission on International Trade Law (UNCITRAL) except to the extent modified by the parties or by the Tribunal to ensure that this agreement can be carried out. The UNCITRAL rules for appointing members of three-member Tribunals shall apply mutatis mutandis to the appointment of the Tribunal.

3. Claims of nationals of the United States and Iran that are within the scope of this agreement shall be presented to the Tribunal either by claimants themselves, or, in the case of claims of less than $250,000, by the Government of such national.

4. No claim may be filed with the Tribunal more than one year after the entry into force of this agreement or six months after the date the President is appointed, whichever is later. These deadlines do not apply to the procedures contemplated by Paragraphs 16 and 17 of the Declaration of the Government of Algeria of January 19, 1981.

Article IV

1. All decisions and awards of the Tribunal shall be final and binding.

2. The President of the Tribunal shall certify, as prescribed in Paragraph 7 of the Declaration of the Government of Algeria of January 19, 1981, when all arbitral awards under this agreement have been satisfied.

3. Any award which the Tribunal may render against either government shall be enforceable against such government in the courts of any nation in accordance with its laws.

Article V

The Tribunal shall decide all cases on the basis of respect for law, applying such choice of law rules and principles of commercial and international law as the Tribunal determines to be applicable, taking into account relevant usages of the trade, contract provisions and changed circumstances.

Article VI

1. The seat of the Tribunal shall be The Hague, The Netherlands, or any other place agreed by Iran and the United States.

2. Each government shall designate an agent at the seat of the Tribunal to represent it to the Tribunal and to receive notices or other communications directed to it or to its nationals, agencies, instrumentalities, or entities in connection with proceedings before the Tribunal.

3. The expenses of the Tribunal shall be borne equally by the two governments.

4. Any question concerning the interpretation or application of this agreement shall be decided by the Tribunal upon the request of either Iran or the United States.

Article VII

For the purposes of this agreement:

1. A "national" of Iran or of the United States, as the case may be, means (a) a natural person who is a citizen of Iran or the United States; and (b) a corporation or other legal entity which is organized under the laws of Iran or the United States or any of its states or territories, the District of Columbia or the Commonwealth of Puerto Rico, if, collectively, natural persons who are citizens of such country hold, directly or indirectly, an interest in such corporation or entity equivalent to fifty per cent or more of its capital stock.

2. "Claims of nationals" of Iran or the United States, as the case may be, means claims owned continuously, from the date on which the claim arose to the date on which this agreement enters into force, by nationals of that state, including claims that are owned indirectly by such nationals through ownership of capital stock or other proprietary interests in juridical persons, provided that the ownership interests of such nationals, collectively, were sufficient at the time the claim arose to control the corporation or other entity, and provided, further, that the corporation or other entity is not itself entitled to bring a claim under the terms of this agreement. Claims referred to the Arbitral Tribunal shall, as of the date of filing of such claims with the Tribunal, be considered excluded from the jurisdiction of the courts of Iran, or of the United States, or of any other court.

3. "Iran" means the Government of Iran, any political subdivision of Iran, and any agency, instrumentality, or entity controlled by the Government of Iran or any political subdivision thereof.

4. The "United States" means the Government of the United States, any political subdivision of the United States, any agency, instrumentality or entity controlled by the Government of the United States or any political subdivision thereof.

Article VIII

This agreement shall enter into force when the Government of Algeria has received from both Iran and the United States a notification of adherence to the agreement.

ESCROW AGREEMENT

This Escrow Agreement is among the Government of the United States of America, the Federal Reserve Bank of New York (the "FED") acting as fiscal agent of the United States, Bank Markazi Iran, as an interested party, and the Banque Centrale d'Algerie acting as Escrow Agent.

This Agreement is made to implement the relevant provisions of the Declaration of the Government of Algeria of January 19, 1981 (the "Declaration"). These provisions concern the establishment of escrow arrangements for Iranian property tied to the release of United States nationals being held in Iran.

1. In accordance with the obligations set forth in paragraph 4 of the Declaration, and commencing upon the entry into force of this Agreement, the Government of the United States will cause the FED to:

(A) Sell, at a price which is the average for the middle of the market, bid and ask prices for the three business days prior to the sale, all U.S. Government securities in its custody or control as of the date of sale, which are owned by the Government of Iran, or its agencies, instrumentalities or controlled entities; and

(B) Transfer to the Bank of England as depositary for credit to accounts on its books in the name of the Banque Centrale d'Algerie, as Escrow Agent under this Agreement, all securities (other than the aforementioned U.S. Government securities), funds (including the proceeds from the sale of the aforementioned U.S. Government securities), and gold bullion of not less than the same fineness and quality as that originally deposited by the Government of Iran, or its agencies, instrumentalities or controlled entities, which are in the custody or control of the FED and owned by the Government of Iran, or its agencies, instrumentalities or controlled entities as of the date of such transfer.

When the FED transfers the above Iranian property to the Bank of England, the FED will promptly send to the Banque Centrale d'Algerie a document containing all information necessary to identify that Iranian property (type, source, character as principal or interest).

Specific details relating to securities, funds and gold bullion to be transferred by the FED under this paragraph 1 are attached as Appendix A.

2. Pursuant to the obligations set forth in paragraphs 5, 6 and 8 of the Declaration, the Governmentof the United States will cause Iranian deposits and securities in foreign branches and offices of United States banks, Iranian deposits and securities in domestic branches and offices of United States banks, and other Iranian assets (meaning funds or securities) held by persons or institutions subject to the jurisdiction of the United States, to be transferred to the FED, as fiscal agent of the United States, and then by the FED to the Bank of England for credit to the account on its books opened in the name of the Banque Centrale d'Algerie as Escrow Agent under this Agreement (the Iranian securities, funds and gold bullion mentioned in

paragraph 1 above and deposits, securities and funds mentioned in this paragraph 2 are referred to collectively as "Iranian property").

3. Insofar as Iranian property is received by the Bank of England from the FED in accordance with this Agreement, the Iranian property will be held by the Bank of England in the name of the Banque Centrale d'Algerie as Escrow Agent as follows:

--- The securities will be held in one or more securities custody accounts at the Bank of England in the name of the Banque Centrale d'Algerie as Escrow Agent under this Agreement.

---- The deposits and funds will be held in one or more dollar accounts opened at the Bank of England in the name of Banque Centrale d'Algerie as Escrow Agent under this Agreement. These deposits and funds will bear interest at rates prevailing in money markets outside the United States.

---- The gold bullion will be held in a gold bullion custody account at the Bank of England, in the name of the Banque Centrale d'Algerie as Escrow Agent under this Agreement.

---- It will be understood that the Banque Centrale d'Algerie shall have no liability for any reduction in the value of the securities, bullion, and monies held in its name as Escrow Agent at the Bank of England under the provisions of this Agreement.

4. (a) As soon as the Algerian Government certifies in writing to the Banque Central d'Algerie that all 52 United States nationals identified in the list given by the United States Government to the Algerian Government in November, 1980, now being held in Iran, have safely departed from Iran, the Banque Centrale d'Algerie will immediately give the instructions to the Bank of England specifically contemplated by the provisions of the Declaration and the Undertakings of the Government of the United States of America and the Government of the Islamic Republic of Iran with respect to the Declaration of the Government of the Democratic and Popular Republic of Algeria, which are made part of this Agreement. The contracting parties resolve to work in good faith to resolve any difficulty that could arise in the course of implementing this Agreement.

(b) In the event that

(i) either the Government of Iran or the Government of the United States notifies the Government of Algeria in writing that it has given notice to terminate its commitments under the Declaration referred to above, and

(ii) a period of 72 hours elapses after the receipt by the Government of Algeria of such notice, during which period the Banque Centrale d'Algerie has not given the Bank of England the instruction described in subparagraph (a) above,

the Banque Centrale d'Algerie will immediately give the instructions to the Bank of England

specifically contemplated by the provisions of the Declaration, and the Undertakings of the Government of the United States of America and the Government of the Islamic Republic of Iran with respect to the Declaration of the Government of the Democratic and Popular Republic of Algeria.

(c) If the certificate by the Government of Algeria referred to in subparagraph (a) has been given before the United States Government has effectively terminated its commitment under the Declaration, the Iranian property shall be transferred as provided in subparagraph (a) of this paragraph 4.

(d) The funds and deposits held by the Bank of England under this Agreement will earn interest at rates prevailing in money markets outside the United States after their transfer to the account of the Banque Centrale d'Algerie, as Escrow Agent, with the Bank of England, and such interest will be included as part of the Iranian property for the purposes of subparagraphs (a) and (b) of this paragraph 4.

5. On the date of the signing of this Agreement by the four parties hereto, the Banque Centrale d'Algerie and the FED will enter into a Technical Arrangement with the Bank of England to implement the provisions of this Agreement.

Pursuant to that Technical Arrangement between the FED, the Bank of England and the Banque Centrale d'Algerie, the FED shall reimburse the Bank of England for losses and expenses as provided in paragraph 10 thereof. The FED will not charge the Banque Centrale d'Algerie for any expenses or disbursements related to the implementation of this Agreement.

6. This Agreement will become effective as soon as it has been signed by the four parties to it and the Banque Centrale d'Algerie and the FED have entered into the Technical Arrangement with the Bank of England referred to in paragraph 5 of this Agreement.

7. Throughout its duration, this Agreement may be amended, canceled, or revoked only with the written concurrence of all four of the signatory parties.

8. Nothing in this Agreement shall be considered as constituting, in whole or in part, a waiver of any immunity to which the Banque Centrale d'Algerie is entitled.

9. A French language version of this Agreement will be prepared as soon as practicable. The English and French versions will be equally authentic and of equal value.

10. This Agreement may be executed in counterparts, each of which constitutes an original.

In Witness whereof, the parties hereto have signed this Agreement on January 20, 1981.

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PAGE 01 STATE 301866
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S E C R E T STATE 301866

FOLLOWING REPEAT JIDDA 7981 ACTION STATE INFO BAGHDAD DHAHRAN RIYADH DAMASCUS KUWAIT MANAMA SANA NOV 20.

QUOTE: S E C R E T JIDDA 7981

DEPT ALSO PASS NIACT IMMEDIATE TO A/SY/CC/TAGS

E.O. 12065: GDS 11/20/85 (PLACKE, JAMES A.) OR-M
TAGS: PINS ASCE, SA
SUBJECT: (S) OCCUPATION OF GRAND MOSQUE, MECCA

REF: JIDDA 7971

1. (S-ENTIRE TEXT).

2. EMBASSY HAS BEEN INFORMED BY MILITARY COMMANDER FOR WESTERN PROVINCE THAT MOSQUE IS STILL BEING OCCUPIED BY INTRUDERS. MINISTER OF INTERIOR'S OFFICE TELLS US THAT PRINCE NAIF IS AT THE SCENE. IRANIAN EMBASSY DOES NOT KNOW IF IRANIANS ARE INVLIVED IN OCCUPATION, BUT THEY SAID THEY WERE INVESTIGATING AND WOULD INFORM US WHAT THEY LEARN.

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PAGE 02 STATE 301866

3. DANISH AND BRITISH EMBASSIES HAVE INFORMED US THAT ALL TELEPHONE AND TELEGRAPHIC SERVICE OUTSIDE THE KINGDOM HAS BEEN CUT. WE TESTED THIS BY ATTEMPTING TO PLACE TELEPHONE CALL TO THE U.S. AND WERE INFORMED

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THAT LINES WERE OUT OF ORDER.

4. COMMENT: WE SUSPECT THAT SAG SUSPENSION OF COMMUNICATION WITH OUTSIDE IS TO KEEP STORY OFF INTERNATIONAL NEWSWIRES UNTIL SITUATION IN MECCA HAS BEEN RESLOVED.
WEST UNQUOTEVANCE

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PAGE 01 STATE 301867
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S E C R E T STATE 301867

C O R R E C T E D C O P Y (PARA'S 6,7&8)

FOLLOWING REPEAT JIDDA 7993 SENT ACTION STATE DHAHRAN RIYADH BAGHDAD MANAMA DAMASCUS KUWAIT SANA NOV 20.

QUOTE S E C R E T JIDDA 7993

DEPT ALSO PASS TO A/SY/CC/TAGS

E O 12065: GDS 11/20/85 (WEST,JOHN C.) OR-M
TAGS: PINS, ASEC, AFSP, SA
SUBJ: (S) OCCUPATION OF GRND MOSQUE, MECCA

REFS: A) JIDDA 7971, B) JIDDA 7981

1. S-ENTIRE TEXT

2. SUMMARY. OCCUPATION OF THE GRAND MOSQUE IN MECCA CONTINUES BY AS YET UNIDENTIFIED PERSONS. SAG HAS SEALED OFF MECCA. NORTHERN BORDERS CLOSED TO NON-SAUDIS. SAG APPEARS PREPARING TO EXPEL INTRUDERS FROM THE MOSQUE WITH FORCE IF NECESSARY. EMBASSY HAS TIGHTENED ITS SECURITY. JIDDA REMAINS NORMAL. END SUMMARY.

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PAGE 02 STATE 301867

3. EMBASSY IS CONTINUING TO RECEIVED INFORMATION -- SOME OF IT CONFLICTING -- CONCERNING OCCUPATION OF THE GRAND MOSQUE IN MECCA. IT IS STILL NOT KNOWN FOR CERTAIN WHO IS OCCUPYING

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MOSQUE, ALTHOUGH IT APPEARS THEY ARE VERY WELL ARMED. WE HAVE RECEIVED REPORTS INDICATING OCCUPIERS COULD BE IRANIAN OR YEMENI, ALTHOUGH SOME REPORTS FROM SAUDI SOURCES STATE OCCUPIERS ARE SAUDI TRIBESMEN SUPPORTING SOME AS YET UNIDENTIFIED GROUP OF ISLAMIC FUNDAMENTALISTS.

4. LATEST VERSION OF EVENTS RELATED TO EMBASSY LOCAL NATIONAL BY FRIEND WHO STATES HE WAS IN MOSQUE AT TIME OF OCCUPATION. ACCRDING TO THIS INFORMANT WHO SAYS HE MANAGED TO ESCAPE FROM MOSQUE, NUMBER OF ARMED WORSHIPPERS CLOSED DOORS TO MOSQUE FOLLOWING EARLY MORNING PRAYERS (0518 LOCAL) AND ANNOUNED TO CROWD IN ARABIC THAT "MECCA, UMEDINA AND JIDDA WERE NOW IN THEIR HANDS ". FOR A PERIOD OF ABOUT TWOD HOURS, CIRCUMNAMBULATION OF THE KA'ABA WAS PREVENTED BUT LATER ALLOWED TO RESUME. AT ONE POINT IN THE EARLY MORNING, S SHOOT-OUT WITH SAUDI SECURITY PERSONNEL OCCURRED, AND INFORMANT INDICATED THAT 5-7 POLICEMEN WERE KILLED. IN ADDTION, A FEW PILGRIMS IN MOSQUE WERE WOUNDED IN CROSS-FIRE.

