



Threats and Responses in 2001

Staff Statement No. 10

Members of the Commission, with your help, your staff has developed preliminary findings regarding awareness of the threat of terrorist attack in the months leading up to September 11, 2001, and some aspects of the immediate response.

This report reflects the results of our work so far. We remain ready to revise our understanding as our work continues. This staff statement represents the collective effort of a number of members of our staff. Barbara Grewe, Michael Jacobson, Thomas Eldridge, and Susan Ginsburg did much of the work reflected in this statement.

We have built upon the substantial work carried out by the Joint Inquiry of the House and Senate Intelligence Committees. We have obtained excellent cooperation from the CIA, FBI, and the Office of Inspector General of the Department of Justice. They made significant material available for the preparation of this statement.

The 2001 Threat

For years the U.S. government had experienced surges of threat reports. Significant surges had been experienced, for example, at the end of 1999 as part of a more generalized fear of attacks associated with Millennium events. There had been other surges in threat reporting during the summer of 2000 and in the Ramadan period at the end of 2000. But until 2001 the Millennium had set a kind of benchmark, and so it is worth recalling that episode.

In early December 1999, Jordanian authorities discovered a cell planning attacks on a hotel and other tourist sites. The CIA learned of links between this cell and people living in Boston and Los Angeles. Then, in mid-December, U.S. border inspectors caught Ahmed Ressam at the Canadian border trying to smuggle explosives into the United States. Investigators later learned his true target was the Los Angeles International Airport. The FBI linked Ressam to a terrorist cell in Montreal that, in turn, had links to individuals in Brooklyn. NSC Counterterrorism Coordinator Richard Clarke told us that at that point the U.S. government went to what we would now call an "orange" alert. In an extraordinary effort, spurred by Attorney General Janet Reno, the FBI mobilized its field offices nationwide to prevent an attack.

Beginning in December, there was an intense period with frequent phone calls and meetings among cabinet-level principals. The FBI asked for and obtained an extraordinary number of

FISA warrants. Principals participated directly in tracking the progress of various domestic investigations. Berger, in particular, met or spoke constantly with Tenet and Attorney General Reno. He visited the FBI and the CIA on Christmas Day 1999 to raise the morale of exhausted officials. After the Millennium passed, a more normal work pace returned. But, as Tenet recalled to us, the Millennium was followed by the October 2000 *Cole* bombing, then threats during the Ramadan period at the end of 2000. “You’re running like hell” during this entire period, he said. Until officials live through one of these periods, he added, they cannot understand what it is like.

In spring 2001, the level of reporting on terrorist threats and planned attacks began to increase dramatically, representing the most significant spike in activity since the Millennium. At the end of March the Intelligence Community disseminated a Terrorist Threat Advisory, indicating there was a heightened threat of Sunni extremist terrorist attacks against U.S. facilities, personnel, and other interests in the coming weeks. In April and May 2001 the drumbeat of reporting increased. Articles presented to top officials contained headlines such as: “Bin Ladin planning multiple operations.” “Bin Ladin public profile may presage attack.” “Bin Ladin network’s plans advancing.” By late May there were reports of a hostage plot against Americans to force the release of prisoners, including Sheikh Omar Abdel Rahman, the “Blind Sheikh,” who was serving a life sentence for his role in the 1993 plot to blow up sites in New York City. The reporting noted that the operatives may opt to hijack an aircraft or storm a U.S. embassy. The reporting also mentioned that Abu Zubaydah was planning an attack and expected to carry out more if things went well. The U.S. government redoubled efforts, ongoing since late 1999, to capture Abu Zubaydah. National Counterterrorism Coordinator Clarke also called National Security Adviser Condoleezza Rice’s attention to possible plots in Yemen and Italy, and by an alleged cell in Canada that might be planning an attack against the United States.

Reports similar to these were made available to President Bush in morning meetings with DCI Tenet, usually attended by Vice President Cheney and National Security Adviser Rice as well. None of these reports mentioned that the attacks might occur in the United States. At the end of May, Counterterrorist Center (CTC) Chief Cofer Black told Rice that the current threat level was a “7” on a scale of 10, as compared to an “8” during the Millennium.

