

**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 *jihād* 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 11<sup>th</sup> 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 "supporting 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

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\* 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, Minnesota, 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.”

[Page 147]

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, what 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 Abdulrahman, 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."

[Page 149]

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].”

[Page 151]

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.

[Page 152]

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**  
[Page 155]

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 in is because Khalid Mihdhar'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].

[Page 158]

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."

[Page 159]

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.”

[Page 161]

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. [—

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[In early 1999, NSA analyzed communications involving a suspected terrorist facility in the Middle East, some of which were associated with Nawaf al-Hazmi and Khaled [—], who NSA now believes to have been Khalid al-Mihdhar. [—————

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—————]. These communications were the first indication NSA had of a link between al-Mihdhar and al-Hazmi. They were not disseminated in NSA SIGINT reporting because the persons were unknown and the subject matter did not meet NSA reporting thresholds. Those thresholds vary, depending on the judgment of the NSA analyst who is reviewing the intercept and the subject, location, and content of the intercept].

[In early 1999, another organization obtained the same or similar communications and published the information in a report it gave to NSA. NSA's practice was to review such reports and disseminate those responsive to U.S. intelligence requirements. For an undetermined reason, NSA did not disseminate the [—] report. It was not until early 2002 during the Joint Inquiry that NSA realized that it had the [—] report in its databases and subsequently disseminated it to CIA and other customers].

[No additional activity of counterterrorism interest was associated with the suspected terrorist facility in the Middle East until summer 1999 when NSA analyzed additional communications involving Khaled, that is, al-Mihdhar, [page 163] and [—————

\_\_\_\_\_]. 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. [\_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_].

[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. [\_\_\_\_\_  
[page 165] \_\_\_\_\_  
\_\_\_\_\_]. NSA did not believe this provided any new information, and there was no dissemination].

**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]

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**B. [Informant's Contacts with Two Hijackers]**

[After the September 11 attacks, the informant's FBI handling agent interviewed the informant about contacts with al-Hazmi and al-Mihdhar. Due to suspicions that the informant might have been involved in the attacks, the informant was interviewed multiple times by a number of FBI agents about the informant's contacts with the hijackers. According to the FBI handling agent, the informant admitted having numerous contacts with al-Hazmi and al-Mihdhar, but denied knowledge of the plot and initially expressed disbelief that the two were involved].

[The informant provided the FBI with information concerning the informant's contacts with al-Hazmi and al-Mihdhar. The informant subsequently told the FBI slightly different stories concerning the initial contact and provided different dates for the contacts with them].

[The informant told the FBI that during the contacts with al-Hazmi and al-Mihdhar, the informant observed no signs that they were involved in terrorist activity. The informant said that at the time the informant thought that [page 167] the two were good, religious Muslims. They did not act in a peculiar manner and did nothing to arouse the informant's suspicions. [\_\_\_\_\_]  
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[The informant told the FBI that based on the informant's contacts with al-Hazmi and al-Mihdhar, they did not work, yet they always seemed to have money. Although they did not fit the profile of rich Saudis, the informant never questioned them about finances].

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[During one of the informant's final contacts with al-Hazmi in San Diego, al-Hazmi was [page 168] with someone the informant had not previously met. The informant described the person as 27 years old, 5'8", 130 to 140 pounds, fair complexion, and of either Saudi or Yemeni ancestry. The FBI has determined that Hani Hanjour, who fits this general description, arrived in San Diego from Dubai on December 8, 2000, and left San Diego with al-Hazmi for Arizona several days later. The two future hijackers lived together in Arizona. The informant was shown a picture of Hanjour and stated this was not the person that the informant had met].

[After September 11, the informant gave the FBI a list of individuals the informant understood had contacts with al-Hazmi and al-Midhar while they were in San Diego.

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[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:

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[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. [\_\_\_\_\_  
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\_\_\_\_\_]. 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.
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[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. [\_\_\_\_\_  
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[The FBI handling agent attributed inconsistencies in the informant's reporting to the informant's personality.

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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]."

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[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:

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[FBI personnel believe it likely that the informant met Hanjour in December 2000 and are unable to explain why the informant failed to identify Hanjour].

[The informant's credibility is called into question in other important ways:

- The informant made a variety of inconsistent statements to the FBI during the course of multiple interviews. The informant has provided the FBI with many different dates as to the informant's numerous contacts with al-Hazmi and al-Mihdhar and their initial contact. The FBI acknowledged that "San Diego agrees with [the] Joint Inquiry...that there are significant inconsistencies" in the informant's reports.
- Some of the informant's statements are not consistent with information developed through investigation concerning the dates of the contacts. The FBI concedes that the hijackers may have known the informant months earlier than the informant admitted.

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- The informant told the FBI after September 11, 2001 that al-Hazmi had told the informant that he was moving to Arizona for flight training and never mentioned flight training he received while living in San Diego.

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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. [\_\_\_\_\_  
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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-

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\* 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 [—————  
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[During the counterterrorism inquiry, the FBI discovered that al-Bayoumi had been in contact with several persons who were under FBI investigation [—————  
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[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. [—————  
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**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, [\_\_\_\_\_  
\_\_\_\_\_]. Bassnan also had close ties to a number of other persons connected to the hijackers, including [\_\_\_\_\_  
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- Bassnan lived in the apartment complex in San Diego across the street from al-Hazmi and al-Mihdhar.

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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



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. [\_\_\_\_\_

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\_\_\_\_\_]. Several persons informed the FBI after September 11 that this imam had closed-door meetings in San Diego with al-Mihdhar, al-Hazmi, and another individual, whom al-Bayoumi had asked to help the hijackers].