5. IN ANOTHER REPORT, TWO AMERICANS PILOTING SAUDI CIVIL DEFENSE HELICOPTER OVER MECCA TOLD POLOFF THIS AFTERNOON THAT THEY WERE AROUSED AT THEIR JIDDA BASE AT 0630 HOURS WITH INSTRUCTIONS TO PROEED IMMEDIATELY TO AIRFIELD NEAR MECCA WHERE THEY EMBARKED TWO SAUDI GID OFFICERS. AT THEIR INSTRUCTION, HELICOPTER BEGAN MAKING LOW PASSES OVER MECCA IN VICINITY OF GRAND MOSQUE BEGINNING AT ABOUT 0900 HOURS. ON THEIR FIRST SWING OVER MOSQUE, EVERYTHING SEEMED NORMAL. IN APPARENT CONFIRMATION OF REPORT IN PARA 4, APPROX 1000 WERE SEEN CIRCUMNABULATING HOLY KA'ABA AND THERE WAS MODERATE TRAFFIC CIRCULATING IN

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STREETS AROUND MOSQUE ITSELF. SAUDI SECURITY FORCES WERE IN EVIDENCE IN LARGE NUMBERS, HOWEVER, AND HAD TAKEN UP POSITIONS ON STREETS AND ROOFTOPS AROUND MOSQUE.

6. AT APPROX 1145 LOCAL, PILOTS STATED THEY MADE ANOTHER LOW PASS OVER MOSQUE ON INSTRUCTION OF SAUDI OFFICERS ON BOARD. THE NUMBER OF PEOPLE IN COURTYARD OF MOSQUE HAD DWINDLED TO ONLY ONE OR TWO HUNDRED, ALTHOUGH THERE APPEARED TO BE LARGE GROUP OF PEOPLE IN SHADOWS TO ONE SIDE OF COURTYARD. AS HELI-COPTER FLEW TO NE OF THE MOSQUE, THREE VERY DISTINCT RIFLE SHOTS WERE HEARD. PILOTS SAID THEY THOUGHT THEY WERE TARGET OF SHOTS AND IMMEDIATELY INCREASED ALTITUDE. PILOTS STATE THAT SITUATION ON MOSQUE FOLLOWING THESE SHOTS CHANGED PERCEPTIBLY. TRAFFIC IN AREA WAS IMMEDIATELY CLEARED, AND ROADBLOCKS WERE THROWN UP IN STREETS IMMEDIATELY SURROUNDING

MOSQUE. FOR THE FIRST TIME DURING THEIR SEVERAL PASSES OVER MOSQUE, COURTYARD APPEARED DEVOID OF HJMANITY. PILOTS SAID THAT SAUDI COMMANDER OF THEIR HELICOPTER WING, A CAPTAIN ALWANI, TOLD THEM MOSQUE WAS OCCUPIED BY "IRANIANS", AND THAT SECURITY FORCES INTENDED CLEAR THEM OUT. SAUDI OFFICER STATED THAT THERE HAD BEEN AN ARMED INCIDENT AT MOSQUE FOLLOWING EARLY MORNING PRAYER AND THAT OCCUPATION OF MOSQUE HAD FOLLOWED. OCCUPATION WAS CONTINUING AND THIS WAS REASON EHLICOPTER REQUIRED IN MECCA.

7. RELIABLE SOURCES REPORTED IN LATE AFTERNOON THAT INTERMITTANT GUNFIRE IS BEING EXCHANGED WITH THE GROUP OCCUPYING MOSQUE. THESE SOURCES ESTIMATED THAT APPROX 300 PERSONS ARE OCCUPYING MOSQUE WITH 100 OTHERS ALSO IN BUILDING. OCCUPIERS APPARENTLY DEMANDED AT ONE POINT THIS MORNING THAT RADIO MECCA BE TURNED OVER TO THEM. THE SAUDI FRONTIER WITH JORDAN, IRAQ AND KUWAIT HAS NOW BEEN CLOSED TO ALL NON-SAUDIS. HOWEVER, SAUDI AIRLINES HAS NOT INTERRUPTED ITS FLIGHT SCHEDULE, ALTHOUGH RESERVE PERSONNEL AND EQUIPMENT HAVE BEEN PLACED ON STAND-BY.

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8. SPECIAL SECURITY FORCES UNDER THE DIRECTION OF MINISTRY OF INTERIOR RATHER THAN NATIONAL GUARDSMEN HAVE REPORTEDLY BEEN ORDERED TO RESTORE ORDER, BY FORCE IF NECESSARY. CONSIDERABLE MILITARY AIR TRAFFIC (C-130 TRANSPORTS) REPORTED AT BOTH JIDDA AND RIYADH AND SECURITY HAS BEEN TIGHTENED AT ALL MILITARY FACILITIES. IN ADDITION, MODA HOSPITALS IN JIDDA AND RIYADH ARE ON FULL ALERT. US HELICOPTER PILOTS CONFIRM THAT BOTH DEFENSE MINISTER PRINCE SULTAN AND INTERIOR MINISTER PRINCE NAYIF HAVE BEEN ON THE SCENE IN MECCA SINCE THE EARLY MORNING HOURS. GENERAL INTELLIGENCE DIRECTOR PRINCE TURKI AL-FAYSAL IS RETURNING FROM TUNIS.

9. SAUDI NATIONAL GUARD UNIT WHICH SECURES EMBASSY COMPOUND PERIMETER HAS BEEN AUGMENTED. EMBASSY HAS ALSO TAKEN OTHER MEASURES TO HEIGHTEN SECURITY INTERNALLY AND HAS CAUTIONED ALL EMPLOYEES AGAINST UNNECESSARY MOVEMENT. ATMOSPHERE IN JIDDA REMAINS NORMAL. WEST UNQUOTE VANCE

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INFO AMCONSUL DHAHRAN IMMEDIATE
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AMEMBASSY KUWAIT IMMEDIATE
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AMEMBASSY SANA IMMEDIATE
USMTM DHAHRAN IMMEDIATE
AMEMBASSY ABU DHABI IMMEDIATE
AMEMBASSY MUSCAT IMMEDIATE
AMEMBASSY DOHYA IMMEDIATE
AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY LONDON IMMEDIATE

S E C R E T JIDDA 8039

DEPT ALSO PASS NIACT IMMEDIATE TO A/SY/CC/TAGS

EO 12065: GDS 11/21/79 (PLACKE, JAMES A) OR-M
TAGS: PINS, ASEC, AFSP, SA
SUBJ: (S) OCCUPATION OF GRAND MOSQUE IN MECCA

1. (S - ENTIRE TEXT)

2. SUMMARY: OCCUPATION OF GRAND MOSQUE IN MECCA APPEARS TO
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PAGE 02 JIDDA 08039 211408Z

BE CONTINUING AS OF 1500 LOCAL TIME (1200Z), BUT THERE ARE SIGNS
THAT SAUDI AUTHORITIES ARE PREPARING TO USE FORCE.
SECURITY AROUND JIDDA HAS BEEN BEEFED UP AND CITY SEEMS
PARTICULARLY QUIET. END SUMMARY.

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3. EARLY MORNING NOV 21 SAUDI INTERIOR MINISTRY ISSUED STATEMENT ON SEIZURE WHICH WAS BROADCAST ON RADIO AND PUBLISHED IN OKAZ (ARABIC). EMBASSY TRANSLATION FOLLOWS: BEGIN TEXT: A GROUP OF RENEGADES AGAINST ISLAM CARRYING ARMS AND AMMUNITION INFILTRATED INTO THE HOLY MOSQUE IN MECCA AT DAWN PRAYER YESTERDAY. THEY PRESENTED ONE OF THEIR NUMBER TO THE WORSHIPERS CLAIMING HE IS THE EXPECTED MAHDI AND CALLED ON THEM, AT GUNPOINT, TO RECOGNIZE HIM AS SUCH. THE SAUDI AUTHORITIES HAVE ASKED THE RELIGIOUS LEADERS FOR THEIR OPINION ABOUT MEASURES TO BE TAKEN TO PROTECT MUSLIMS IN THE MOSQUE. ANOTHER STATEMENT WILL BE ISSUED LATER EXPLAINING WHAT NEW DEVELOPMENTS OCCUR IN THIS INCIDENT.

END TEXT.

4. SOURCES IN OPERATIONS SECTION AT JIDDA AIRPORT REPORTED THIS MORNING (NOV 21) THAT ALL COMMERCIAL FIGHTS WERE CONTINUING AS SCHEDULED, BUT SECURITY HAS BEEN BEEFED UP. HOWEVER, MOST CORPORATE AIRCRAFT IN JIDDA ARE EFFECTIVELY GROUNDED BY CLOSURE OF SERVICE AREA.

5. HOSPITALS IN AREA ARE STILL UNDER MEDICAL ALERT. MILITARY HOSPITAL IN JIDDA HASBEEN TOLD BY ITS CHIEF SURGEON TO EXPECT NUMEROUS CASULTIES THIS AFTERNOON OR EARLY THIS EVENING. ALL NON-CRITICAL PATIENTS HAVE BEEN REMOVED FROM HOSPITAL. SENIOR MILITARY COMMANDER CLOSELY CONNECTED WITH EFFORT TO RETAKEMOSQUE HAS

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INFORMED EMBASSY THAT INCIDENT WILL BE OVER BY SUNSET.

6. ON MORNING OF NOV 21, POLOFF AND AIR ATTACHE AGAIN DEBRIEFED AMERICAN PILOTS FLYING RECONNAISSANCE SORTIES FOR SAG OVER GRAND MOSQUE IN MECCA. (SEE JIDDA 7993). PILOTS STATED THAT THEY MADE THREE EVENING SORTIES OVER MOSQUE EVENING OF NOV 20 AND ONE SORTIE MORNING OF NOV 21. THEY NOTED THAT THEIR HELICOPTER DREW HEAVY FIRE (INCLUDING TRACERS) FROM GUN POSITIONS ESTABLISHED IN TWIN MINARETS OF MOSQUE AND SAID IT APPEARED THE OCCUPIERS ALSO POSSESSED AT LEAST ONE .50 CALIBER MACHINE GUN. PILOTS SAID THE OCCUPIERS OF THE MOSQUE APPEARED VERY WELL ORGANIZED AND CONSTANTLY MOVED THEIR GUN POSITIONS -- EVEN IN THE MINARETS -- IN ORDER TO HINDER

THE AIMING OF RETURN FIRE.

7. DURING EVENING OF NOV 20 MOSQUE WAS COMPLETELY DARKENED, SOMETHING WHICH PILOTS' SAUDI CONTACTS STATED HAD NEVER BEFORE HAPPENED. SNIPERS IN THE MINARETS WERE AGAIN PRESENT IN THE MINARETS AND OTHER POSITIONS AROUND THE PERIMETER OF THE MOSQUE DURING THEIR SORTIE OVER BUILDING AT 0700 LOCAL NOV 21. PILOTS STATED THAT THREE 8-10 STORY BUILDINGS ACROSS FROM MOSQUE WERE ON FIRE, ALTHOUGH IT WAS NOT CLEAR HOW FIRES STARTED. PILOTS ALSO STATED THAT FOR FIRST TIME SINCE MOSQUE SEIZED, TWO SAUDI F-5S MADE TOTAL OF SIX LOW PASSES OVER MOSQUE. NO SHOTS FIRED, ALTHOUGH PLANES ARMED WITH 20 MM CANNON.

8. REFERRING TO INFO GIVEN THEM BY SAUDI OFFICERS IN MECCA, PILOTS STATED THAT THESE OFFICERS CONFIRMED THE KILLING OF THE IMAM OF MOSQUE SHORTLY AFTER ITS SEIZURE FOLLOWING EARLY MORNING PRAYERS NOV 20. IN A SEPARATE INCIDENT, OFFICERS TOLD PILOTS THAT A SAUDI BRIGADIER GENERAL, A COLONEL, A MAJOR AND ANOTHER

OFFICER WERE KILLED AT APPROX NOON NOV 20. ONE OF THE GATES OF MOSQUE WAS SUDDENLY AND BRIEFLY FLUNG OPEN AND THE OFFICERS, WHO WERE STANDING IMMEDIATELY OUTSIDE, WERE KILLED IN A HAIL OF BULLETS. STREETS AROUND MOSQUE WERE IMMEDIATELY CLEARED. BODIES OF THE DEAD OFFICERS HAVE APPARENTLY NOT BEEN RECOVERED.

9. IN CONFIRMATION OF OTHER REPORTS WE HAVE RECEIVED, OFFICERS ALSO TOLD PILOTS THAT WEAPONS HAD BEEN SMUGGLED INTO THE MOSQUE EVENING OF OV 19 ABOARD TWO TRUCKS DISGUISED AS SUPPLIES AND EQUIPMENT NEEDED BY A WORK CREW UNDERTAKING RENOVATIONS INSIDE.

10. SECURITY AT ALL SAG MINISTRIES HAS BEEN BEEFED UP. THERE ARE NO SIGNS OF DISTURBANCE IN JIDDA OR RIYADH. A SOURCE WITH CONTACTS HIGH IN ROYAL FAMILY HAS INFORMEDD EMBOFF THAT THERE WAS INCIDENT IN MEDINA SIMULTANEOUS WITH MOSQUE SEIZURE IN MECCA, BUT IT WAS QUICKLY SUPPRESSED AND SITUATION THERE IS NOW NORMAL. OTHER SOURCES ALSO REPORT THAT MEDINA IS CALM. WEST

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PAGE 01 JIDDA 08041 211527Z
ACTION SS-30

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FM AMEMBASSY JIDDA
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AMEMBASSY DAMASCUS IMMEDIATE
AMEMBASSY DOHA IMMEDIATE
AMCONSUL DHAHRAN NIACT IMMEDIATE
AMEMBASSY KUWAIT IMMEDIATE
USLO RIYADH NIACT IMMEDIATE
AMEMBASSY MANAMA IMMEDIATE
AMEMBASSY SANA IMMEDIATE
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S E C R E T JIDDA 8041

EXDIS DECAPTIONED

EO 12065: RDS-1 11/21/99 (WEST, JOHN C) OR-M
TAGS: PINS, ASEC, SA
SUBJ: (U) OCCUPATION OF GRAND MOSQUE, MECCA

REF: JIDDA 8039

1. SECRET ENTIRE TEXT.

2. SUMMARY: THE GRAND MOSQUE IN MECCA WAS SEIZED BY A SAUDI RELIGIOUS FANATIC, MUHAMMAD ABDALLAH, 26 YEARS OLD, A MEMBER OF THE UTAYBA TRIBE. HE HAS APPROX 300 WELL-ARMED PERSONS WITH HIM, 13 OF WHICH HAVE BEEN CAPTURED BY SAUDI
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PAGE 02 JIDDA 08041 211527Z

AUTHORITIES.
THE CAPTURED GROUP INCLUDED AT LEAST ONE PAKISTANI. THERE IS NO RPT NO DIRECT RELATIONSHIP WITH IRAN AND MUHAMMAD AND HIS FOLLOWERS DENY ANY KHOMEINI INFLUENCE IN

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REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 06 JUL 2006 200600046

THEIR ACTIONS. THERE ARE SEVERAL THOUSAND PILGRIMS STILL IN MOSQUE DESPITE FACT THAT MUHAMMAD'S FORCES ALLOWED APPROX 5,000 TO LEAVE LAST EVENING (NOV 20). IN ADDITION, SEVERAL ESCAPED. SAUDI AUTHORITIES AT THIS TIME DO NOT CONSIDER THIS SEIZURE TO BE OF MAJOR POLITICAL SIGNIFICANCE ALTHOUGH THEY ARE REACTING STRONGLY SO AS TO BE PREPARED FOR ANY EVENTUALITY. THE FIGHTING BETWEEN THE SECURITY FORCES SURROUNDING THE MOSQUE AND THOSE INSIDE WAS PARTICULARLY FIERCE LAST NIGHT BUT TODAY SEEMS TO HAVE CALMED SOMEWHAT AS OF ONE O'CLOCK LOCAL TIME. END SUMMARY.