The threat reports surged again in June and July, reaching an even higher peak of urgency. A Terrorist Threat Advisory in late June indicated that there was a high probability of near-term “spectacular” terrorist attacks resulting in numerous casualties. Headlines from intelligence reports were stark: “Bin Ladin threats are real.” “Bin Ladin planning high profile attacks.” The intelligence reporting consistently described the upcoming attacks as occurring on a catastrophic level, indicating that they would cause the world to be in turmoil, consisting of possible multiple—but not necessarily simultaneous—attacks. A late June report stated that Bin Ladin operatives expect near-term attacks to have dramatic consequences of catastrophic proportion.

Rice told us Clarke and his Counterterrorism and Security Group (CSG) were “the nerve center” in coordinating responses but that principals were also involved. In addition to his daily meetings with President Bush, and weekly meetings to go over other issues with National Security Adviser Rice, Tenet continued his regular meetings with Secretary Powell and Secretary Rumsfeld. The foreign policy principals talked on the phone every day on a variety of subjects,

including the threat. The summer threats seemed to be focused on Saudi Arabia, Israel, Bahrain, Kuwait, Yemen, and possibly Rome, but the danger could be anywhere—including a possible attack on the G-8 summit in Genoa, where air defense measures were taken. Disruption operations were launched involving twenty countries. Several terrorist operatives were detained by foreign governments, possibly disrupting operations in the Gulf and Italy and perhaps averting attacks against two or three U.S. embassies. U.S. armed forces in at least six countries were placed on higher alert. Units of the Fifth Fleet were redeployed. Embassies were alerted. Vice President Cheney contacted Crown Prince Abdullah to get more Saudi help. DCI Tenet phoned or met with approximately twenty top security officials from other countries. Deputy National Security Adviser Hadley apparently called European counterparts. Clarke worked with senior officials in the Gulf.

At Rice's request, on July 5 the CIA briefed Attorney General John Ashcroft on the al Qaeda threat, warning that a significant terrorist attack was imminent, and a strike could occur at any time. That same day, officials from domestic agencies, including the FAA, met with Clarke to discuss the current threat. Rice worked directly with Tenet on security issues for the G-8 summit. In addition to the individual reports, on July 11 top officials received a summary recapitulating the mass of al Qaeda-related threat reporting on several continents. Tenet told us that in his world "the system was blinking red," and by late July it could not have been any worse. Tenet told us he felt that President Bush and other officials grasped the urgency of what they were being told.

On July 27 Clarke informed Rice and Hadley that the spike in signals intelligence about a near-term attack had stopped. He urged keeping readiness high during the August vacation period, warning that another report suggested an attack had just been postponed for a few months. On August 3 the Intelligence Community issued a Threat Advisory warning that the threat of impending al Qaeda attacks would likely continue indefinitely. The advisory cited threats in the Arabian Peninsula, Jordan, Israel, and Europe, and suggested that al Qaeda was lying in wait and searching for gaps in security before moving forward with the planned attacks.

During the spring and summer of 2001, President Bush had occasionally asked his briefers whether any of the threats pointed to the United States. Reflecting on these questions, the CIA decided to write a briefing article summarizing its understanding of this danger. The article, which the President received on August 6, is attached to this staff statement.

Despite the large number of threats received, there were no specifics regarding time, place, method, or target. Disruption efforts continued. An al Qaeda associate from North Africa, connected to Abu Zubaydah, was arrested in the United Arab Emirates on August 13. He had apparently been planning an attack against the U.S. Embassy in Paris.

CIA analysts who have recently reviewed the threat surge of the summer of 2001 told us they believe it may have been related to a separate stream of events. These threats may have been referring to the 9/11 attack, the planned assassination of Northern Alliance leader Ahmed Shah Massoud, or other operations.

In July 2001, the CSG alerted federal law enforcement agencies and asked the FAA to send out security advisories. Beginning on July 27 the FAA issued several security directives to U.S. air carriers prior to September 11. In addition, the FAA issued a number of general warnings about potential threats, primarily overseas, to civil aviation. None of these warnings required the implementation of additional aviation security measures. They urged air carriers to be alert.