[Page 187]

[This imam moved to Falls Church, Virginia in 2001 [\_\_\_\_\_]. In 2001, hijackers al-Hazmi and Hanjour also moved to Falls Church and began to attend the mosque with which the imam was associated. One of members of the mosque helped them find an apartment in the area and, after approximately a month, this person drove Hanjour and al-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 to locate apartment, flight schools, and car rental agencies for the hijackers. The hijackers then returned to Paterson on their own. During a search of Ramzi Binalshibh's residence in Germany, police found the phone number for the imam's mosque. The FBI agent responsible for the September 11 investigation informed Joint Inquiry staff that "there's a lot of smoke there" with regard to the imam's connection to the hijackers].

[The FBI originally opened a counterterrorism inquiry into the imam's activities in June 1999 [\_\_\_\_\_]. During the counterterrorism inquiry, the FBI discovered that the imam was in contact with a number of other persons of investigative interest, including [\_\_\_\_\_

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\* 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.

[In early 2000, the imam was visited by a subject of a Los Angeles investigation closely associated with Blind Sheikh al-Rahman. [\_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_].

[The FBI closed its inquiry into the activities of the imam in March 2000, approximately two months after al-Hazmi and al-Midhar arrived in San Diego. [\_\_\_\_\_]  
\_\_\_\_\_]. In the case closing memorandum, the agent asserted that the imam had been “fully identified and does not meet the criterion for [further] investigation.” The investigation was closed despite the imam’s contacts with other subjects of counterterrorism investigations and reports concerning the imam’s connection to suspect [page 188] organizations. The Bureau’s written response to the Joint Inquiry asserts that “the imam was a ‘spiritual leader’ to many in the community” and that hundreds of Muslims associated with him].

**d. [Business Manager]**

[In 2000, al-Hazmi briefly worked at a San Diego business. The manager of the business, told the FBI that he hired al-Hazmi after receiving a call from “mutual friends” at the Saranac Street Mosque. The FBI does not know how much al-Hazmi was paid or whether he received financial support from the business manager or the business owner because the business manager often paid employees in cash].

[In January 2000, before al-Hazmi’s employment at the business, the FBI Los Angeles field office initiated a counterterrorism investigation of the business manager after a person whom the FBI was surveilling entered the business manager’s car in a mosque parking lot. That person was [\_\_\_\_\_], the brother of a known Bin Ladin operative [\_\_\_\_\_]. The business manager was under FBI investigation when he hired al-Hazmi].

[The FBI agent handling the business manager’s investigation interviewed him by phone. The business manager told the agent that he did not want to meet in person because it would be a

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





[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.

[Page 194]

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.

[\_\_\_\_\_  
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\_\_\_\_\_].

[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. [—————]

—————]. In the end, these efforts were largely unsuccessful. In most cases, the [—————] did not take actions that were suggested].

Significant legal barriers restricted Germany’s ability to target Islamic fundamentalism. Before September 11, it was not illegal in Germany to be a member of a foreign terrorist organization, to raise funds for terrorists, or plan a terrorist act outside German territory. This law has since been changed. A legal privilege also dramatically restricted the government’s ability to investigate religious groups. In fact, due to the difficulty in investigating terrorist cases, the German government would often attempt to investigate terrorist subjects for money laundering. Unfortunately, laundering laws were difficult to enforce. For example, over the past several years, out of three to four hundred money laundering investigations, only one person has been convicted. [—————]  
—————]. The German government apparently did not consider Islamic groups a threat and were unwilling to devote significant investigative resources to this target.

[\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_].

U.S. efforts [\_\_\_\_\_] also provide a window into CIA and FBI coordination and information sharing. Both agencies were interested in radical Islamists [\_\_\_\_\_]. However, on several occasions the FBI and CIA unknowingly operated against the same targets. The FBI legal attaché in Germany did [page 196] not recall getting information about Darkazanli and Zammar from the German government or the CIA before September 11. He was unaware that Darkazanli and Zammar had been the subject of government investigations before the attacks.

## **VII. The Hijackers' Visas**

The Joint Inquiry reviewed passport and visa histories of the nineteen hijackers involved in the September 11 attacks to determine whether they entered the United States legally. It also sought to determine whether there were anomalies in the visa process that might have alerted U.S. Government officials to the hijackers in some way.

Over ten million applications for visas to enter the United States are received each year at approximately two hundred fifty consular locations. Consular officers at posts abroad review all applications and interview selected applicants to determine whether they are likely to return to countries of origin in accordance with the visa or are suspected of criminal or terrorist activities. Consular officers must certify in writing that they have checked applicant names against the State Department's watchlist.

Although there were anomalies and mistakes on some of the hijackers' visa applications, consular-affairs experts at the State Department contended in Joint Inquiry interviews that these errors were "routine." By contrast, an October 2002 review by the General Accounting Office (GAO) concluded that the omissions and inconsistencies in the hijacker's applications should have raised concerns about why they wanted visas to come to the United States.

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.

[page 202]

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.

[Page 203]

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 Ressay 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.

[Page 210]

- 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.

[Page 212]

- 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.

[Page 214]

- 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

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\* 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 hijack 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.

[Page 217]

- 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.

[Page 220]

- 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.

[Page 221]

- 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:

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\* 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 an 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.

[Page 225]

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.

[Page 227]

## **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 30<sup>th</sup> 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.

[Page 230]

- 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.

[Page 231]

## **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

[Page 232]

- 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.

[Page 233]

### **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.

[Page 235]

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.

[Page 236]

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.

[Page 237]

[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.

[Page 238]

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.

[Page 241]

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 [\_\_\_\_\_]

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\_\_\_\_\_]. 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].

[Page 243]

### **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 [\_\_\_\_\_

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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.”

[Page 253]

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.

[Page 257]

- 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.

[Page 258]

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.

[Page 259]

**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 [\_\_\_\_\_].

[Page 262]