3. I WAS ABLE TO GET FROM A KNOWLEDGEABLE CABINET MINISTER A COMPLETE UP-TO-DATE STORY ON THE EVENTS SURROUNDING THE SEIZURE OF THE GRAND MOSQUE AT MECCA. THE MINISTER SAID THAT JUST AFTER MORNING PRAYERS, A YOUNG MAN NAMED MUHAMMAD ABDALLAH ALONG WITH SOME FOLLOWERS VARIOUSLY ESTIMATED TO NUMBER FROM A MINIMUM OF 200 TO A MAXIMUM OF 500 SEIZED THE HOLY MOSQUE.

4. ACCORDING TO MINISTER, THERE IS A SPECIAL RELIGIOUS SIGNIFICANCE ATTACHED TO THE SEIZURE AT THIS TIME. AS HE EXPLAINED IT TO ME, MUSLIMS GENERALLY BELIEVE THAT THERE WILL BE A SECOND COMING OF JESUS AND SOME BELIEVE THAT THERE WILL BE A FALSE JESUS PRECEDING THE REAL JESUS. STILL OTHERS BELIEVE THAT A MAHDI WILL APPEAR AS A FORERUNNER TO BOTH OF THESE EVENTS. ALTHOUGH NOT SPECIFICALLY SET FORTH IN THE QUR'AN, THE TRADITIONAL BELIEF IS THAT A MAHDI WILL APPEAR ON THE FIRST DAY OF A NEW CENTURY IN MECCA AND THAT HE WILL REMAIN IN MECCA FOR A TIME AND THEN DISAPPEAR LATER TO

REAPPEAR IN MEDINA.

5. MUHAMMAD ABDALLAH IS WELL KNOWN TO THE SAUDI AUTHORITIES. HE IS REPORTED TO BE 26 YEARS OF AGE AND OF IMPOSING APPEARANCE AND PERSONALITY. HE ATTENDED SHARIA SCHOOL IN RIYADH FOR APPROX THREE YEARS BUT DID NOT FINISH. HE WAS IMPRISONED FOR APPROX FOUR MONTHS BECAUSE OF ACTIVITIES INIMICAL TO GOVT. WHEN RELEASED, HE RETURNED SOUTH TO HIS HOME TRIBE.

6. FOLLOWING MORNING PRAYERS ON NOV 20, HE APPEARED AT THE GRAND MOSQUE AND TOLD THE IMAM THAT HE WAS THE MAHDI. HIS FOLLOWERS THEN SEIZED CONTROL PUTTING TWO GUARDS AT EACH OF THE 26 DOORS INTO THE MOSQUE. PREVIOUSLY, THEY HAD BEEN ABLE TO BRING IN TRUCKS LOADED WITH ARMS AND DATES FOR FOOD. IN

THIS SEIZURE, ARMED SENTRIES WERE SENT TO THE ROOF OF THE MOSQUE AND INTO THE MINARETS. THE MINISTER EXPLAINED THAT THE MUSLIM CUSTOM ON NEW YEAR'S DAY WAS TO GO TO EARLY MORNING PRAYERS, THEN VISIT THE ELDERLY MEMBERS OF FAMILY IN THE SURROUNDING AREA. THUS THERE WERE SEVERAL THOUSAND (ESTIMATED BY THE MINISTER TO BE AS MANY AS 40,000-50,000) PEOPLE IN THE MOSQUE AT THAT TIME. AFTER THE SEIZURE SOME OF THE WORSHIPPERS ENGAGED MUHAMMAD AND HIS FOLLOWERS IN CONVERSATION. ONE ASKED IF THIS ACTION WERE INSPIRED BY THE IRANIANS. MUHAMMAD SCORN-FULLY AND EMPHATICALLY SAID, "NO." ONE OF HIS FOLLOWERS
D
ADDED THAT THE IANIANS WERE NOT TRUE MUSLKMS AND HAD NOTHING TO DO WITH THIS ACTION. IT IS THE MINISTER'S OPINION THAT THESE ANSWERS WERE SINCERE AND THAT THE INDIVIDUALS IN QUESTION LACKED THE CAPACITY TO MISLEAD.

7. THE MINISTER HAS A PERSONAL INTEREST IN THE INCIDENT, SINCE SOME 45 MEMBERS OF HIS FAMILY ARE AMONG THOSE BEING HELD IN THE MOSQUE. HE SAID THAT HE HAS BEEN RECEIVING TELEPHONE CALLS EVERY 15 MINUTES FROM PEOPLE STATIONED IN HOUSES AROUND THE MOSQUE. HE ADDED THAT HE WAS BEEN ABLE

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TO HEAR THE SOUND OF FIRING WHILE TALKING ON TELEPHONE AND THE FIRING REACHED A CRESCENDO LAST EVENING BUT IS MUCH QUIETER NOW. TWO OF THE PEOPLE WHO ESCAPED FROM MOSQUE HAVE COME TO MINISTER'S HOUSE. ONE WAS THERE DURING MEETING, ALTHOUGH I DID NOT ENGAGE HIM IN CONVERSATION. THE MINISTER ADDED THAT THOSE BEING HELD WERE NOT BEING THREATENED OR MISTREATED BUT THE BIGGEST PROBLEM IS A LACK OF SANITARY FACILITIES WHICH HE SAYS ARE NON-EXISTENT IN THE MOSQUE.

8. THE MINISTER SAID THAT LAST EVENING 13 OF THE INTRUDERS WERE CAPTURED, ONE OF WHOM WAS A PAKISTANI. THE REST WERE PROBABLY MEMBERS OF THE UTAYBA TRIBE. ACCORDING TO THE PEOPLE WHO WERE THERE, THERE WERE A FEW NON-SAUDIS INVOLVED BUT THE GREAT MAJORITY WERE FROM THE UTAYBA TRIBE PLUS SOME FROM THE WADI AL-DAWASIR.

9. THE MINISTER DID NOT THINK THAT THE ACTION HAD A GREAT DEAL OF POLITICAL SIGNIFICANCE, ALTHOUGH HE SAID HE HAD NOT HAD A CHANCE TO ASSESS THE FULL IMPLICATIONS. HE STATED THAT THE MEMBERS OF THE UTAYBA TRIBE WERE VERY STRONG FUNDAMENTALIST MUSLIMS WHO LACKED SOPHISTICATED LEADERSHIP SUFFICIENT TO TRANSLATE THEIR RELIGIOUS

PRINCIPLES INTO OVERTHROW OF A CIVIL GOVERNMENT.

10. THE MINISTER HAD HEARD REPORTS OF DISTURBANCES AT MEDINA BUT STATED THAT HE HAD CALLED SEVERAL PEOPLED WHO HAD PRAYED IN THE MOSQUE THROUGHOUT THE DAY ON NOV 20 AND HAD SEEN NO DISRUPTIONS OR UNDUE INCIDENTS. HE SAID THAT IF THERE WERE ANY DISTRUBANCES, THE POLICE HAD EVIDENTLY STOPPED THE TROUBLEMAKERS BEFORE THEY WERE ABLE TO ENTER THE MOSQUE. (SEPARATELY, WE HAVE BEEN GIVEN SEVERAL, SEEMINGLY CORROBRATORY, REPORTS OF SOME MINOR DIS-

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TURBANCES IN MEDINA ON NOV 20.)

11. I ASKED THE MINISTER WHAT HE THOUGH THE RESULTS OF THE TAKEOVER WOULD BE, AND HE REPLIED RATHER CALMLY: "SOONER OR LATER THEY WILL BE CAPTURED AND BEHEADED."
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PAGE 01 JIDDA 08042 211423Z
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EO 12065: RDS-1 11/21/99 (WEST, JOHN C) OR-M
TAGS: PINS, SA
SUBJ: (S) OCCUPATION OF GRAND MOSQUE MECCA

REF: JIDDA 8041

1. SECRET ENTIRE TEXT.

2. SOURCE OF INFORMATION FOR REFTEL WAS MINISTER OF PETROLEUM AHMED ZAKI YAMANI. WESTD

SECRET

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 12 JUL 2006 200600046

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PAGE 01 JIDDA 08072 231130Z
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INFO AMCONSUL DHAHRAN IMMEDIATE
URQMYA/USLO RIYADH IMMEDIATE 4336

S E C R E T JIDDA 8072

DECAPTIONED

EXDIS

FOR SAUNDERS FROM AMBASSADOR

EO 12065: RDS-1 11/22/99 WEST, JOHN C) OR-M
TAGS: ASEC, PINS, SA
SUBJ: (S) KHOMEINI STATEMENT ON EVENTS IN SAUDI ARABIA

REF: A) COUNTRYMAN-PLACKE TELCON NOV 22; B)JIDDA 8043;
C) STATE 301838

1. (S - ENTIRE TEXT)

2. I MET WITH ZAKI YAMANIA THIS MORNING TO DISCUSS THE NECESSITY OF A STRONGER SAUDI STATEMENT EXCULPATING US INVOLVEMENT IN MECCA INCIDENT. WE ARE PROCEDDING ON PARALLEL COURSES WITH 1) ATTEMPTS TO REACH MINISTER OF INFORMATION YAMANI AND 2) EFFORTS BY SPECIAL COUNSELOR SABBAGH TO REACH CROWN PRINCE FAHD IN TUNIS.

3. I GAVE YAMANIA A COPY OF THE ORIGINAL KHOMEINI ACCUSATION AND WE ANALYZED THE SAUDI WEDNESDAY NIGHT STATEMENT OF NO FOREIGN NATIONALITY INVOLVEMENT AS CONTAINED IN MORNING PRESS. YAMANIA AGREED THAT SAUDI STATEMENT WAS

PROBABLY INADEQUATE ESPECIALLY SINCE IT REFERRED TO "FOREIGN NATIONALITIES" AND DID NOT SPECIFY COUNTRIES OR GOVERNMENTS. HE STATED THAT HE HAD JUST BEEN LISTENING TO ANOTHER STATEMENT

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UNCLASSIFIED

BY DR YAMANI ON THE 1100 (0800 GMT) NEWS IN WHICH HE WAS SLIGHTLY MORE SPECIFIC BUT STILL HAD NOT PROVIDED THE KIND OF REFUTATION WHICH THE US FELT WAS ESSENTIAL.

4. YAMANI POINTED OUT THE RELUCTANCE OF SAG TO MAKE A STATEMENT AS TO INVOLVEMENT WHEN THE MOSQUE HAD NOT BEEN SECURED AND THE INVADERS CAPTURED. HE SAID IN THE ABSENCE OF AN INVESTIGATION, ANY STATEMENT COULD BE CALLED SOMEWHAT SPECULATIVE. I REPLIED BY TELLING HIM THAT THE KHOMEINI ACCUSATION WHICH WE UNDERSTOOD HAD BEEN REPEATED EVEN SUBSEQUENT TO THE SAUDI STATEMENT OF LAST NIGHT WAS PUTTING IN JEOPARDY THE LIVES OF AMERICAN CITIZENS AS WELL AS AMERICAN DIPLOMATS THROUGHOUT THE ISLAMIC WORLD. BECAUSE OF THE GRAVE CONCERNS WHICH WE HAD AND THE FACT THAT EVEN WITHOUT AN INVESTIGATION, SAG KNEW THERE WAS NO USG INVOLVEMENT, WE FELT WE HAD TO INSIST ON A STRONGER STATEMENT.

5. YAMANI AGREED AND STATED THAT HE WOULD ATTEMPT TO CONTACT PRINCE SULTAN AT MECCA. HE ADDED THAT HIS INFORMATION WAS THAT THE FINAL MOPPING UP AT MECCA WOULD HOPEFULLY BE COMPLETE TODAY (ALTHOUGH HE HAD MADE THE SAME STATEMENT YESTERDAY) AND THAT IN ANY EVENT HE COULD REACH PRINCE SULTAN AT APPROX 1430 (1130 GMT).

6. YAMANIA PROMISED TO REPORT BACK THE RESULTS OF
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PAGE 03 JIDDA 08072 231130Z

HIS CONVERSATION. WEST

NOTE: STADIS DELETED PER JIDDA (DRAFTER) 11/22/79

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RELEASED IN FULL

PAGE 01 DAMASC 07670 231430Z
ACTION NEA-11

INFO OCT-01 ADS-00 CIAE-00 DODE-00 PM-06 H-01 INR-10
L-03 NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00
ICAE-00 INRE-00 SES-01 SSN-02 SPH-01 SY-05 SYE-00
MCT-02 /061 W
----------120434 231433Z /44

O 231421Z NOV 79
FM AMEMBASSY DAMASCUS
TO SECSTATE WASHDC IMMEDIATE 5610
INFO AMEMBASSY TUNIS IMMEDIATE
AMEMBASSY JIDDA IMMEDIATE
AMEMBASSY SANA IMMEDIATE
AMEMBASSY MUSCAT IMMEDIATE
AMEMBASSY ABU DHABI IMMEDIATE
AMEMBASSY DOHA IMMEDIATE
AMEMBASSY MANAMA IMMEDIATE
AMEMBASSY KUWAIT IMMEDIATE
AMEMBASSY AMMAN IMMEDIATE
AMEMBASSY BEIRUT IMMEDIATE
AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY ALGIERS IMMEDIATE
AMEMBASSY RABAT IMMEDIATE
AMEMBASSY TEL AVIV IMMEDIATE
AMEMBASSY TRIPOLI IMMEDIATE
AMEMBASSY DACCA IMMEDIATE
AMEMBASSY NEW DELHI IMMEDIATE
AMEMBASSY KABUL IMMEDIATE
AMCONSUL JERUSALEM IMMEDIATE
AMCONSUL KARACHI IMMEDIATE
USINT BAGHDAD IMMEDIATE

C O N F I D E N T I A L DAMASCUS 07670

E.O.12065: GDS 11/23/85 (NEWTON, DAVID G.) OR-M
TAGS: PEPR, PINS, SY, US
SUBJECT: (C) SYRIAN MEDIA ATTACKS LINKING US TO SEIZURE
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CONFIDENTIAL

PAGE 02 DAMASC 07670 231430Z

OF GRAND MOSQUE

1. (C-ENTIRE TEXT)

UNITED STATES DEPARTMENT OF STATE
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DATE/CASE ID: 06 JUL 2006 200600046

2. THE INFLAMMATORY BROADCAST BY RADIO DAMASCUS NOVEMBER 21 LINKING THE US AND ISRAEL TO THE SEIZURE BY RELIGIOUS FANATICS OF THE GRAND MOSQUE IN MECCA WAS CARRIED IN SUMMARY FORM BY THE LOCAL PRESS NOVEMBER 22. WE HAVE BEEN TOLD THAT THE COMMENTARY WAS BROADCAST TWICE ON THE SAME DAY BY SYRIAN TELEVISION.