Although there was no credible evidence of an attack in the United States, Clarke told us, the CSG arranged for the CIA to brief senior intelligence and security officials from the domestic agencies. The head of counterterrorism at the FBI, Dale Watson, said he had many discussions about possible attacks with Cofer Black at the CIA. They had expected an attack on July 4. Watson said he felt deeply that something was going to happen. But he told us the threat information was “nebulous.” He wished he had known more. He wished he had had “500 analysts looking at Usama Bin Ladin threat information instead of two.”

Rice and Hadley told us that, before 9/11, they did not feel they had the job of handling domestic security. They felt that Clarke and the CSG were the NSC’s bridge between foreign and domestic threats.

In late August, working-level CIA and FBI officials realized that one or more al Qaeda operatives might be in the United States. We have found no evidence that this discovery was ever briefed to the CSG, to principals, or to senior counterterrorism officials at the FBI or the CIA. Nor was the White House told about the arrest of Zacarias Moussaoui.

We investigated awareness of the terrorist threat within the Department of Justice and the FBI during the spring and summer of 2001. Rice told us that she believed the FBI had tasked its 56 U.S. field offices to increase surveillance of suspected terrorists and to reach out to informants who might have information about terrorist plots. An NSC document at the time describes such a tasking having occurred in late June, although it does not indicate whether the tasking was generated by the NSC or the FBI.

At this point we have found the following: On April 13 FBI Headquarters alerted field offices to a heightened threat from al Qaeda against U.S. interests. The communication detailed the threats against U.S. interests abroad, but made no mention of any possible threat inside the United States. The field offices were asked to “task all resources to include electronic databases and human sources for any information pertaining to the current operational activities relating to Sunni extremism.”

On July 2 the FBI Counterterrorism Division sent a message to federal agencies and state and local law enforcement agencies that summarized information regarding threats against U.S. interests from Bin Ladin. The message reported that there was an increased volume of threat reporting indicating a potential for attacks against U.S. targets abroad from groups “aligned with or sympathetic to Usama bin Ladin.” It further stated, “[t]he FBI has no information indicating a credible threat of terrorist attack in the United States.” However, it went on to emphasize that the possibility of attack in the United States could not be discounted. It also noted that the July 4 holiday might heighten the threats. The report asked the recipients to “exercise vigilance” and “report suspicious activities” to the FBI.

Acting FBI Director Thomas Pickard recently told us that during his summer telephone calls with Special Agents in Charge of each FBI field office, he mentioned to each the heightened threat, among other subjects. He also told us that he had a conference call with all Special Agents in Charge on July 19 in which he discussed a variety of subjects. He said one of the items he mentioned was that they needed to have their evidence response teams ready to move at a moment's notice in case they needed to respond to an attack.

We found in our field office visits last fall, however, that a number of FBI personnel—with the exception of those in the New York field office—did not recall a heightened sense of threat from al Qaeda within the United States in summer 2001. For example, an international terrorism squad supervisor in the Washington Field Office told us he was neither aware in summer 2001 of an increased threat, nor did his squad take any special steps or actions. The Special Agent in Charge of the Miami Field Office told us he did not learn of the high level of threat until after September 11.

Pickard said in late June and through July he met with Attorney General Ashcroft once a week. He told us that although he initially briefed the Attorney General regarding these threats, after two such briefings the Attorney General told him he did not want to hear this information anymore. The Justice Department has informed us that Attorney General Ashcroft, his former deputy, and his chief of staff deny that the Attorney General made any such statement to Pickard.

Ashcroft told us that he asked Pickard whether there was intelligence about attacks in the United States. Pickard said he replied that he could not assure Ashcroft that there would be no attacks in the United States, although the reports of threats were related to overseas targets. Ashcroft said he therefore assumed that the FBI was doing what it needed to do. He acknowledged that, in retrospect, this was a dangerous assumption.

Prior to 9/11 neither Ashcroft nor his predecessors received a copy of the President's Daily Brief. After 9/11 Ashcroft began to receive portions of the brief that relate to counterterrorism.

