

APPENDICES

APPENDIX

**THE SENATE SELECT COMMITTEE
ON
INTELLIGENCE**

AND

**HOUSE PERMANENT SELECT COMMITTEE
ON
INTELLIGENCE**

INITIAL SCOPE OF JOINT INQUIRY

(148 Cong. Rec. H3493 (daily ed. Jun 5, 2002))

Congress of the United States
Washington, DC 20515

PREAMBLE

To reduce the risk of future terrorist attacks; to honor the memories of the victims of the September 11 terrorist attacks by conducting a thorough search for facts to answer the many questions that their families and many Americans have raised; and to lay a basis for assessing the accountability of institutions and officials of government:

**THE SENATE SELECT COMMITTEE ON INTELLIGENCE
AND
HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE**

ADOPT THIS

INITIAL SCOPE OF JOINT INQUIRY

Pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, Rule 6 of the Rules of Procedure of the Senate Select Committee on Intelligence, Rule XI(1)(b) of the Rules of the House of Representatives, and Rule 9 of the Rules of Procedure of the House Permanent Select Committee on Intelligence, the two Committees have authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks on the United States. The Committees have undertaken this Joint Inquiry pursuant to their responsibility to oversee and make continuing studies of the intelligence activities and programs of the United States Government and all other authority vested in the Committees.

The purpose of this Joint Inquiry is —

(a) to conduct an investigation into, and study of, all matters that may have any tendency to reveal the full facts about —

(1) the evolution of the international terrorist threat to the United States, the response of the United States Government including that of the Intelligence Community to international terrorism, from the creation of the Director of Central Intelligence's Counterterrorist Center in 1986 to the present, and what the Intelligence Community had, has, or should have learned from all sources of information, including any terrorist attacks or attempted ones, about the international terrorist threat to the United States;

(2) what the Intelligence Community knew prior to September 11 about the scope and nature of any possible attacks against the United States or United States interests by international terrorists, including by any of the hijackers or their associates, and what was done with that information;

(3) what the Intelligence Community has learned since the events of September 11 about the persons associated with those events, and whether any of that information suggests actions that could or should have been taken to learn of, or prevent, those events;

(4) whether any information developed before or after September 11 indicates systemic problems that may have impeded the Intelligence Community from learning of or preventing the attacks in advance, or that, if remedied, could help the Community identify and prevent such attacks in the future;

(5) how and to what degree the elements of the Intelligence Community have interacted with each other, as well as other parts of federal, state, and local governments with respect to identifying, tracking, assessing, and coping with international terrorist threats; as well as biological, chemical, radiological, or nuclear threats, whatever their source (such as the Anthrax attack of 2001).

(6) the ways in which the Intelligence Community's responses to past intelligence problems and challenges, whether or not related to international terrorism, have affected its counterterrorism efforts; and

(7) any other information that would enable the Joint Inquiry, and the Committees in the performance of their continuing responsibilities, to make such recommendations, including recommendations for new or amended legislation and any administrative or structural changes, or other actions, as they determine to be necessary or desirable to improve the ability of the Intelligence Community to learn of, and prevent, future international terrorist attacks; and

(b) to fulfill the Constitutional oversight and informing functions of the Congress with regard to the matters examined in the Joint Inquiry.

APPENDIX

**THE SENATE SELECT COMMITTEE
ON
INTELLIGENCE**

AND

**HOUSE PERMANENT SELECT COMMITTEE
ON
INTELLIGENCE**

SUPPLEMENTAL JOINT INQUIRY RULES

148 Cong. Rec. S5032 (daily ed. Jun 5, 2002)

148 Cong. Rec. H3493 (daily ed. Jun 12, 2002)

**HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE
SUPPLEMENTAL JOINT INQUIRY RULES**

In connection with the Joint Inquiry with the Senate Select Committee on Intelligence into the events of September 11, 2001, authorized by the House Permanent Select Committee on Intelligence ("HPSCI") pursuant to Rule XI(1)(b) of the Rules of the House of Representatives and Rule 9 of HPSCI's Rules of Procedure, and pursuant to Rule XI(2)(a) of the Rules of the House of Representatives, HPSCI adopts the following Joint Inquiry Rules to supplement HPSCI's Rules for purposes of the Joint Inquiry only:

JOINT INQUIRY RULE 1. JOINT PROCEEDINGS

1.1. HPSCI may conduct hearings jointly with the Senate Select Committee on Intelligence. All joint hearings shall be considered hearings of both Committees.

1.2. The Rules of Procedure of HPSCI and the Senate Select Committee on Intelligence shall apply in all hearings and other proceedings of this Joint Inquiry, except where superseded by these Joint Inquiry Rules, provided that, at any joint hearing, if any rules of the two Committees are inconsistent, the rules of that Committee whose Chairman or his designee is presiding shall apply.