3. IN ADDITION, AL-BAATH SAME DAY CARRIED EDITORIAL MAKING FOLLOWING POINTS:

--HE WHO FOLLOWS THE ACTIONS OF THOSE SEIZING THE MOSQUE CAN EASILY KNOW THE OBJECTIVE OF THE IMPERIALIST AND ZIONIST DESIGNS: TO EXPLODE THE DIFFERENCES AND CONTRADICTIONS IN THE REGION WITH THE AIM OF IMPEDING THE WORK OF THE FORCES WHICH STAND IN THE FACE OF THESE DESIGNS;

--ISRAEL BURNT THE AL-AQSA MOSQUE AFTER THE AGGRESSION OF 1967 WITH THE AIM OF HARMING ISLAMIC TEXTS AND RELIGIOUS TEACHINGS AND NOW COMES THE ROLE OF THE REACTIONARY AGENTS OF AMERICA TO COMPLETE THE RING OF PLOTTING BY ATTACKING THE HOLY MOSQUE IN MECCA TO ACHIEVE THIS VERY END;

--HODDING CARTER ANNOUNCED THE EVENTS IN MECCA BEFORE THE ISSUANCE OF ANY OFFICIAL STATEMENT BY SAUDI SOURCES;

--IT CAN BE SAID THAT THIS ATTACK (ON THE MOSQUE) AFFIRMS THAT THE FORCES OF CAMP DAVID ARE CONTINUING TO CARRY OUT THEIR CONSPIRACY.

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4. PRESS NOVEMBER 23 DOES NOT CARRY SUCH ARTICLES BUT REPORTS ON EVENTS IN MECCA IN STRAIGHTFORWARD FASHION, RELYING ON WIRE SERVICE REPORTS. DURING FRIDAY SERVICES AT MOSQUE NEAR EMBASSY, SERMON DEALT WITH SEIZURE OF MOSQUE, STATING THIS WAS ACT CONTRARY TO ISLAM AND AGAINST WILL OF GOD. THOSE WHO COMMIT SUCH ACTS ARE HERETICS AND WILL BE PUNISHED ACCORDINGLY. NO REPEAT NO MENTION WAS MADE OF US OR ISRAEL BEING BEHIND ACT. SERMON WAS BEING TAPED FOR BROADCAST ON SYRIA RADIO AND TELEVISION.

5. COMMENT: TEXTSOF FRIDAY SERMONS ARE PROVIDED BY MINISTRY OF AWQAFS AND RELIGIOUS FIGURES ARE INSTRUCTED NOT TO DEVIATE FROM GOVERNMENT-PROVIDED TEXTS. POSSIBILITY CANNOT BE RULED OUT, HOWEVER, THAT RELIGIOUS LEADERS MIGHT DELIVER THEIR OWN REMARKS SINCE THIS HAS OCCURRED IN THE PAST WHEN

SERMONS HAVE ATTACKED GOVERNMENT. AT LEAST FOR TIME BEING, HOWEVER, SARG APPEARS TO HAVE BACKED OFF ITS OFFENSIVE AND INFLAMMATORY ATTACKS AGAINST USG. NEWTON

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PAGE 01 JIDDA 08095 241905Z
ACTION NEA-11

INFO OCT-01 ADS-00 SY-05 SYE-00 SES-01 AID-05 A-02
CIAE-00 NSAE-00 NSCE-00 SSO-00 ICAE-00 INRE-00
PM-06 H-01 INR-10 L-03 PA-01 SP-02 SS-15 HA-05
OC-06 CCO-00 MCT-02 SSN-02 /078 W
----------130431 241916Z /62

O 241830Z NOV 79
FM AMEMBASSY JIDDA
TO USLO RIYADH NIACT IMMEDIATE
INFO SECSTATE WASHDC IMMEDIATE 8054
AMCONSUL DHAHRAN IMMEDIATE
CHUSMTM DHAHRAN IMMEDIATE
DIA WASHDC IMMEDIATE
AMEMBASSY AMMAN AIMMEDIATE
USINT BAGHDAD IMMEDIATE
AMEMBASSY DAMASDUS IMMEDIATE
AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY DOHA IMMEDIATE
AMEMBASSY KUWAIT IMMEDIATE
AMEMBASSY MANAM A IMMEDIATE
AMEMBASS MUSCAT IMMEDIATE
AMEMBASSY SANA IMMEDIATE

S E C R E T JIDDA 8095

USLO FOR AMBASSADOR

DPET PASS TO A/SY/CC/TAGS

E.O. 12065: GDS 11/24/85 (PLACKE JAMES A) OR-M
TAGS: PINS ASEC SA
SUBJ :(S) OCCUPATION OF GRAND MOSQUE, MECCA:
THE DRAMA APPARENTLY ENDS

REF: JIDDA 8094 DTG 240830Z (NOTAL)

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PAGE 02 JIDDA 08095 241905Z

1. S - ENTIRE TEXT.

2. THE DRAMA AT MECCA IS APPARENTLY ALMOST, IF NOT COMPLETELY OVER AND THE ENDING APPEARS TO HAVE BEEN DRAMATIC AND VIOLENT.

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UNCLASSIFIED

AMERICAN PILOTS (STRICTLY PROTECT) FLYING SAUDI CIVIL DEFENSE HELICOPTERS ON CONTRACT TOLD POLOFF THAT THEY HAD HOVERED OVER THE GRAND MOSQUE AND VICINITY BETWEEN 1335 AND 1500 HOURS GMT NOV 24 AND OBSERVED WHAT THEY BELIEVE WAS MOPPING UP STAGE OF THE FINAL ASSAULT ON THE MOSQUE. HELICOPTERS WERE BEING USED BY SAUDIS FOR RECONNAISSANCE PURPOSES.

3. PILOTS STATE THAT WHEN THEY CAME ON STATION AT 1335 HOURS GMT, THEY OBSERVED TWO APC'S DRIVING AROUND THE INTERIOR COURTYARD OF THE MOSQUE AND RAPIDLY FIRING THEIR WEAPONS INTO THE SURROUNDING RAMPARTS. PILOTS COULD NOT DETERMINE WHETHER APC'S WERE FIRING AT THE FIRST OR SECOND STORIES. THEY OBSERVED BLACK SMOKE RISING FROM A PORTION OF THE EASTERN SIDE OF THE BUILDING AS THE RESULT OF ONE OF THESE FUSILLADES, AND LATER OBSERVED ANOTHER LARGE QUANTITY OF SMOKE RISING FROM THE NORTHWESTERN PART OF THE BUILDING. GREATEST DAMAGE APPEARED TO BE ON THE NORTHERN SIDE OF THE MOSQUE, THE SIDE WHICH HAS A LONG GALLERY EXTENDING AT RIGHT ANGLES FROM THE MAIN BUILDING. HERE, A VERY LARGE FIRE WAS BLAZING FROM THE GROUND TO THE SECOND STORY IN THE AREA BETWEEN THE TWIN MINARETS. FIRE ENGINES OUTSIDE THE MOSQUE WERE TRYING TO CONTAIN THE FIRE. PILOTS STATED THAT SOME OF THE SEVEN MINARETS OF THE MOSQUE HAD BEEN BADLY RIDDLED BY THE APC FIRE. ON THE LONG EXTENDED GALLERY ITSELF, PILOTS STATED THAY THEY SAW 40-50 SAUDI SOLDIERS (PROBABLY NATIONAL GUARDSMEN) STANDING ON THE ROOF. THEY APPEARED TO BE STANDING IDLY AND NOT MAINTAINING ANY PARTICULAR MILITARY POSITION. EIGHT ADDITIONAL APC'S WERE IN THE STREET SOURROUNDING THE MOSQUE, BUT THEY WERE NOT FIRING THEIR WEAPONS.

4. PILOTS SAID THAT SAUDI OFFICER ACCOMPANYING THEM HAS TOLD THEM
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ASSAULT HAD BEGUN IN THE EARLY AFTERNOON AND WAS LED BY QTE A GENERAL UNQTE. THERE WAS NO ESTIMATE AS TO CASUALTIES, AND PILOTS STATE THEY SAW NO DEAD OR WOUNDED, ALTHOUGH PRESUMABLY NUMBER WAS CONSIDERABLE. AS ONE INDICATION, EMBASSY LEARNED EARLIER TODAY THAT AT 1100 GMT NOV 24, ALL MUSLIM DOCTORS AND STAFF AT THE JIDDA MILITARY HOSPTIAL (ABOUT 20-25 PERSONS) WERE INSTRUCTED TO PROCEED TO MECCA AND TO BRING ALONG AN OVERNIGHT BAG.

5. PILOTS SAID THAT JUST PRIOR TO RETURNING TO JIDDA BASE, THEY WERE INSTRUCTED TO FLY LOW OVER THE RIDGES NEAR THE MOSQUE. ACCOMPANYING SAUDI OFFICER TOLD THEM THAT UNKNOWN NUMBER OF ISLAMIC DISSIDENTS HAD MANAGED TO ESCAPE THE GRAND MOSQUE AND WERE BELIEVED TO BE HIDING IN THE VICINITY OF MECCA. PILOTS SAID THEY SAW NO SUSPICIOUS PERSONS, ALTHOUGH SAUDI SOLDIERS APPEARED TO BE ALMOST EVERYWHERE.

6. COMMENT: PRIOR TO TODAY'S ASSAULT, SAUDI STRATEGY HAD BEEN VERY MUCH ONE OF "STARVING OUT" THE ISLAMIC DISSIDENTS OCCUPYING THE MOSQUE. THE FACT THAT THIS POLICY FAILED AND THAT DRACONIAN MEASURES HAD TO BE USED TO FINALLY SECURE THIS MOST HOLY AND SANCTIFIED SHRINE IS PROBABLY A REFLECTION OF BOTH THE DEGREE TO WHICH THE DISSIDENTS WERE ARMED AND THE FACT THAT THE SAUDI CASUALTY RATED HAD REACHED AN INTOLERABLE LEVEL. SAUDIS MAY ALSO HAVE BEEN A VICTIM OF THEIR OWN PUBLICITY. WHILE NOT QUITE CLAIMING TOTAL VICTORY, OFFICIAL SAUDI COMMENT HAS REPEATEDLY STATED OVER PAST TWO DAYS THAT MOSQUE COMPLETELY IN CONTROL OF SAUDI FORCES AND THAT OPERATION NOW IN ITS LAST STAGES (SEE FBIS LONDON LD240628 FOR EXAMPLE). THIS WAS CLEARLY NOT THE CASE, AND WITH NEWSPAPERS LIKE THE NOV 24 ARAB NEWS PROUDLY ANNOUNCING THAT QTE THE HOLY KA'ABA IS SAVED UNQTE, SAG PROBABLY FELT IT HAD MORE TO LOSE THAN TO GAIN BY NOT TAKING THE ACTION NECESSARY TO BRING THE GRAND MOSQUE BACK INTO ITS CONTROL QUICKLY. WEST

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ACTION NEA-11

INFO OCT-01 ADS-00 CIAE-00 PM-06 H-01 INR-10 L-03
NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00 ICAE-00
INRE-00 A-02 OPR-02 OC-06 CCO-00 SY-05 SYE-00
MCT-02 HA-05 SES-01 SSN-02 /075 W
----------003839 251644Z /42

O 251515Z NOV 79
FM AMEMBASSY JIDDA
TO USLO RIYADH NIACT IMMEDIATE
INFO SECSTATE WASHDC IMMEDIATE 8062
AMCONSUL DHAHRAN IMMEDIATE
CHUSMTM DHAHRAN IMMEDIATE
DIA WAAHDC IMMEDIATE
AMEMBASSY AMMAN IMMEDIATE
USINT BAGHDAD IMMEDIATE
AMEMBASSY DAMASCUS IMMEDIATE
AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY DOHA IMMEDIATE
AMEMBASSY KUWAIT IMMEDIATE
AMEEMBASSY MANAM IMMEDIATE
AMEMBASSY MUSCAT IMMEDIATE
AMEMBASSY SANA IMMEDIATE

S E C R E T SECTION 1 OF 2 JIDDA 8119

USLO FOR AMBASSADOR AND POL COUNSELOR

DEPT PASS TO A/SY/CC/TAGS

REF: JIDDA 8095 DTG 241830Z NOV 79

1. (S - ENTIRE TEXT)

2. SUMMARY: IN A REITERATION OF THEIR NOV 24
REPORT (REFTEL), AMERICAN PILOTSFLYING SUADI CIVIL
DEFENSE HELICOPTERS ON CONTRACT TOLD POLOFF THAT FROM
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THEIR OBSERVATIONS AT GRAND MOSQUE AND VICINITY
MORNING OF NOV 25, MOSQUE HAS NOW BEEN SECURED BUT
SAG IS CONTINUING TO COMB MECCA AREA FOR ISLAMIC
DISSIDENTS WHO ARE BELIEVED TO HAVE ESCAPED THE FINAL

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ASSAULT. DAO CONTACTS IN RIYADH, MEANWHILE, SUGGEST THERE MIGHT STILL BE SOME DISSIDENTS HOLDING OUT IN THE WARREN-LIKE BASEMENT, DESPITE EARLIER ASSERTIONS THAT UNDERGROUND PASSAGES HAVE BEEN CLEARED. SECURITY AT IMPORTANT INSTALLATIONS AND BUILDINGS IN RIYADH, JIDDA, TAIF AND MEDINA (INCLUDING THIS EMBASSY) REMAINS VERY TIGHT. THUS FAR, THERE HAS BEEN NO OFFICIAL ANNOUNCEMENT FROM SAG THAT (A) A FINAL ASSAULT DID IN FACT TAKE PLACE NOV 24, OR (B) THAT SECURITY FORCES STILL PURSUING SOME OF THE DISSIDENTS WHO ARE FEARED TO HAVE ESCAPED IN CHAOS OF ATTACK. MOST PAPERS FOLLOWING GOVT LEAD EXCEPT AL-NADWA WHICH REPORTED MOSQUE RETAKEN NOV 24 AND PUBLISHED PHOTOS OF SOME OF DAMAGE. EMBASSY HAS RECEIVED UNCONFIRMED REPORT THAT SAG IS NOW ATTEMPTING TO RECALL OUTSTANDING COPIES OF THIS NEWSPAPER. SMALL FRONT PAGE ARTICLE IN UKAZ ALSO REPORTS MOSQUE'S RECAPTURE. END SUMMARY.