Mihdhar and Hazmi Continued

While top officials in Washington were receiving and reacting to various threat reports, we need to step further down into the bureaucracy to trace a now significant story of how particular al Qaeda associates were addressed by lower-level officials. In Staff Statement No. 2 presented at our January hearing, we discussed the complex story of successes and failures in tracking and identifying hijackers Khalid al Mihdhar, Nawaf al Hazmi, Nawaf's brother Salem al Hazmi, and the *Cole* bomber "Khallad."

Those efforts had trailed off in January 2000. No one at CIA headquarters reacted to the March 2000 cable from Bangkok that someone named Nawaf al Hazmi had traveled to the United States. But there were three episodes in 2001 when the CIA and/or the FBI had apparent opportunities to refocus on the significance of Hazmi and Mihdhar and reinvigorate the search for them. As in the 2000 story, the details are complex.

January 2001: Identification of Khallad

Almost one year after the original trail had been lost in Bangkok, the January 2000 rendezvous of suspected terrorists in Kuala Lumpur resurfaced. The FBI and the CIA learned from a conspirator in the *U.S.S. Cole* attack in Yemen that a person he knew as “Khallad” had helped direct the *Cole* bombing. One of the members of the FBI’s investigative team in Yemen realized that he had previously heard of Khallad from a joint FBI/CIA source, who had said Khallad was close to Bin Ladin. Khallad was also linked to the East Africa embassy bombings in 1998.

The FBI agent obtained, from a foreign government, a photo of the person believed to have directed the *Cole* bombing. The joint source confirmed that the man in that photograph was the same Khallad he had described.

In December 2000, based on some analysis of information associated with Khalid al Mihdhar, the CIA’s Bin Ladin Station speculated that Khallad and Khalid al Mihdhar might be one and the same. So the CIA asked that a Kuala Lumpur surveillance photo of Mihdhar be shown to the joint source who had already identified an official photograph of Khallad.

In early January 2001 two photographs from the Kuala Lumpur meeting were shown to the joint source. One was a known photograph of Mihdhar, the other a photograph of an unknown subject. The joint source did not recognize Mihdhar. But he indicated he was ninety percent certain that the other individual was Khallad.

This meant that Khallad and Mihdhar were two different people. But the fact that both had attended the meeting in Kuala Lumpur also meant that there was a link between Khallad, a suspected leader in the *Cole* bombing, the Kuala Lumpur meeting, and Mihdhar. Despite this new information, we found no effort by the CIA to renew the long-abandoned search for Mihdhar or his travel companions.

In addition, we found that the CIA did not notify the FBI of this identification until late August. DCI Tenet and Cofer Black testified before the Joint Inquiry that the FBI had access to this identification from the beginning. But based on an extensive record, including documents that were not available to CIA personnel who drafted that testimony, we conclude they were in error. The FBI’s primary *Cole* investigators had no knowledge of Khallad’s possible participation in the Kuala Lumpur meeting until after the September 11 attacks.

This is an example of how day-to-day gaps in information sharing can emerge even in a situation of goodwill on all sides. The information was from a joint FBI/CIA source. The source spoke essentially no English. The FBI person on the scene overseas did not speak the languages the source spoke. Due to travel and security issues, the amount of time spent with the source was necessarily kept short. As a result, the CIA officer usually did not simultaneously translate either the questions or the answers for his accompanying FBI colleague, and friend.

For interviews without such simultaneous translation, the FBI agent on the scene received copies of the reports that the CIA disseminated to other agencies, but he was not given access to the CIA’s internal operational traffic that contained more detail. The information regarding the

January 2001 identification of Khallad was only reported in operational traffic to which the relevant FBI investigators did not have access. The CIA officer does not recall this particular identification and thus cannot say why it was not shared with his FBI colleague. But he may have misunderstood the possible significance of the new identification.

Mihdhar left the United States in June 2000. It is possible that if, in January 2001, agencies had resumed their search for him or placed him on the TIPOFF watchlist, they might have found him before or at the time Mihdhar applied for a new visa in June 2001. Or they might have been alerted to him when he returned to the United States the following month. We cannot know.