1.3. For the purposes of the proceedings of this Joint Inquiry, all employees on the staff of either Committee working on the Joint Inquiry shall be considered to be acting on behalf of both Committees.

JOINT INQUIRY RULE 2. HEARINGS

2.1. All testimony at hearings shall be taken under oath or affirmation.

JOINT INQUIRY RULE 3. DEPOSITIONS

3.1. All testimony taken, and all documents, records, or other materials produced, at a deposition of the Senate Select Committee on Intelligence shall be considered part of the record of both Committees.

SENATE SELECT COMMITTEE ON INTELLIGENCE SUPPLEMENTAL JOINT INQUIRY RULES

In connection with the Joint Inquiry with the House Permanent Select Committee on Intelligence into the events of September 11, 2001, authorized by the Senate Select Committee on Intelligence ("SSCI") pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, and Rule 6 of the SSCI's Rules of Procedure, and pursuant to Rule XXVI.2 of the Standing Rules of the Senate, the SSCI adopts the following Joint Inquiry Rules to supplement the SSCI's Rules of Procedure for purposes of the Joint Inquiry only:

JOINT INQUIRY RULE 1. JOINT PROCEEDINGS

1.1. The SSCI may conduct hearings jointly with the House Permanent Select Committee on Intelligence. All joint hearings shall be considered hearings of both Committees.

1.2. The Rules of Procedure of both the SSCI and the House Permanent Select Committee on Intelligence shall apply in all hearings and other proceedings of this Joint Inquiry, except where superseded by these Joint Inquiry Rules, provided that, at any joint hearing, if any rules of the two Committees are inconsistent, the rules of that Committee whose Chairman or his designee is presiding shall apply.

1.3. For the purposes of the proceedings of this Joint Inquiry, all employees on the staff of either Committee working on the Joint Inquiry shall be considered to be acting on behalf of both Committees.

JOINT INQUIRY RULE 2. HEARINGS

2.1. All testimony at hearings shall be taken under oath or affirmation.

2.2. Subpoenas for the attendance of witnesses, or the production of documents, records, or other materials, at hearings may be authorized by vote of the SSCI pursuant to SSCI Rule 2, or by the SSCI's Chairman and Vice Chairman, acting jointly.

JOINT INQUIRY RULE 3. DEPOSITIONS

3.1. All testimony taken, and all documents, records, or other materials produced, at a deposition of the SSCI shall be considered part of the record of both Committees.

3.2. Subpoenas for depositions and notices for the taking of depositions may be authorized by vote of the SSCI pursuant to SSCI Rule 2, or by the SSCI's Chairman and Vice Chairman, acting jointly, and shall be issued and served as provided in SSCI Rule 7. Deposition notices shall specify a time and place of examination and the name or names of Committee members or staff who will take the deposition. Depositions shall be in private and shall, for purposes of the rules of both Committees, be deemed to be testimony given before the Committees in executive session.

3.3. Witnesses shall be examined upon oath administered by a member of the SSCI or by an individual authorized by local law to administer oaths. Questions may be propounded by members or staff of either Committee. If a witness objects to a question and refuses to testify, the Committee members or staff present may proceed with the deposition, or may, at that time or subsequently, seek a ruling on the objection from the Chairman of the SSCI or any member of the SSCI designated by the Chairman. The SSCI shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after having been ordered and directed to answer by the Chairman or a member designated by the Chairman.

3.4. Procedures for the attendance of counsel for witnesses at, and for the inspection, correction, and filing of transcripts of, depositions shall be as provided in SSCI Rules 8.4 and 8.7.

APPENDIX

JOINT INQUIRY HEARINGS

JOINT INQUIRY HEARINGS

<u>Date</u>	<u>Subject/Substance</u>	<u>Status</u>
Jun 4, 2002	Business Meeting	Closed
Jun 5	Evolution Of The Threat	Closed
Jun 6	Evolution of The Threat	Closed
Jun 11	Richard Clarke Former National Coordinator for Security, Infrastructure, and Counterterrorism	Closed
Jun 12	The Intelligence Community Before September 11 Airplanes As Weapons	Closed
Jun 18	Lt. General Michael Hayden Director, National Security Agency Robert Mueller Director of the Federal Bureau of Investigation George Tenet Director of Central Intelligence	Closed
Jun 19	Lt. General Michael Hayden Director, National Security Agency George Tenet Director of Central Intelligence Robert Mueller Director of the Federal Bureau of Investigation	Closed
Jul 16	Technical Collection	Closed
Jul 18	Technical Collection	Closed
Jul 23	Financial Campaign	Closed