3. IN NOV 25 DEBRIEFING, AMERICAN PILOTS (STRICTLY PROTECT) FLYING SAUDI CIVIL DEFENSE HELICOPTERS ON CONTRACT TOLD POLOFF THAT THEY HOEVERED IN VICINITY OF GRAND MOSQUE FOR 45 MINUTES BEGINNING 0700 GMT. MOSQUE GAVE EVERY APPEAREANCE OF BEING UNDER COMPLETE CONTROL OF SAUDI FORCES (APPARENTLY NATIONAL GUARDSMEN). BETWEEN 50-60 SAUDI SOLDIERS WERE MILLING AROUND OR SITTING ALONG ONE SIDE OF COURTYARD. ANOTHER 75 OR SO WERE ON ROOF. ATMOSPHERE WAS EERIE BUT QUITE RELAXED. EXCETP FOR SOME SMOKE NEAR

NORTH SIDE OF MOSUQE, FIRES NOTED REFTEL EXTINGUISHED. DAMAGE TO BUILDING ITSELF CONSIDERABLE. MAJORITY OF WINDOWS OVERLOOKING COURTYARD HAVE BEEN SMASHED, AND SEVERAL OF LARGE GATES HAVE BEEN BROKEN OPEN. FIVE OF SEVEN MINARETS HAVE SUFFERRED FROM LIGHT SHELLING, AS WELL. IN STREETS IMMEDIATELY AROUND MOSQUE, PILOTS SAID THEY SAW RELTATIVELY LARGE NUMBER OF BOTH TRACKED (APCS) AND WHEELED VEHICLES (APPRENTLY V-150S). ALL WERE STATIONARY. SMALL NUMBERS OF WHAT APPEARED TO BE CIVILIAN ONLOOKERS WERE MOVING IN STREET SURROUNDING VICINITY OF MECCA. PILOTS SAID THAT NO SUSPICIOUS GROUPS OF PEOPLE WERE SIGHTED. AS NOTED REFTEL, SAUDI SOLDIERS APPEAR TO BE EVERYWHERE. MEANWHILE, SECURITY AT IMPORTANT INSTALLATIONS AND BUILDINGS IN JIDDA, RIYADH,

TAIF, AND MEDINA CONTINUES TO BE VERY TIGHT. IN JIDDA, FOREXAMPLE, THIS EMBASSY, THE AIRPORT,AND THE OIL REFINERY ARE AMONG NUMBEROUS PLACES BEING VERY CLOSELY GUARDED.

6. THUS FAR, THERE HAS BEEN NO OFFICIAL WORD FROM SAG THAT A) A FINAL VIOLENT ASSAULT DID IN FACT TAKE PLACE NOV 24, OR THAT B) SECURITY FORCES ARE STILL APPARENTLY PURSUING SOME OF DISSIDENTS WHO ARE FEARED TO HAVE ESCAPED IN CHAOS OF ATTACK. AL-RIYADH NEWS-PAPER TODAY PUBLISHED TEXT OF NOV 24 FATWA WHICH, IN PART, CALLS UPON GOVT TO USE ALL MEASURES NECESSARY TO REGAIN CONTROL OF MOSQUE IF THE "RENEGADES" DO NOT SURRENDER. ALL PAPERS GIVE PROMINENT COVERAGE TO INTERNATIONAL CONDEMNATION OF THE MOSQUE SEIZURE, AND AT LEAST THREE (AL-NADWA AND BOTH ENGLISH-LANGUAGE PAPERS) REPORTED SECTY VANCE'S STATEMENT ON SUBJECT. SPECIAL COUNSELOR SABBAGH ALSO CONVEYED STATEMENT DIRECTLY TO CROWN PRINCE FAHD.

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PAGE 01 JIDDA 08119 02 OF 02 251943Z
ACTION NEA-11

INFO OCT-01 ADS-00 CIAE-00 PM-06 H-01 INR-10 L-03
NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00 ICAE-00
INRE-00 A-02 OPR-02 OC-06 CCO-00 SY-05 SYE-00
MCT-02 HA-05 SES-01 SSN-02 /075 W
----------004285 251946Z /50

O 251515Z NOV 79
FM AMEMBASSY JIDDA
TO USLO RIYADH NIACT IMMEDIATE
INFO SECSTATE WASHDC IMMEDIATE 8063
AMCONSUL DHAHRAN IMMEDIATE
CHUSMTM DHAHRAN IMMEDIATE
DIA WAAHDC IMMEDIATE
AMEMBASSY AMMAN IMMEDIATE
USINT BAGHDAD IMMEDIATE
AMEMBASSY DAMASCUS IMMEDIATE
AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY DOHA IMMEDIATE

AMEMBASSY KUWAIT IMMEDIATE
AMEEMBASSY MANAM IMMEDIATE
AMEMBASSY MUSCAT IMMEDIATE
AMEMBASSY SANA IMMEDIATE

S E C R E T SECTION 2 OF 2 JIDDA 8119

USLO FOR AMBASSADOR AND POL COUNS

DEPT PASS TO A/SY/CC/TAGS

7. THE ONE PAPER OUT IN FRONT IN ITS REPORTING IS AL-NADWA WHICH, IN A BOLD HEADLINE DECLARED IN NOV 25 ISSUE THAT MOSQUE WAS RETAKEN NOV 24 AND THAT GOVERNMENT NOW TAKING STEPS TO CLEAN UP THE DAMAGE AND REOPEN THE MOSQUE TO WORSHIPPERS. MOST EXTRAORDINARY OF ALL, AL-NADWA PUBLISHED SEVEN PHOTOS OF MOSQUE APPARENTLY TAKEN NOV 24 WHICH SHOW DAMAGE TO MINARETS AND SMOKE RISING FROM WTHIN THE BUILDING. EMBASSY HAS RECEIVED
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UNCONFIRMED REPORT THAT SAG IS NOW ATTEMPTING TO RECALL ALL OUT-STANDING COPIES OF THIS NEWSPAPER. UKAZ NEWSPAPER, WHICH WAS NOT DELIVERED UNTIL AFTERNOON NOV 25, ALSO CONTAINS SMALLER FRONT PAGE ARTICLE (NO PICTURES) WHICH ALSO REPORTS MOSQUE RETAKEN NOV 24.

8. COMMENT: PRESUMABLY, SAG IS WITHHOLDING FORMAL ANNOUNCEMENT ON THE RECOVERY OF THE MOSQUE UNTIL IT IS CERTAIN ALL THE DISSIDENTS HAVE BEEN KILLED OR CAPTURED. THIS MAY NEVER BE POS-SIBLE, BUT SAG WILL, AT A MIMIMUM, WANT TO BE CERTAIN THAT NONE REMAIN HIDDEN IN THE VAST NETWORK OF TUNNELS UNDERLYING THE MOSQUE.
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PAGE 01 JIDDA 08180 271633Z
ACTION NEA-11

INFO OCT-01 ADS-00 SY-05 SYE-00 A-02 OPR-02 OC-06
CCO-00 MCT-02 HA-05 SES-01 SSN-02 CIAE-00 PM-06
H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15
NSCE-00 SSO-00 ICAE-00 INRE-00 /075 W
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O 271633Z NOV 79
FM AMEMBASSY JIDDA
TO SECSTATE WASHDC IMMEDIATE 8083
INFO AMCONSUL DHAHRAN IMMEDIATE
USLO RIYADH IMMEDIATE
CHUSMTM DHAHRAN IMMEDIATE
DIA WASHDC IMMEDIATE
AMEMBASSY AMMAN IMMEDIATE
USINT BAGHDAD IMMEDIATE
AMEMBASSY BEIRUT IMMEDIATE
AMEMBASSY DAMASCUS IMMEDIATE
AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY DOHA IMMEDIATE
AMEMBASSY KUWAIT IMMEDIATE
AMEMBASSY MANAM IMMEDIATE
AMEMBASSY MUSCHAT IMMEDIAE
AMEMBASSY SANA IMMEDIATE

S E C R E T JIDDA 8180

DEPT PASS TO A/SY/CC/TAGS

E.O. 12065: GDS 11/27/85 (PLACKE JANES A) OR-M
TAGS: PINS ASEC SA
SUBJ :(S) OCCUPATION OF GRAND MOSQUE:
SITUATION AS OF 1300 GMT

REF: (-) FBIS LD261932, (B) JIDDA 8119

1. (S - ENTIRE TEXT)
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PAGE 02 JIDDA 08180 271633Z

2. SUMMARY: GUNEN OCCUPYING GRAND MOSQUE NOW CONFIRNED TO PART OF BUILDING'S BASEMENT. SAG SEEMS INTENT TO TAKE AS MANY AS POSSIBLE ALIVE. SAUDIS ARE MOVING TO

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ASSERT THEIR COMAND OF SITUATION. END SUMMARY.

3. STATEMENT BY INFORMATION MINISTER YAMANI (SEE REF A) HAS STATED THAT ALMOST ALL OF GRAND MOSQUE HAS BEEN RETAKEN. SMALL GROUP OF GUNMEN IS STILL HOLDING OUT IN PART OF BASEMENT AREA OF MOSQUE, WHICH, WE HAVE BEEN INFORMED, IS HONEYCOMBED WITH ROOMS AND TUNNELS.

4. DAO SOURCES CONFIRM THAT SOME DISSIDENTS CONTINUE HOLD OUT IN MOSQUE BASEMENT AREA. EMBASSY SOURCES INDICATE THAT SAUDIS FEEL THERE IS POSSIBILITY SOME GUNMEN MAY HAVE ESCAPED.

5. MINISTRY OF DEFENSE (MODA) HAS TOLD USMTM THAT 60 TO 70 PEOPLE MAY REMAIN IN BASEMENT AREA, INCLUDING UNKNOWN NUMBER OF HOSTAGES. MODA HAS ASKED FOR US ADVICE AND ASSISTANCE IN OBTAINING TEAR GAS AND/OR SMOKE EQUIPMENT WHICH WOULD BE EFFECTIVE IN CATACOMB-LIKE AREA UNDER MOSQUE. (EMBASSY COMMENT: YAMANI STATEMENT AND OTHER REPORTS INDICATE SUADIS NO LONGER FEEL ALL-OUT ASSAULT TO END SEIGE IS WARRANTED. DESIRE TO AVOID FURTHER CASUALTIES AMONG HOSTAGES AND TROOPS IS DOUBTLESSLY A REASON
FOR THIS. IT IS ALSO LIKELY THAT SAUDIS WANT TO CAPTURE ALIVE AS MANY OF REMAINING DISSIDENTS AS POSSIBLE. PRISONERS ARE WANTED FOR INTERROGATION, ESPECIALLY IF SAUDIS BELIEVE ANY OF GROUP'S LEADERS ARE AMONG HOLDOUTS. IN ADDITION, SAUDIS WANT MAXIMUM NUMBER OF GUNMEN TO BE BROUGHT BEFORE ISLAMIC COURTS AND RECEIVE PUBLIC PUNISH-
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MENT, I.E. BEHEADING, PROMISED IN FATWA ISSUED BY ULIMA. END COMMENT.)

6. YAMANI STATEMENT ALSO DEFENDED GOVTS MEDIA TREATMENT OF OCCUPATION. ABSENCE OF DAILY STATEMENTS TO PRESS WAS EXPLAINED AS STEMMING FROM DESIRE TO RELEASE ONLY FACTS AND AVOID EXCITING PUBLIC UNNECESSARILY. UNITY OF ROYAL FAMILY IN FACE OF CRISIS WAS STRESSED. YAMANI ALSO NOTED THAT KING KHALID DID NOT ORDER ASSAULT UNTIL RELIGIOUS LEADERSHIP (ULIMA) HAD ISSUED LEGAL OPINION (FATWA) DECLARING IT WAS LEGAL TO STORM MOSQUE AND PROMISING SEVERE PUNISHMENT TO ITS VIOLATORS.

7. SAUDIS ALSO MAKING EFFORT TO GIVE IMPRESSION OF BUSINESS AS USUAL. VISIT OF SECTY MILLER,

ACCOMPANIED BY CODEL, TOOK PLACE AS PLANNED. IT RECEIVED WIDE COVERAGE BY SAUDI MEDIA, AS DID NOT 26 VISIT BY RULERS OF KUWAIT AND BAHRAIN (A DEMONSTRATION OF GULF ARAB SOLIDARITY), THAT OF BRITISH SECTY OF STATE FOR TRADE, AND BRAZILLIAN MINISTER OF PLANNING.
A8. SECURITY REMAINS VERY TIGHT AT OIL REFINERY NEAR JIDDA, AS WELL AS AT AIRPORT. SPECIAL PROCEDURES FOR BAGGAGE HANDLING ARE IN EFFECT AT LATTER.

9. EMBASSY HAS LEARNED THAT UKAZ EDITOR SHUBUKSHI, WHO CRITICIZED EARLY US STATEMENT ON MOSQUE OCCUPATION IN ARTICLE PUBLISHED YESTERDAY, HAS BEEN REPRIMANDED BY SAUDI GOVT, APPARENTLY FOR GOING BEYOND CURRENT PRESS GUIDANCE.

10. AS REPORTED BY BBC NOV 27, OBSCURE ORGANIZATION CALLING ITSELF "UNION OF SONS OF ARABIAN PENINSULA" (USAP) HAS CLAIMED, FROM BEIRUT, THAT IT WAS RESPONSIBLE FOR ATTACK ON GRAND MOSQUE. EMBASSY HAS NO INFO WHICH WOULD SUBSTANTIATE THIS CLAIM. FROM WHAT ISKNOWN SO FAR ABOUT THOSE WHO SEIZED MOSQUE, USAP, WITH ITS

KNOWN LEFTIST AND BAATHI CONNECTIONS, IS UNLIKELY BEDFELLOW OF ISLAMIC EXTREMISTS WHO ARE BELIEVED TO BE BEHIND MECCA INCIDENT.