Spring 2001: Looking again at Kuala Lumpur

By mid-May 2001, as the threat reports were surging again, a CIA official detailed to the International Terrorism Operations Section at the FBI wondered where the attacks might occur. We will call him John. John recalled the Kuala Lumpur travel of Mihdhar and his associates around the Millennium. He searched the CIA's databases for information regarding the travel. On May 15 he and an official at CIA reexamined many of the old cables from early 2000, including the information that Mihdhar had a U.S. visa, and that Hazmi had come to Los Angeles on January 15, 2000.

The CIA official who reviewed the cables took no action regarding these cables. She cannot recall this work. John, however, began a lengthy exchange with a CIA analyst to figure out what these cables meant. He recognized the relationship to the bombing case, and he was aware that someone had identified Khallad in one of the surveillance photographs from the Malaysia meeting. He concluded that "something bad was definitely up." Despite the U.S. links evident in this traffic, John did not raise that aspect with his FBI counterparts. He was focused on Malaysia.

John's focus on the overseas target area might be understood from his description of the CIA as an agency that tended to play a "zone defense." In contrast, he said, the FBI tends to play "man-to-man." Desk officers at the CIA's Bin Ladin Station did not have "cases" in the same sense as an FBI agent who works something beginning to end. Thus, when the trail went cold after the Kuala Lumpur meeting in January 2000, the desk officer moved on to different things. By the time the March 2000 cable arrived with information that one of the travelers had flown to Los Angeles, the case officer was not responsible for following up that information. While several individuals at the Bin Ladin Station opened the cable when it arrived in March 2000, it was no one's concern, and no action was taken. We discussed some of the management issues raised by this in January, in Staff Statement No. 2.

The CIA's zone defense concentrated on "where," not "who." Had its information been shared with the FBI, a combination of the CIA's zone defense and the FBI's man-to-man approach might have been far more productive.

August 2001: The Search for Mihdhar and Hazmi Begins and Fails

During the summer of 2001 John asked an FBI official detailed to the CIA to review all of the Kuala Lumpur materials one more time. We will call her Mary. He asked her to do the research in her free time. She began her work on July 24. That day she found the cable reporting that Mihdhar had a visa to the United States. A week later she found the cable reporting that Mihdhar's visa application—what was later discovered to be his first application—listed New York as his destination. On August 21 she located the March 2000 cable that “noted with interest” that Hazmi had flown to Los Angeles in January 2000. She grasped the significance of this information.

Mary and an FBI analyst working the case, whom we will call Jane, promptly met with an INS representative at FBI Headquarters. On August 22 INS told them that Mihdhar had entered the United States on January 15, 2000, and again on July 4, 2001. Jane and Mary also learned that there was no record that Hazmi had left since January 2000, but they were not certain if he was still here and assumed that he had left with Mihdhar in June 2000. They decided that if Mihdhar was in the United States, he should be found.

They divided up the work. Mary asked the Bin Ladin Station to draft a cable requesting that Mihdhar and Hazmi be put on the TIPOFF watchlist. Jane took responsibility for the search effort inside the United States. As the information indicated that Mihdhar had last arrived in New York and this was determined to be related to the Bin Ladin case in New York, she began drafting a lead for the FBI's New York field office. She called an agent in New York to give him a “heads up” on the matter, but her draft lead was not sent until August 28. Her e-mail told the New York agent that she wanted him to get started on this as soon as possible, but she labeled the lead as “Routine.” A “Routine” designation informs the receiving office that it has thirty days to respond to the lead.

The agent who received the lead forwarded it to his squad supervisor. That same day the supervisor forwarded the lead to an intelligence agent to open an intelligence case. He also sent it to the *Cole* case agents and an agent who had spent significant time in Malaysia searching for another Khalid—Khalid Sheikh Mohammad.

The suggested goal of the investigation was to locate Mihdhar, determine his contacts and reasons for being in the United States, and possibly conduct an interview. Before sending the lead, Jane had discussed it with John, the CIA official on detail to the FBI, and with the acting head of the FBI's Bin Ladin Unit. The discussion apparently was limited to whether the search should be classified as an intelligence investigation or as a criminal one, a legally important distinction for reasons we explained earlier today in Staff Statement No. 9. Neither of those individuals apparently disagreed with the analyst's proposed plan. No one apparently felt they needed to inform higher levels of management in either the FBI or CIA about the case.