Jul 25	Analysis & Language	Closed
Sep 12	Covert Action	Closed
Sep 18	Representatives Of September 11 Victims' Families	Open
Sep 19	Richard Armitage Deputy Secretary Of State	Open
	Samuel Berger Former National Security Advisor To The President	
	Brent Scowcroft Former National Security Advisor To The President	
	Paul Wolfowitz Deputy Secretary Of Defense	
Sep 20	The Hijackers	Open
Sep 24	Moussaoui & The Phoenix Electronic Communication	Open
Sep 26	Moussaoui & The Phoenix Electronic Communication	Closed
Sep 26	Response To The Terrorist Threat	Open
Oct 1	Information Sharing	Open
Oct 3	Proposed Reorganization Of The Intelligence Community	Open
Oct 8	Lessons Learned	Open
Oct 9	FBI/CIA Issues	Closed
Oct 10	FBI/CIA Issues	Closed
	Robert Mueller Director of the Federal Bureau of Investigation	
	George Tenet Director of Central Intelligence	

Oct 17	Lt. General Michael Hayden Director, National Security Agency	Open
	Robert Mueller Director of the Federal Bureau of Investigation	
	George Tenet Director of Central Intelligence	
Dec 10	Business Meeting	Closed

APPENDIX

LIST OF HEARING WITNESSES

List of Hearing Witnesses

The following is a list of witnesses who appeared before Joint Inquiry hearings conducted by the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence in open or closed session. Affiliations listed are as of the date of appearance.

- June 4, 2002*** **Business Meeting (No Witnesses)**
- June 5, 2002*** **Alonzo Robertson, Joint Inquiry Staff**
John Keefe, Joint Inquiry Staff
- June 6, 2002*** **Eleanor Hill, Director, Joint Inquiry Staff**
Alonzo Robertson, Joint Inquiry Staff
John Keefe, Joint Inquiry Staff
- June 11, 2002*** **Richard Clarke, Special Advisor to the President for Cyberspace Security, Executive Office of the President, former Coordinator for Security, Infrastructure, and Counterterrorism, National Security Council, 1993 - 2001.**
- June 12, 2002*** **Miles Kara, Joint Inquiry Staff**
Patti Litman, Joint Inquiry Staff
Michael Jacobson, Joint Inquiry Staff
- June 18, 2002*** **George Tenet, Director of Central Intelligence**
Robert Mueller, Director, Federal Bureau of Investigation
Lieutenant General Michael Hayden, USAF, Director, National Security Agency
- June 19, 2002*** **George Tenet, Director of Central Intelligence**
Robert Mueller, Director, Federal Bureau of Investigation
Lieutenant General Michael Hayden, USAF, Director, National Security Agency
- July 16, 2002*** **Robert Rosenwald, Joint Inquiry Staff**

Patti Litman, Joint Inquiry Staff

July 18, 2002

Lieutenant General Michael Hayden, USAF, Director, National Security Agency
Dr. Donald Kerr, Deputy Director of Central Intelligence for Science and Technology
James Caruso, Deputy Assistant Director for Counterterrorism and Counterintelligence, Federal Bureau of Investigation

July 23, 2002

David Aufhauser, General Counsel, Department of Treasury
James Sloan, Director, Financial Crimes Enforcement Network
Richard Newcomb, Office of Foreign Assets Control
Dennis Lormel, Section Chief, Financial Review Group, Federal Bureau of Investigation

July 25, 2002

Central Intelligence Agency Officer
Defense Intelligence Agency Officer
National Security Agency Officer
Federal Bureau of Investigation Supervisor
Central Intelligence Agency Officer

Sept. 12, 2002

Counterterrorist Center Officers, Central Intelligence Agency
Cofer Black, Former Chief, Counterterrorist Center, Central Intelligence Agency

Sept. 18, 2002

Eleanor Hill, Director, Joint Inquiry Staff
Kristin Breitweiser, Co-Founder of September 11th Advocates
Stephen Push, Co-Founder and Treasurer of Families of September 11th

Sept. 19, 2002

Richard Armitage, Deputy Secretary of State
Paul Wolfowitz, Deputy Secretary of Defense
General Brent Scowcroft, USAF (Ret.) National Security Advisor, Ford Administration and George H.W. Bush Administration
Samuel Berger, National Security Advisor, Clinton Administration, Second Term

Sept. 20, 2002

Eleanor Hill, Director, Joint Inquiry Staff
CIA Officer
FBI Special Agent
Michael Rolince, Special Agent-in-Charge, Washington Field Office, Federal Bureau of Investigation

Christopher Kojm, Deputy for Intelligence Policy and Coordination, Bureau of Intelligence and Research, Department of State

Sept. 24, 2002

Eleanor Hill, Director, Joint Inquiry Staff
FBI Special Agent, Minneapolis Field Office
FBI Special Agent, Phoenix Field Office
FBI Supervisor, FBI Headquarters