11. EMBASSY COMMENT: NOW THAT IMMEDIATE CRISIS OF MOSQUE OCCUPATION IS ESSENTIALLY OVER WITH REMANANTS OF GUNMEN TRAPPED OUT OF SIGHT IN BUILDINGS'S CELLARS, SAG WILL MOVE TO UNCOVER AND ROUND UP ANY PEOPLE ASSOCIATED WITH THIS GROUP THAT ARE STILL AT LARGE. IN ADDITION, SAUDI INTERNAL SECURITY EFFORTS IN GENERAL ARE LIKELY T BE GREATLY INCREASED. AS NOTED ABOVE, SAG IS PRESENTING IMAGE OF UNITY AND BUSINESS AS USUAL, AS WELL AS PUBLICISING UNIVERSAL CONDEMNATION OF MOSQUE SEIZURE. TRIALS OF DISSIDENTS WILL PROBABLY BEGIN SOON AFTER LAST GROUP IS CAPTURED. THESE TRIALS, AS WELL AS REQUEST FOR FATWA BEFORE ORDERING ASSAULT ON UPPER

STORIES OF MOSQUE, INDICATE THAT SAG REMAINS VERY SENSITIVE TO RELIGIOUS ELEMENT OF ITS LEGITIMACY. ATTACK UPON HOLIEST SHRINE OF ISLAM STRIKES AT SAUDI ROLE AS PROTECTOR OF ISLAMIC HOLY PLACES. THIS OCCURS AT A TIME WHEN SAUDIS ARE FACING CHALLENGE FROM KHOMEINI TO SELF-PROCLAIMED ROLE AS CHIEF DEFENDER OF THE

FAITH. SAG CAN BE EXPECTED TO SEEK FURTHER WAYS TO REASSERT ITS ISLAMIC LEGITIMACY. WEST

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S E C R E T JIDDA 8218

NODIS DECAPTIONED

E.O. 12065: GDS 11/28/99 (WEST, JOHN C) OR-M
TAGS: PINS, ASEC, SA
SUBJECT: (S) DISCUSSION WIT [redacted]: MECCA EVENT

1. -ENTIRE TEXT).

2. SUMMARY: [redacted] GAVE ME A SUMMARY OF EVENTS AT MECCA AND THE ROYAL FAMILY'S REACTION TO THEM IN A TWO-HOURS SESSION ON THE EVENING OF NOV 27. [redacted] JUDGMENT IS THAT THR RELIGIOUS DISSENTERS' ATTACK ON THE HOLY MOSQUE WILL IN THE LONG RUN STRENGTHEN THE ROYAL FAMILY AND SAG BECASUE IT HAS FAILED TO EXCITE ANY SYMPATHY OR SUPPORT WITHIN SAUDI ARABIA OR THE MUSLIM WORLD. AT THE SAME TIME, SAG RECOGNIZES THAT PRECAUTIONS HAVE TO BE TAKEN TO PREVENT MINORITY GROUPS, RELIGIOUS OR POLITICAL, FROM SEIZING POWER,AS A CONSEQUENCE, THERE WILL BE LESS ACCOMMODATION OF RELIGIOUS AND POLITICAL DISSENTERS FROM NOW ON WITHIN THE KINGDOM. EXTENSIVE INTERROGA-TIONS ARE UNDERWAY OF THE CAPTURED TERRORISTS WITH LITTLE INDICATION SO FAR OF A POLITICAL CONSPIRACY; HOWEVER, SAG AUTHORITIES HAVE NOT RULED OUT POSSIBILITY OF RUSSIAN INFLUENCE THROUGH PDRY IN INSTITUTING AND SUPPORTING INCIDENT. MOPPING UP OPERATOONS ARE CONTINUING AT MECCA WITH SOME 25 TO 30 PERSONS STILL HOLDING OUT IN BASEMENT. END SUMMARY.

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3. [redacted] SPENT APPROXIMATELY TOW HOURS WITH ME ON HE EVENING OF NOV 27. HE CAME TO THE KINGDOM BECAUSE OF A SCHOLASTIC HOLIDAY AND REMAINED AFTER THE PROBLEMS BEGAN AT MECCA. HE HAD TOLD ME EARLIER ON HIS

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CLASSIFICATION: SECRET REASON: 25X6
DECLASSIFY AFTER: 1 JAN 2020
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ARRIVAL THAT HE WOULD COME BY FOR A VISIT PRIOR TO LEAVING.

4. [redacted] HAS BEEN AT MECCA WITH HIS FATHER AND PRINCE NAYIF DURING THE ENTIRE TIME. HE STATED THAT THE OCCUPATION SURFACED MANY PROBLEMS, INCLUDING:
A. THAT SAG HAD NO CONTINGECY PLAN TO MEET SUCH A SITUATION. THE POSSIBILITY OF AN ARMED SEIZURE OF A HOLY PLACE WAS SO FOREIGN THAT CORRECTIVE MEASURES WERE NOT INCLUDED IN AY CONTINGENCY PLANS.
B. THE PRESENCE OF SOME 50,000 PILGRIMS WHO WERE TAKEN HOSTAGE AT THE TIME OF THE SIEZURE.
C. THE RELUCTANCE OF SAG AUTHORITIES TO DAMAGE ANY PART OF THE MOSQUE, ESPECIALLY THE BAABA.
D. THE STRENGTH OF THE INSTALLATION ITSELF -- THE DOORS COULD NOT B BROKEN DOWN WITH TWO MISSILES AND OTHER HEAVIER HOWITZERS (110 MILLIMETER) HAD TO BE BROUGHT IN.
E. THE FANATICISM OF THE TERRORISTS WHO WERE NOT ONLY WELL ARMED BUT WELL PROVISIONED, AND IN SOME CASESD BROUGHT THEIR WIVES AND FAMILIES WITH THEM.
F. THE NECESSITY OF SUBDUING THE TERRORISTS ALMOST ON AN INDIVUDUAL BASIS - NOT ONLY IN THE MINARETS BUT IN THE 222 ROOOMS THAT CONSITITUTE THE BASEMENT.

5. [redacted] REPORTED THAT THE TERRORISTS WERE NOW DOWN TO 25 OR 30 AND THEY WERE IN INDIVIDUAL ROOMS IN THE BASEMENT. HE SAID THAT ATTEMPTS WITH CONVENTIONAL WEAPONS, INCLUDINGD TEAR GAS AND GRENADES, HAD NOT BEEN CONPLETELY SUCCESSFUL; THAT THE LATEST TACTIC INVOLVED BURNING TIRES AND HAVING THE D

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SMOKE SWIRL INTO THE OCCUPIED AREAS; AFTER A TIME TEAR GAS WOULD BE THROWN IN FOLLOWED BY GRENADES; IMMEDIATELY AFTER THE GRENADE EXPLOSIONS, TWO OR THREE VOLUNTEERS FROM THE SAUDI FORCES WOULD GO IN WITH GAS MASKS AND NIGHT VISION EQUIPMENT. IN THIS WAY THEY WERE ABLE TO KILL OR CAPTURE THE TERRORISTS -- 11 OF WHOM HAD BEEN TAKEN THAT DAY ALONG WITH TWO SAG PARATROOPERS WHO HAD BEEN CAPTURED ANDSHELD HOSTAGE SEVERAL DAYS BEFORE.

6. [redacted] STATED THAT THEY WERE TRYING THEIR BEST TO TAKE AS MANY PROSIONERS AS POSSIBLE TO INTERROGATE THEM TO FIND ALL POSSIBLE INFORMATION ABOUT HOW THE OPERATION WAS PLANNED. HE STATED THAT STILL HAD NOT CAPTURED THE TWO RINGLEADERS BUT HAD THE FAMILIES OF AT LEAST ONE (MOHAMMED ABDULLAH) IN CUSTODY. HE RELATED THAT THE PROSONERS WERE BEING INTERROGATED

"ACTIVELY". HE HASTENED TO ADD THAT NO PHYSICAL TORTURE HAD BEEN USED BUT SOME HAD BEEN GIVEN TROUTH SERUM (SODIUM PENTHOL). HE SAID RESULTS UP TO NOW INDICATED AN AMAZING SIMILARITY OF ANSWERS, ALL HAVING TO DO WITH RETURN TO RELIGIOUS FUNDAMENTALS. HE ADDED THAT BECAUSE OF THIS SAMENESS OF RESPONSE, THERE WAS A FEELING THAT THERE HAD BEEN "INTENSIVE BRAINWASHING" AND THAT SAG HAD NOT RULED OUT THE POSSIBILITY OF COVERT RUSSIAN INFLUENCE THROUGH THEIR PDRY SATELLITE, ALTHOUGH EVIDENCE TO PROVE THIS WAS STILL LACKING.

7. [redacted] STATED THAT THIS GROUP OF RELIGIOUS FUNDAMENTALISTS HAD BEEN FAIRLY WELL IDENTIFIED AND KNOWN TO SAG AUTHROTIES; HOWEVER, A MISTAKE HAD BEEN MADE IN ALLOWING THEM TO CONTINUE THEIR ACTIVITIES AND DISREGARDING THEM AS HARMLESS RELIGIOUS FANATICS. HE SAID THE REAL BRAINS BEHIND THE OPERATION WAS JUHAIMAN AL-OTAIBI ALONG WITH MOHAMMED ABDULLAH, WHO PICTURES HIMSELF AS THE MADHI. QUITE A COINCIDENCE (OR IS IT?) THAT PROPHET MOHAMMED NAME WAS ALSO MOHAMMAD BIN ABDULLAH* [redacted] SSAID THAT JUHAIMAN AL-OTAIBI HAD WRITTEN ARTICLES AND BOOKS BUT NO ONE FELT THAT HE WOULD BE ABLE TO AMASS A FOLLOWING TO TAKE SUCH A DRASTIC STEP AS SEIZING THE MOSQUE BY FORCE.

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8. [redacted] FELT THAT IN THE LONG RUN THE INCIDENT MAY HAVE BENEFICIAL EFFECTS FOR THE KINGDOM. HIS REASONING WAS AS FOLLOWS:

A. THAT THE ATTACK ON THE HOLY MOSQUE WITH FORCE AND BLOOD-SHED COMPLETELY ALIENATED ANY SUPPORT WHICH THIS GROUP MIGHT HAVE GOTTEN FROM OTHER ELEMENTS OF SAUDI SOCIETY OR THE REST OF THE ARAB/MUSLIM WORLD;

B. THAT THE RESTRAINED ACTION IN PUTTING DOWN THE TERRORISTS HAD VIRTUALLY UNAMIMOUS SUPPORT OF ALL OF SAUDI ARABIA AND THE REST OF THE WORLD WITH NO RPT NO SYMPATHY BEING EXPRESSED FOR THE INVADERS;

C. THAT SAG WOULD LEARN FROM THE INCIDENT NOT TO BE COM-PLACMENT OR TO TOLERATE DISSENT FROM RELIGIOUS OR POLITICAL GROUPS.

9. WITH RESPECT TO THIS LAST POINT, WE HAD AN EXTENDED DISCUSSION COMPARING THE SITUATION WHICH THE SHAH FACED IN IRAN TO THE PRESENT SITUATION HERE. [redacted] JUDGMENT WAS THAT THE SHAH, IN RECENT YEARS, TRIED TO BE BOTH TOUGH AND

LENIENT, WITH THE RESULT THAT HE APPEARED WEAK AND FASCILLATING, WHICH LED TO HIS DOWNFALL. HE SAID THAT HE RECOGNIZED THAT SAG HAD TO CHANGE WITH THE TIMES BUT THAT THEY COULD NOT AFFORD TO LET ANARCHY UPSET A REGIME IN WHICH LAW AND ORDER NOW PREVAILED; THEREFORE CHANGES HAD TO BE GRADUAL, INSURING THAT THEY CAME ABOUT FAST ENOUGHT TO SATISFY THE NEEDS OF THE PEOPLE AND THE TIMES BUT NOT SO FAST AS TO PRODUCE AN UN-STABLE SITUATION. HE RECOGNIZED THAT THE PATH WAS NOT EASY.

10. HE INDICATED IN THE COURSE OF THE DISCUSSION THAT THE
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INCIDENT HAD TENDED TO UNIFY FURTHER THE ROYAL FAMILY. HE SAID THAT PRINCE ABDULLAH WAS TURNING MORE AND MORE TO HIS FATHER [redacted] FOR SUPPORT AND ASSISTANCE AND THAT FAHD HAD DEVELOPED AN EXTREMELY CLOSE WORK-ING RELATIONSHIP WITH ABDULLAH AND SULTAN IN WHICH HE WAS VERY COMFORTABLE, AS WERE THEY ALL. WEST

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INRE-00 SY-05 SYE-00 A-02 OPR-02 OC-06 CCO-00
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TO SECSTATE WASHDC IMMEDIATE 8101
INFO /AMCONSUL DHAHRAN IMMEDIATE 4020
USLO RIYADH IMMEDIATE
CHUSMTM DHAHRAN IMMEDIATE
DIA WASHDC IMMEDIATE
AMEMBASSY AMMAN IMMEDIATE
AMEMBASSY DAMASCUS IMMEDIATE
AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY DOHA IMMEDIATE
AMEMBASSY KUWAIT IMMEDIATE
AMEMBASSY MANAMA IMMEDIATE
AMEMBASSY MUSCAT IMMEDIATE
AMEMBASSY SANA IMMEDIATE

C O N F I D E N T I A L JIDDA 8219

DEPT PASS TO A/SY/CC/TAGS

EO 12065: GDS 11/28/79 (PLACKE, JAMES A) OR-M
TAGS: PINS, ASEC, SA
SUBJ: (S) OCCUPATION OF GRAND MOSQUE: SITUATIONAS OF
1400 GMT NOV 28, 1979

REF: JIDDA 8180 DTG 271633Z NOV 79

1. (S - ENTIRE TEXT)

2. SITUATION IN MECCA HAS APPARENTLY NOT CHANGED
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APPRECIABLY OVER LAST 24 HOURS, AND SMALL GROUP OF GUN-
MEN ARE STILL BELIEVED TO BE HOLDING OUT IN THE WARREN-
LIKE BASEMTN OF THE GRAND MOSQUE WITH UNKNOWN NUMBER
OF HOSTAGES. MODA OFFICIALS SAID SEVERAL TIMES NOV 28

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DATE/CASE ID: 06 JUL 2006 200600046

THAT LAST OF HOSTAGE BEGINNING TO SURRENDER, BUT NO DETAILS ARE AVAIALBLE AND THIS HAS NOT YET BEEN AUTHORITATIVELY CONFIRMED BY SAG.

3. USDAO RECEIVED A REPORT THIS MORNING THAT TWELVE INDIVIDUALS (INCLUDING THREE WOMEN) WHO APPARENTLY PARTICIPATED IN SEIZURE OF GRAND MOSQUE WERE SEEN MORNING OF NOV 28 AT THE MILITARY SECTION OF JIDDA AIRPORT. THEY WERE MANACLED AND BEING ASSEMBLED FOR ONWARD TRANSPORT TO RIYADH VIA RSAF C-130. USDAO HAS ALSO LEARNED THAT THE ALLEGED LEADER OF THE GROUP (THE SELF-PROCLAIMED "MAHDI") WHO WAS WOUNDED IN THE SAUDI COUNTER-ATTACK IS NOW BEING TREATED AT KING FAYSAL HOSPITAL IN RIYADH. AS HAS BEEN THE CASE WITH SO MANY REPORTS WE HAVE RECEIVED OVER THE PAST WEEK, THIS INFO HAS NOT BEEN CONFIRMED.