One of the *Cole* case agents read the lead with interest and contacted Jane to obtain more information. Jane took the position, however, that because the agent was a designated “criminal” agent, the “wall” kept him from participating in any search for Mihdhar. In fact, she felt he had to destroy his copy of the lead because it contained information she believed could not be shared

with any criminal agents. The Joint Inquiry covered the details of their heated exchanges, and we will not repeat them here. The result was that criminal agents who were knowledgeable about the *Cole* and experienced with criminal investigative techniques, including finding suspects and possible criminal charges, were excluded from the search.

Many witnesses have suggested that even if Mihdhar had been found, there was nothing the agents could have done except follow him onto the planes. We believe this is incorrect. Both Hazmi and Mihdhar could have been held for immigration violations or as material witnesses in the *Cole* bombing case. Investigation or interrogation of these individuals, and their travel and financial activities, also may have yielded evidence of connections to other participants in the 9/11 plot. In any case, the opportunity did not arise.

Notably, the lead did not draw any connections between the threat reporting that had been coming in for months and the presence of two possible al Qaeda operatives in the United States. Moreover, there is no evidence that the issue was substantively discussed at any level above deputy chief of a section within the Counterterrorism Division at FBI headquarters.

The search was assigned to one FBI agent for whom this was his very first counterterrorism lead. By the terms of the lead, he was given 30 days to open an intelligence case and make some unspecified efforts to locate Mihdhar. He started the process a week later. He checked local New York indices for criminal record and driver's license information and checked the hotel listed on Mihdhar's U.S. entry form. On September 11 the agent sent a lead to Los Angeles based on the fact that Mihdhar had initially arrived in Los Angeles in January 2000. Time had run out on the search.

The Phoenix Memo

The Phoenix Memo was investigated at length by the Joint Inquiry. We will recap it briefly here. In July 2001, an FBI agent in the Phoenix field office sent a memo to FBI headquarters and to two agents on international terrorism squads in the New York field office advising of the "possibility of a coordinated effort by Usama Bin Ladin" to send students to the United States to attend civil aviation schools. The agent based his theory on the "inordinate number of individuals of investigative interest" attending such schools in Arizona.

The agent made four recommendations to FBI headquarters: to compile a list of civil aviation schools, to establish liaison with those schools, to discuss his theories about Bin Ladin with the Intelligence Community, and to seek authority to obtain visa information on persons applying to flight schools. His recommendations were not acted upon prior to September 11. His memo was forwarded to one field office. Managers of the Usama Bin Ladin unit and the Radical Fundamentalist unit at FBI headquarters were addressees, but did not even see the memo until after September 11. No managers at headquarters saw the memo before September 11. The New York field office took no action. It was not shared outside the FBI.

As its author told us, the Phoenix Memo was not an alert about suicide pilots. His worry was more about a Pan Am 103 scenario in which explosives were placed on an aircraft. The memo's references to aviation training were broad, including electronics and aircraft maintenance.

Moussaoui

On August 15, 2001, the Minneapolis FBI field office initiated an intelligence investigation on Zacarias Moussaoui. He had entered the country on February 23, 2001, and began flight lessons at Airman Flight School in Oklahoma City. He began flight training at the Pan American flight training school in Minneapolis on August 13. Moussaoui had none of the usual qualifications for flight training on Pan Am's Boeing 747 flight simulators. Contrary to popular belief, Moussaoui did not say he was not interested in learning how to take off or land. Instead, he stood out because, with little knowledge of flying, he wanted to learn how to take off and land a Boeing 747.

The FBI agent who handled the case in conjunction with the INS representative on the Minneapolis Joint Terrorism Task Force suspected Moussaoui of wanting to hijack planes. Because Moussaoui was a French national who had overstayed his visa, he was detained by the INS.

The FBI agent sent a summary of his investigation to FBI headquarters on August 18. In his message he requested assistance from the FBI field office in Oklahoma City and from the FBI legal attache in Paris. Each of these offices responded quickly. By August 24 the Minneapolis agent had also contacted a FBI detailee and a CIA analyst at the Counterterrorist Center about the case. DCI Tenet was briefed about the Moussaoui case. He told us that no connection to al Qaeda was apparent to him before 9/11.

Moussaoui had lived in London, so the Minneapolis agent also requested assistance from the legal attache in London. The legal attache promptly prepared a written request of the British government for information concerning Moussaoui and hand-delivered the request on August 21. He informed the British of developments in the case on September 4. The case, though handled expeditiously at the American end, was not handled by the British as a priority amid a large number of other terrorist-related inquiries. On September 11, after the attacks, the legal attache renewed his request for information.

After 9/11 the British government, in response to U.S. requests, supplied some basic biographical information about Moussaoui. The British government has informed us that it also tasked intelligence collection facilities for information potentially relating to Moussaoui. On September 13, the British received new, sensitive intelligence that Moussaoui had attended an al Qaeda training camp in Afghanistan. It passed this intelligence the same day to the United States.

Had this information been available in late August 2001, the Moussaoui case would almost certainly have received intense and much higher-level attention. Prior to 9/11, there was a continuing dispute between FBI agents in Minneapolis and supervisors at headquarters about whether evidence had been sufficient to seek a FISA warrant to search Moussaoui's computer hard drive and belongings. After 9/11, the FBI learned that Millennium terrorist Ressam, who was cooperating with investigators, could have recognized Moussaoui from the Afghan camps. Either the British information or the Ressam identification would have broken the logjam. A maximum U.S. effort to investigate Moussaoui could conceivably have unearthed his

connections to the Hamburg cell, though this might have required an extensive effort, with help from foreign governments. The publicity about the threat also might have disrupted the plot. But this would have been a race against time.

Information Issues

We have identified several major issues that had a detrimental impact on the information flow between the agencies that caused the missed opportunities described above.

- There were organizational restrictions on information sharing. We heard numerous complaints regarding the lack of authorization to share information. This lack of authorization was not limited to low-level employees. Tom Pickard, who was acting director of the FBI in the summer of 2001, told us Dale Watson briefed him that the CIA was taking a second look at the Kuala Lumpur meeting. Pickard thought that concern about the meeting was driving the higher threat levels that summer. Pickard said that Watson told him this information was “close hold.” Pickard said he understood this to mean that he had no authority to brief the Attorney General about the meeting.
- There were misunderstandings regarding responsibility for information sharing. The CIA has repeatedly argued that it did not withhold information from the FBI because it gave FBI detailees access to critical databases. The CIA believed the detailees were responsible for identifying and communicating information of interest to the FBI. The FBI did not understand this to be the case. There were no memoranda of understanding regarding the roles of detailees and no management direction overseeing them. The individuals who filled the roles did not view their primary roles to be information sharers. The problems of information flow also worked in reverse. The CIA complained its detailees did not get meaningful access to FBI’s automated case system.
- There were different views on classification levels for identical information. We found that the CIA classified identical information at a significantly higher level than the FBI. This precluded important information from being available on the FBI agents’ computers.
- We found there was an underlying concern by the CIA that information it shared with the FBI might be disclosed in the course of the discovery process or at trial.
- There were significant problems sharing information within the FBI, including the “wall” between criminal and intelligence investigations. We discussed this issue in this morning’s staff statement.

Immediate Response to 9/11

We conclude our statement with preliminary findings to date on two post-9/11 events: the flights of Saudi nationals departing the United States, and preventive detentions and other immigration law enforcement initiatives.

The Saudi Flights

National air space was closed on September 11. Fearing reprisals against Saudi nationals, the Saudi government asked for help in getting some of its citizens out of the country. We have not yet identified who they contacted for help. But we have found that the request came to the attention of Richard Clarke and that each of the flights we have studied was investigated by the FBI and dealt with in a professional manner prior to its departure.

No commercial planes, including chartered flights, were permitted to fly into, out of, or within the United States until September 13, 2001. After the airspace reopened, six chartered flights with 142 people, mostly Saudi Arabian nationals, departed from the United States between September 14 and 24. One flight, the so-called Bin Ladin flight, departed the United States on September 20 with 26 passengers, most of them relatives of Usama Bin Ladin. We have found no credible evidence that any chartered flights of Saudi Arabian nationals departed the United States before the reopening of national airspace.