4. SECURITY REMAINS VERY TIGHT AT IMPORTANT INSTALLATIONS IN THE KINDGOM, INCLUDING EMBASSY. RUMORS HAVE ABOUNDED OVER PAST WEEK ABOUT ALLEGED SECURITY INCIDENTS IN RIYADH, TAIF, JIDDA, AND MEDINA IN ADDITION TOMECCA, BUT NOTHING HAS BEEN CONFIRMED BY SAG AND, IN GENERAL, SITUATION APPEARS VERY CLAM AND ORDERLY. EASTERN PROVINCE OVER PAST FEW DAYS HAS WITNESSED INCIDENTS SOME WITH FATAILITIES, BETWEEN POLICE AND SAUDI SHIITES PARTICIPATING IN BARRED PERFORMANCE OF SHITTE SELF-FLAGELLATION RITUALS CUSTOMARY DURING ISLAMIC MONTH OF MUHARRAM (SEE CHAHRAN 1881 1879 NOTAL). ADDITIONALLY, SAG HAS ACCELERATED CONFIDENTIAL

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REPATRIATION OF THE SEVERAL THOUSAND IRANIAN PILGRIMS WHO HAVE NOT YET RETURNED HOME TO IRAN FOLLOWING PARTICIPATION IN THE HAJJ. (REPORTED SEPTEL).

5. SAUDI PRESS CONTINUES TO GIVE WIDE COVERAGE TO THE MECCA EVENTS. DAILY PAPERS CURRENTLY HIGHLIGHTING PERSONAL ACCOUNTS OF THE SEIZURE OF THE MOSQUE ON NOV 20, IN ADDITION TO SAUDI EFFORTS TO RETAKE IT DURING THE FOLLOWING DAYS. ONE OF THE SAUDI OFFICERS INVOLVED IN THE LATTTER ATTEMPT GAVE ONE OF THE FULLEST REPORTS YET ON THE INCIDENT IN THE NOV 28 ISSUES OF SAUDI GAZETTE AND THE ARAB NEWS, DISCLOSING THAT AT ONE POINT THE GUNMEN WERE IN CONTROL OF A LARGE PORTION OF MECCA, INCOUDING HILLS OVERLOOKING THE MOSQUE COMPLEX (REPORTED SEPTTEL).

6. SEVERAL PROMINENT ARAB LEADERS HAVE ALREADY VISITED RIYADH, ALLEGEDLY TO GIVE MORAL SUPPORT TO KING KHALID AND THE SAG IN THE WAKE OF THIS DISTURBING EPISODE. BAHRAIN'S AMIR, SHAYKH ISA BIN SALMAN AL KHALIFA, WAS THE FIRST TO ARRIVE NOV 26, FOLLOWED A QUARTER OF AN HOUR LATER BY KUWAIT'S RULER, SHAYKH JABIR AL-AHMAD AL-SABAH. BOTH RETURNED HOME LATER IN THE DAY. ONE NOV 27 YASIR ARAFAT, QATARI AMIR KHALIFA BIN HAMAD ATL THANI, AND UAE VICE PRESIDENT AND PREMIER SHAYKH RASHID AL MAKTUM ALSO ARRIVEDIN RIYADH. JORDAN'S KING HUSAYN ARRIVED TODAY, AND OTHER AREA LEADERS ARE EXPECTED TO VISIT OVER THE NEXT FEW DAYS AS WELL.
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ANAE-00 A-02 OPR-02 OC-06 CCO-00 /087 W
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FM AMEMBASSY KUWAIT
TO SECSTATE WASHDC IMMEDIATE 4846
INFO AMEMBASSY ABU DHABI
AMEMBASSY AMMAN
AMEMBASSY BEIRUT
AMEMBASSY CAIRO
AMCONSUL DHAHRAN PRIORITY
AMEMBASSY DOHA
AMEMBASSY JIDDA IMMEDIATE
AMEMBASSY MANAMA
AMEMBASSY MUSCAT
USLO RIYADH
AMEMBASSY SANA
AMEMBASSY TRIPOLI
AMEMBASSY DACCA
USICA WASHDC
USCINCEUR VAIHINGEN GE

C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 5422

C O R R E C T E D C O P Y FOR TEXT

E.O. 12065: GDS 11/29/85 (CLUNAN, JAMES L.) OR-P
TAGS: PINS, ASEC, SOPN, SCUL, KU, SA
SUBJECT: BOOKLET ATTRIBUTED TO PERPETRATORS OF GRAND MOSQUE
INCIDENT

REF: KUWAIT 5341

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1. (C) SUMMARY. KUWAITI NEWSPAPER AL SIYASSA AND
ITS ENGLISH LANGUAGE MATE (ARAB TIMES) PRINTED NOV 29
EXCERPTS FROM BOOKLET SAID TO HAVE BEEN WRITTEN BY
ONE OF THE LEADERS OF " THE BROTHERHOOD GROUP" THAT

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REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 06 JUL 2006 200600046

ATTACKED THE GRAND MOSQUE IN MECCA. BOOKLET REFLECTS A NUMBER OF BIZARRE BELIEFS. BEGINNING WITH EXPLANATION OF GROUP'S RELATIONSHIP TO OLDER ISLAMIC REVIVAL MOVEMENTS, BOOKLET ENUNCIATES REJECTION OF EDUCATIN, PORTRAITURE,AND WAGES AND ALLOWING CHRISTIANS TO OPEN EMBASSIES IN THEIR LANDS. OTHER PARTS OF BOOKLET REFER TO A SERIES OF APOCALYPTIC EVENTS CULMINATING WITH EMERGENCE OF JESUS CHRIST AFTER THE DEVIL HAS BEEN KILLED. IN A RELATED STROY NOVEMBER 28, KUWAIT NEWSPAPER AL WATAN HAS PRINTED RUMORS FROM TRAVELERS ARRIVING FROM SAUDI ARABIA THAT BOOKLET'S AUTHOR MANAGED TO ESCAPE SAUDI AUTHORITIES DURING OPERATION TO RECAPTURE GRAND MOSQUE, WHEN SOME KUWAITIS, EGYPTIANS, IRANINAS, AND LARGE NUMBER OF SAUDIS WERE CAPTURED. PRELIMINARY REACTION KUWAITI SECURITY AUTHORITIES HAS BEEN TO DOWNPLAY EXTENT OF KUWAITI INVOLVEMENT IN RELIGIOUS EXTREMIST ACTIVITIES. END SUMMARY.

2. (U) EXCERPTS FROM WHAT IS DESCRIBED AS A SMALL BOOKLET IN ARABIC ENTITLED "THE BROTHERHOOD GROUP'S CALL...HOW IT BEGAN AND WHERE IT LEADS" WERE PRINTED IN NOV 29 AL SIYASSA AND ENGLISH LANGUAGE MATE ARAB TIMES. BOOKLET SAID TO CONSIST OF LETTERS AND OTHER WRITINGS BY JUHAIMAN BIN MOHAMMED BIN SEIF AL OTAIBA WHO IS SAID TO HAVE BEEN ONE OF THE LEADERS OF THE ATTACK ON THE GRAND MASQUE.

3. (U) EMBASSY ATTEMPTING TO OBTAIN COPY OF ENTIRE CONFIDENTIAL

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BOOKLET. FOLLOWING IS PARAPHRASE OF NEWSPAPER ARTICLES ON BOOKLET.

A. (U) THERE EXIST IN THE ARABIAN PENINSULA SEVERAL ISLAMIC "CALLS" OR "SUMMONS" INCLUDING THE AL TABLIGH (CONVEYANCE) GROUP, IKHWAN AL MUSLIMIIN (MUSLIM BROTHERHOOD), AND THE WAHABIS (FOLLOWERS OF SHAIKH MOHAMMED BIN ABDUL WAHAB, THE "ULEMA AL-NAJD"). ALSO MENTIONED IS THE AL SALAFIYIN, AN ISLAMIC REFORM MOVEMENT BEGUN IN EGYPT IN THE 19TH CENTURY. AL-OTAIBA SAYS HIS BROTHERHOOD GROUP SHARES WITH AL SALAFIYIN THE OBJECTIVE OF ELEVATING THE SUNNA (SAYINGS AND DOINGS OF THE PROPHET) AND FIGHTING SECTARIAN FANATICISM BUT DISAGREES WITH THEIR NOT SUBJECTING THEIR IDEOLOGY TO EVEIDENCE AND PROOF.

B. (U) SOME OF THE TEACHINGS IN THE BOOKLET ARE:

1. "FULL COVERING O THE BODY IS TABOO".
2. "STUDENTS, TEACHERS AND PRINCIPALS ARE SINFUL."
3. "PICTURES IN HOMES ARE ANTI-RELIGIOUS."
4. "EMPLOYMENT IS A SIN."
5. "AVOID THE CHRISTIANS AND ALLOW THEM NOT TO OPEN EMBASSIES IN OUR LANDS."

C. (U) THE BOOKLET ALSO CONTAINS A NUMBER OF APOCALYPTIC DESCRIPTIONS OF THE PAST AND FUTURE WHICH THROW LIGHT ON BELIEFS AND CONVICTIONS OF THE GROUP. BOOKLET SAYS THE MAHDI AL MUNTAZZAR (FINAL RESTORER OF THE FAITH) WILL APPEAR SIX YEARS BEFORE THE APPEARANCE OF THE DAJJAL (THE ANTI CHRIST OR DEVIL) BECAUSE THE MESSIAH WILL LIVE ON EARTH FOR ABOUT ONE YEAR AND TWO MONTHS AND THE MAHDI WHO WILL LIVE SEVEN OR EIGHT YEARS WILL KILL THE DEVIL.

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INRE-00 SY-05 SYE-00 MCT-02 IO-14 SPH-01 HA-05
A-02 OPR-02 OC-06 CCO-00 ANAE-00 /087 W
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O 291430Z NOV 79
FM AMEMBASSY KUWAIT
TO SECSTATE WASHDC IMMEDIATE 4847
INFO AMEMBASSY ABU DHABI
AMEMBASSY AMMAN
AMEMBASSY BEIRUT
AMEMBASSY CAIRO
AMCONSUL DHAHRAN PRIORITY
AMEMBASSY DOHA
AMEMBASSY JIDDA IMMEDIATE
AMEMBASSY MANAMA
AMEMBASSY MUSCAT
SULO RIYADH 0454
AMEMBASSY SANA
AMEMBASSY TRIPOLI

AMEMBASSY DACCA
USICA WASHDC
USCINCEUR VEIHINGEN GE

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THIS EVENT WILL HAVE BEEN PRECEDED BY MUSLIMS AND CHRISTIANS FIGHTING ANOTHER ENEMY, THEN THE CHRISTIANS GATERING TO FIGHT THE MUSLIMS. WHEN THE MAHDI AL MUNTAZAR APPEARS WITH HIS GROUP FROM MEDNIA AL MUNAWARA (MEDINA, THE RESPLENDENT), THERE WILL BE A MASSACRE OF THE CHRISTIANS WHICH WILL BE FOLLOWED BY THE TAKEOVER OF CONSTANTINOPLE, THE APPEARANCE OF DAJJAL (THE DEVIL) AND THEN THE REVIVAL OF JESUS CHRIST. DURING THE TAKEOVER OF CONSTANTINOPLE, WHICH WILL BE ACCOMPLISHED CONFIDENTIAL

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BY SWORDS AND HORSES AND NOT BY MODERN WEAPONS, THE GROUP FROM MEDINA MUNAWARA WILL RETURN TO DAMASCUS WHERE THE DEVIL WILL APPEAR. THERE THE GROUP WILL LINE UP TO FIGHT THE DEVIL AND DURING THIS PERIOD AND THE FAJER (DAWN) PRAYERS, JESUS CHRIST WILL APPEAR AND THE NAHDI WILL BECOME THE IMAM FOR THE FAJER PRAYERS AND JESUS WILL ASSIGN THE FIGHTERS "THEIR GRADES IN PARADISE" WHILE THEY ARE STILL ALIVE. BUT BEFOREHAND, THE DEVIL WILL HAVE BEEN KILLED AND THE MUSLIMS WILL HAVE KILLED THE JEWS WHO WERE WITH THE DEVIL. WHEN JESUS CHRIST RULES THE MUSLIMS, THE AL MAHDI RULE WILL END. COMMENT. SINCE JESUS IS RECOGNIZED AS ONE OF THE PROPHETS IN ISLAM, REFERENCES TO JESUS APPEAR TO BE IN HIS POSITION AS A PROPHET. END COMMENT.

4. (U) IN AN RELATED STORY NOV 28 KUWAITI NEWSPAPER AL WATAN REPORTS THAT TRAVELERS ARE ARRIVING FROM SAUDI ARABIA WITH RUMORS THAT AL OTAIBA WAS THE NUMBER TWO LEADER IN THE ATTACK ON THE GRAND MOSQUE AND THAT HE MANAGED TO ESCAPE SAUDI AUTHORITIES REOCCUPYING THE MOSQUE. AL WATAN ALSO PRINTS RUMORS THAT MAONG THOSE OCCUPIERS OF THE MOSQUE WHO SURRENDERED TO SAUDI AUTHORITIES WERE "14 KUWAITIS, 21 EGYPTIANS, 60 IRANAINS, AND HUNDREDS OF SAUDIS" BELONGING TO THE AL OTHAIBA AND KAHTAN TRIBES.

5. (C) COMMENT. OF MOST OBVIOUS AND IMMEDIATE CONCERN IS THE "TEACHING" AGAINST "EMBASSIES IN OUR LANDS." EXTENT TO WHICH PROPAGANDA OF THIS KIND HAVE BEEN

PROPAGATED IN KUWAIT IS UNKNOWN TO US. SENIOR KUWAITI SECURITY OFFICIAL, IN CONVERSATION WITH EMBOFF NOV 29, WAS EXTREMELY CAUTIOUS IN COMMENTING ON DEGREE OF KUWAITI INVOLVEMENT IN EXTREMEIST RELIGIOUS
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ACTIVITIES, BUT HE DID ACKNOWLEDGE THAT TWO KUWAITIS WERE AMONG THOSE WHO PARTICIPATED IN GRAND MOSQUE ATTACK AND TWO OTHER KUWAITIS AHD BEEN ARRESTED FOR AGITATION IN SUPPORT OF THE ATTACK HERE, APPARENTLY THOSE REPORTED ARRESTED NOV 28 (REFTEL).
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ACTION NEA-11

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NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00 ICAE-00
INRE-00 SY-05 SYE-00 A-02 OPR-02 OC-06 CCO-00
MCT-02 HA-05 SES-01 SSN-02 SPH-01 ANAE-00 (ADS) W
----------047948 011842Z /44

O 011434Z DEC 79
FM AMEMBASSY JIDDA
TO SECSTATE WASHDC IMMEDIATE 8133
INFO AMCONSUL DHAHRAN PRIORITY
USLO RIYADH PRIORITY
CHUSMTM DHAHRAN SA PRIORITY
DIA WASHDC PRIORITY
USINT BAGHDAD
AMEMBASSY AMMAN
AMEMBASSY DAMASCUS
AMEMBASSY CAIRO
AMEMBASSY DOHA
AMEMBASSY KUWAIT
AMEMBASSY MANAMA
AMEMBASSY MUSCAT
AMEMBASSY SANA

C O N F I D E N T I A L JIDDA 08277

DEPT PASS TO A/SY/CC/TAGS

EO 12065: GDS 12/1/85 (PLACKE, JAMES A.) OR-M
TAGS: PINS, ASEC, SA
SUBJECT: (U) MECCA UPDATE: SITUATION AS OF 1300 GMT
DECEMBER 1, 1979

REF: JIDDA 8219 DTG 281546Z NOV 79

1. (U) UNKNOWN NUMBER OF GUNMEN AND HOSTAGES STILL REMAIN IN PART OF THE BASEMENT OF MECCA'S GRAND MOSQUE. SAUDI CONFIDENTIAL

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INTERIOR MINISTER, PRINCE NAYIF, STATED ON NOV 30 THAT SAUDI SECURITY FORCES INTEND TO TAKE THE GUNMEN ALIVE, IN ACCORDANCE WITH KING KHALID'S INSTRUCTIONS.