The Saudi flights were screened by law enforcement officials, primarily the FBI, to ensure that people on these flights did not pose a threat to national security, and that nobody of interest to the FBI with regard to the 9/11 investigation was allowed to leave the country. Thirty of the 142 people on these flights were interviewed by the FBI, including 22 of the 26 people (23 passengers and 3 private security guards) on the Bin Ladin flight. Many were asked detailed questions. None of the passengers stated that they had any recent contact with Usama Bin Ladin or knew anything about terrorist activity.

The FBI checked a variety of databases for information on the Bin Ladin flight passengers and searched the aircraft. It is unclear whether the TIPOFF terrorist watchlist was checked. At our request, the Terrorist Screening Center has rechecked the names of individuals on the flight manifests of these six Saudi flights against the current TIPOFF watchlist. There are no matches.

The FBI has concluded that nobody was allowed to depart on these six flights who the FBI wanted to interview in connection with the 9/11 attacks, or who the FBI later concluded had any involvement in those attacks. To date, we have uncovered no evidence to contradict this conclusion.

Immigration Law Enforcement Initiatives

Beginning on September 11, 2001, Attorney General Ashcroft, with the FBI and, at times, with other cabinet departments, initiated a series of immigration-related programs to disrupt terrorist activities in the United States. We report preliminarily on four of them. We will report later on two other important initiatives—the voluntary interview program and the special registration program.

The “Special Interest” Detainees. Beginning on September 11, 2001, INS agents working in cooperation with the FBI began arresting individuals for immigration violations based on leads in the PENTTBOM case. Eventually, 768 so-called “special interest” aliens were detained. Attorney General Ashcroft told us that he saw his job in directing this effort as “risk

minimization,” both to find out who committed the attacks and to prevent a subsequent attack. His policy was that no “special interest” alien should be granted bond. Rather, they should be held until they were “cleared” of terrorist connections by the FBI and other agencies. Ashcroft also ordered all “special interest” immigration hearings closed to the public and press. INS attorneys charged with prosecuting the immigration violations had difficulty getting information about the detainees, and their terrorist connections, from the FBI. The “clearance” process approved by the Justice Department was involved and time consuming, lasting on average 80 days. We continue to investigate what counterterrorism benefits and costs were associated with these detentions.

Twenty-Day Hold. After September 11, the Department of Justice pressed the State Department to reduce the number of visas issued to individuals from countries with significant Muslim populations. Justice Department proposals included stopping the issuance of all visas, suspending visa issuance entirely to nationals of selected countries, and requiring that the FBI and CIA check each applicant from certain countries before a visa is issued. Effective November 14, 2001, the State Department 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 in October 2002. Records we have reviewed suggest it yielded no useful anti-terrorist information and led to no visa denials.

The Visas Condor Program was initiated on January 26, 2002. It mandated additional 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 of their other burgeoning responsibilities after the September 11 attacks. In July 2002, the FBI acknowledged it could not meet the agreed upon 30-day target for name checks, and 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 applicants at the outset. Approximately 130,000 name checks have been completed. At present, there are nearly 1,700 checks that have been pending for more than 30 days, almost 1,100 for more than four months. No terrorists have been uncovered by the Visas Condor program.

Absconder Apprehension Initiative. Absconders are non-citizens who fail to depart the United States after receiving a final order of deportation from an Immigration Judge. After September 11, INS Commissioner Ziglar proposed the inclusion of the names of 314,000 absconders in the National Crime Information Center database. Attorney General Ashcroft decided to start a program called the Absconder Apprehension Initiative targeting a smaller number of citizens from countries where there has been al Qaeda terrorist presence or activity, to locate and remove them. The INS mounted a nationwide search for over 5,000 non-citizens under this program. By early 2003, 1,139 had been apprehended, of whom 803 had been deported, 224 were in custody awaiting deportation, and U.S. Attorneys were criminally prosecuting 45. So far, we have not learned that any of the absconders were deported under a terrorism statute, prosecuted for terrorist related crimes, or linked in any way to terrorism. Our investigation continues.