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REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 06 JUL 2006 200600046

2. (C) SPECULATION CONTINUES, HOWEVER, AS TO THE WHEREABOUTS OF THE RINGLEADERS OF THE MOSQUE OCCUPATION. AS REPORTED REFTEL, USDAO RECEIVED ONE REPORT ALLEDGING THAT THE PRINCIPAL LEADER, THE SELF-STYLED "MAHDI" (APPARENTLY ONE MUHAMMAD ABDALLAH AL-QAHTANI), WAS WOUNDED AND IN A RIYADH HOSPITAL. THIS HAS NOT BEEN CONFIRMED BY SAG, AND RUMORS PERSIST THAT AL-QAHTANI, ALONG WITH THE OTHER SUPPOSED RINGLEADER, ONE JUHAYMAN BIN SAYF AL-UTAYBI, ARE BOTH EITHER IN THE BASEMENT OF THE MOSQUE OR HAVE ESCAPED. DEPFONMIN AL-THUNAYAN TOLD AMB AND POLCOUNS NOV. 30 THAT BOTH LEADTILL IN MOSQUE BASEMENT.

3. (C) THERE ARE STILL NO ACCURATE FIGURES AS TO CASUALTIES RESULTING FROM THE MOSQUE EPISODE. EMBASSY HAS LEARNED THAT THE MODA MILITARY HOSPITAL IN RIYADH CURRENTLY HAS APPROXIMATELY 100 WOUNDED IN ITS CARE AND HAS BEEN ALERTED TO BE PREPARED TO RECEIVE UP TO 40 MORE. WOUNDED ARE BELIEVED TO BE FROM NATIONAL GUARD IN ADDITION TO REGULAR ARMY FORCES.

4. (LOU) MEANWHILE, THE CLEANUP AND REPAIR OF THE GRAND MOSQUE, BEGUN NOV. 27, CONTINUES AND SAUDI TELEVISION HAS SHOWN PICTURES OF SECURITY FORCES PRAYING AT THE MOSQUE. ACCORDING TO RESIDENTS, THE ROAD TO MECCA IS NOW OPEN, ALTHOUGH VEHICLES ARE RIGOROUSLY SEARCHED. TRAFFIC IS ONCE AGAIN CIRCULATING IN MOST OF THE STREETS OF THE CITY, ALTHOUGH THE AREA AROUND THE GRAND MOSQUE IS STILL SEALED OFF. SECURITY IN JIDDA, RIYADH, AND OTHER CITIES OF THE KINGDOM REMAINS TIGHT.

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5. (U) SAUDI MEDIA CONTINUE TO GIVE WIDE COVERAGE TO THE MECCA EVENTS. ENGLISH-LANGUAGE ARAB NEWS PUBLISHED WEEK-END EDITION FOR SECOND WEEK IN A ROW NOV. 30 WHICH WAS PRINCIPALLY DEVOTED TO COVERAGE OF THE GRAND MOSQUE SEIZURE. FOCUS OF LOCAL REPORTING IS ON EYE-WITNESS ACCOUNTS OF THE EPISODE IN ADDITION TO ARTICLES DETAILING DOMESTIC AND INTERNATIONAL OUTRAGE AT THE OCCUPATION. OTHER ARTICLES DESCRIBE THE ERRORS AND MISINFORMATION ASSOCIATED WITH LOCAL AND INTERNATIONAL REPORTING OF THE INCIDENT.

6. (U) FOLLOWING BRIEF VISITS EARLIER IN THE WEEK BY JORDAN'S KING HUSAY THE LEADERS OF KUWAIT. BAHRAIN, AND QATAR; DELEGETIONS FROM UAE AND MOROCCO; AND THE PLO'S YASIR ARAFAT: SYRIA'S DEPUTY PRIME MINISTER AND FOREIGN

MINISTER ABD AL-HALIM KHADDAM PAID A SHORT TWO-HOUR VISIT TO RIYADH ON NOV. 29, APPARENTLY TO LEARN THE DETAILS OF THE MOSQUE INCIDENT AND TO GIVE VERBAL SUPPORT TO THE SAUDI LEADERSHIP. SIMILARLY, YAR PRESIDENT SALIH TELEPHONED CROWN PRINCE FAHD ON NOV.O EXPRESS HIS DENUNCIATION OF THE OCCUPATION OF THE MOSQUE AND TO OFFER ANY HELP OR ASSISTANCE. WEST

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INFO OCT-01 ADS-00 CIAE-00 NSAE-00 NSCE-00 SSO-00
ICAE-00 INRE-00 PM-06 H-01 INR-10 L-03 PA-01
SP-02 SS-15 SY-05 SYE-00 MCT-02 IO-14 /071 W
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O 041353Z DEC 79
FM AMEMBASSY JIDDA
TO SECSTATE WASHDC IMMEDIATE 8179
INFO USLO RIYADH PRIORITY
AMCONSUL DHAHRAN PRIORITY
CHUSMTM DHAHRAN SA PRIORITY
DIA WASHDC
AMEMBASSY AMMAN
USINT BAGHDAD
AMEMBASSY DAMASCUS
AMEMBASSY CAIRO
AMEMBASSY DOHA
AMEMBASSY KUWAIT
AMEMBASSY MANAMA
AMEMBASSY MUSCAT
AMEMBASSY SANA

C O N F I D E N T I A L JIDDA 08366

DEPT PASS TO A/SY/CC/TAGS

EO 12065: GDS 12/4/85 (BOVIS, H. EUGENE) OR-P
TAGS: PINS, ASEC, SA
SUBJECT: MECCA UPDATE: SITUATION AS OF 1030Z DEC 4

1. (C - ENTIRE TEXT)

2. MFA DIRECTOR FOR EASTERN AFFAIRS ABBAS GHAZZAWI TOLD POLITICAL COUNSELOR AT 1030Z ON DECEMBER 4 THAT, DESPITE ANNOUNCEMENT BY PRINCE NAYIF, THERE WERE STILL TWO ROOMS OF GUNMEN IN THE BASEMENT OF THE GRAND MOSQUE AT MECCA.
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GHAZZAWI SAID THAT IT WAS BELIEVED THAT JUHAYMAN HAD ESCAPED, BUT THE OTHER LEADERS WERE STILL IN THE BASEMENT.
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INFO OCT-01 ADS-00 CIAE-00 DODE-00 NSAE-00 NSCE-00
ICAE-00 INRE-00 PM-06 H-01 INR-10 L-03 PA-01
SP-02 SS-15 SES-01 SSM-03 SSN-02 SPH-01 IO-14
HA-05 /076 W
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O 061513Z DEC 79
FM AMEMBASSY JIDDA
TO SECSTATE WASHDC IMMEDIATE 8205
INFO AMCONSUL DHAHRAN
USLO RIYADH

C O N F I D E N T I A L JIDDA 08428

EO 12065: GDS 12/6/85 (WEST, JOHN C.) OR-M
TAGS: PINS, SA
SUBJECT: (C) MEETING WITH PRINCE ABDALLAH: RETAKING OF THE GRAND MOSQUE, MECCA

1. (S - ENTIRE TEXT)

2. DURING MY MEETING WITH PRINCE ABDALLAH (OTHER SUBJECTS COVERED SEPTELS) HE PROVIDED SOME USEFUL DETAILS ABOUT THE SAG EFFORT TO OUST DISSIDENTS FROM THE GRAND MOSQUE IN MECCA.

3. ABDALLAH TOOK PRIDE IN THE WAY THE NATIONAL GUARD (SANG) HAD CARRIED OUT THEIR DUTY. PERSONNEL NOT SELECTED TO PARTICIPATE IN THE OPERATION WERE UNABLE TO REPRESS THEIR SHOW OF DISAPPOINTED FEELINGS, THEIR DEVOTION TO A TASK CONSIDERED SACRED WAS SO HIGH.

4. WHEN THE MOSQUE WAS SEIZED ON NOVEMBER 20, ABDALLAH HAD BEEN ON A VISIT TO MOROCCO. HIS IRE AND CHAGRIN OVER THE LENGTH OF TIME REQUIRED TO RETAKE THE MOSQUE WEREOVER-COME SOON AFTER RETURNING TO SAUDI ARABIA, HOWEVER.
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HE RECOGNIZED FOUR CONSTRAINTS IN THE RECOVERY OPERATION: THE NEED TO PRESERVE THE HOLY KA'ABA; THE NEED TO SPARE THE HOSTAGES HELD BY THE DISSIDENTS; THE NEED TO MINIMIZE CASUALTIES AMONG THE SECURITY FORCES; AND THE DESIRE TO

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TAKE AS MANY DISSIDENTS ALIVE AS POSSIBLE. THUS, ABDALLAH FOUND HIMSELF UNABLE TO FINISH THE JOB AS QUICKLY AS POSSIBLE. WITH "MORE THAN 1000 HOSTAGES" INVOLVED, HE HAD HAD TO MOVE VERY CAREFULLY. FURTHERMORE, THE BUILDING FOUNDATIONS OF THE KA'ABA WERE SUFFICIENTLY PRECARIOUS THAT IT WAS NECESSARY TO AVOID POSSIBLY RUINOUS DAMAGE TO THE SHRINE FROM REVERBERATIONS OF EXPLOSIONS, ETC.

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5. THE SO-CALLED "MAHDI" WAS FOUND DEAD AND WAS IDENTIFIED BY HIS BROTHER. SAUDI TELEVISION WOULD SHOW THE BODY ON ITS DECEMBER 5 EVENING PROGRAM (AND IT DID). DISSIDENTS TAKEN PRISONER WERE SHOWN ON THE DECEMBER 4 PROGRAM, AND, BY POPULAR DEMAND, THE FILM WOULD BE RUN AGAIN DECEMBER 5.

6. WITH UNMISTAKABLE RELIEF, ABDALLAH SAID "THANK GOD, IT'S OVER." NOT SURPRISINGLY, HE DESCRIBED THE DISSIDENTS AS RENEGADES, TYRANTS, CRIMINALS, AND HEARTLESS PERSONS DEVOID OF REASON.

7. COMMENT: CLEARLY ABDALLAH WAS SEEKING TO IMPRESS UPON ME THAT HE HAD HELD A KEY ROLE IN THE RECOVERY OF THE MOSQUE, THAT HIS SANG HAD PERFORMED CAPABLY, AND THAT THE DISSIDENTS WERE TO BE REGARDED BY US AS AN UTTER ABERRATION ON THE SAUDI SCENE. EXUDING HIS USUAL SELF CONFIDENCE AND DETERMINATION, ABDALLAH GAVE EVERY INDICATION OF HAVING TAKEN THE MECCA CRISIS IN STRIDE AND UNSCATHED.
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INFO OCT-01 ADS-00 CIAE-00 PM-06 H-01 INR-10 L-03
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SYE-00 MCT-02 A-02 HA-05 SES-01 SPH-01 SSN-02
SSM-03 ANAE-00 /087 W
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P 061516Z DEC 79
FM AMEMBASSY JIDDA
TO SECSTATE WASHDC PRIORITY 8206
INFO USLO RIYADH PRIORITY
AMCONSUL DHAHRAN PRIORITY
CHUSMTM DHAHRAN SA PRIORITY
DIA WASHDC
AMEMBASSY AMMAN
USINT BAGHDAD
AMEMBASSY DAMASCUS
AMEMBASSY CAIRO
AMEMBASSY DOHA
AMEMBASSY KUWAIT
AMEMBASSY MANAMA
AMEMBASSY MUSCAT
AMEMBASSY SANA

C O N F I D E N T I A L JIDDA 08429

EO 12065: GDS 12/6/85 (PLACKE, JAMES A.) OR-M
TAGS: PINS, ASEC, SA
SUBJECT: (C) END OF SEIGE OF GRAND MOSQUE

REF: JIDDA 8351

1. (C - ENTIRE TEXT)

2. AS REPORTED IN REFTEL, SAG ANNOUNCED DECEMBER 4 THAT LAST OF GUNMEN HAD BEEN CLEARED FROM GRAND MOSQUE IN MECCA. AT A PRESS CONFERENCE, INTERIOR MINISTER PRINCE
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NAYIF SAID THAT NEARLY 60 SAUDI SOLDIERS WERE KILLED AND 200 WOUNDED WHILE 75 GUNMEN WERE KILLED AND 170 CAPTURED. (EMBASSY COMMENT: SOURCES AT HOSPITALS IN JIDDA INDICATE GOVERNMENT CASUALTIES MUCH HIGHER THAT STATED. IN ADDITION,

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WE CANNOT BE SURE OF ACCURACY OF FIGURES ON GUNMEN. END COMMENT.)

3. ON DECMEBER 4 SAUDI TELEVISION BROADCAST FROM A MECCA PRISON PICTURES OF CAPTURED GUNMEN, INCLUDING JUHAYMAN AL-UTAYBI. BODY OF MAN SAID TO BE MUHAMMAD ABDALLAH AL-QAHTANI WAS SHOWN ON SAUDI TV DECEMBER 5. DURING PRESS CONFERENCE, NAYIF STATED SOME NON-SAUDIS (EGYPTIANS, NORTH AND SOUTH YEMENIS, PAKISTANIS, MOROCCANS, AND KUWAITIS) WERE AMONG GUNMEN, BUT HE REEMPHASIZED EARLIER SAG DECLARATION THAT NO FOREIGN STATE HAD ANYTHING TO DO WITH ATTACK ON MOSQUE.

4. ON DECEMBER 5, PRINCE NAYIF AND GOVERNOR OF MECCA, PRINCE FAWAZ, INSPECTED MOSQUE AND CALLED FOR ITS SWIFT REOPENING FOR PRAYER. WE UNDERSTAND KING KHALID AND SAUDI NOTABLES WILL PRAY AT KA'ABA THIS THURSDAY/FRIDAY. PRINCE SULTAN HAS RETURNED TO RIYADH, DEMONSTRATING THAT CRISIS IN MECCA IS OVER.

5. EMBASSY HAS LEARNED THAT A FEW GUNMEN MAY BE TRIED BY FRIDAY AND EXECUTED FOLLOWING NOON PRAYER TO UNDERLINE GOVERNMENT PROMISE OF SWIFT AND HARSH RETRIBUTION FOR THOSE WHO HAVE VIOLATED SANCTITY OF HOLIEST MOSQUE.
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