Sept. 26, 2002

Cofer Black, Former Chief, Counterterrorist Center, Central Intelligence Agency
Dale Watson, Former Executive Director, Counterintelligence and Counterterrorism Division, Federal Bureau of Investigation
FBI Special Agent, Minneapolis Field Office
FBI Special Agent, Phoenix Field Office
FBI Supervisor, FBI Headquarters
Michael Rolince, Special Agent-in-Charge, Washington Field Office, Federal Bureau of Investigation
M. E. Bowman, Deputy General Counsel, Federal Bureau of Investigation

Oct 1, 2002

Eleanor Hill, Director, Joint Inquiry Staff
James S. Gilmore, III, Former Governor of the Commonwealth of Virginia and Chairman, Advisory Panel to Assess Capabilities for Domestic Response to Terrorism
Amb. Francis X. Taylor, Counterterrorism Coordinator, Department of State
Claudio Manno, Acting Associate Under Secretary for Intelligence, Transportation Security Agency
Joseph B. Greene, Assistant Commissioner for Investigations, U.S. Immigration and Naturalization Service
Louis E. Andre, Special Assistant to the Director for Intelligence, J-2, Defense Intelligence Agency
Edward T. Norris, Police Commissioner, City of Baltimore, MD

Oct 3, 2002

Eleanor Hill, Director, Joint Inquiry Staff
Lee Hamilton, Former Chairman, House Permanent Select Committee on Intelligence, Director, Woodrow Wilson International Center for Scholars
Judge William Webster, Former Director of Central Intelligence and Former Director, Federal Bureau of Investigation
Lieutenant General William Odom, USA (Ret.), Former Director, National Security Agency
Frederick Hitz, Former Inspector General, Central Intelligence Agency

Oct 8, 2002

Eleanor Hill, Director, Joint Inquiry Staff
Warren Rudman, Former U.S. Senator

Judge Louis Freeh, Former Director, Federal Bureau of Investigation
Mary Jo White, Former U.S. Attorney, Southern District of New York
Paul Pillar, National Intelligence Officer for Near East/South Africa, Central Intelligence Agency

Oct 9, 2002

Pasquale D'Amuro, FBI Executive Assistant Director
CIA Official
FBI Special Agent

Oct 10, 2002

George Tenet, Director of Central Intelligence
Robert Mueller, Director, Federal Bureau of Investigation

Oct 17, 2002

Eleanor Hill, Director, Joint Inquiry Staff
George Tenet, Director of Central Intelligence
Robert Mueller, Director, Federal Bureau of Investigation
Lieutenant General Michael Hayden, USAF, Director, National Security Agency

APPENDIX

**INTERVIEWS CONDUCTED
IN THE COURSE
OF
THE JOINT INQUIRY**

**INTERVIEWS CONDUCTED
IN THE
COURSE OF
THE JOINT INQUIRY ***

[—————], *Assistant Legal Attache, Paris, Federal Bureau of Investigation*

[—————], *Program Manager, Counterterrorist Center, Central Intelligence Agency*

[—————], *Inspection Division, Federal Bureau of Investigation*

[—————], *Assistant General Counsel, Federal Bureau of Investigation*

[—————], *Directorate of Science and Technology, Central Intelligence Agency*

Maj. Gen. Keith Alexander, *Intelligence and Security Command, Land Information Warfare Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

Charles E. Allen, *Associate Director of Central Intelligence for Collection*

[—————], *Special Agent, Newark Field Office, Federal Bureau of Investigation*

[—————], *Special Agent, Washington Field Office, Federal Bureau of Investigation*

[—————], *Associate Director for Intelligence, Joint Chiefs of Staff*

[—————], *New York Field Office, Federal Bureau of Investigation*

[—————], *New York Field Office, Federal Bureau of Investigation*

[—————], *Headquarters, Defense Intelligence Agency*

* Note: This is only a partial list of persons from whom the Joint Inquiry acquired information. It includes persons who were present for group discussions, as well as those who were interviewed individually. Foreign government officials are not included. Interviewee affiliations are as of the date of interview. Names have been redacted for both national security and privacy reasons.

John Arriza, *Director, TIPOFF Watchlist Program, Department of State*

[—————], *National Security Agency Representative to Counterterrorist Center*

Maureen Baginski, *Director, Signals Intelligence Directorate, National Security Agency*

James Baker, *Counsel for Intelligence Policy, Department of Justice*

[—————], *New York Field Office, Federal Bureau of Investigation*

[—————], *Assistant Legal Attache, Singapore, Federal Bureau of Investigation*

[—————], *New York Field Office, Federal Bureau of Investigation*

[—————], *Defense Attaché, U.S. Army, Tel Aviv, Israel*

[—————], *Counterterrorist Center, Central Intelligence Agency*

Samuel "Sandy" Berger, *Former Assistant to the President for National Security Affairs*

Richard Betts, *Professor, Columbia University*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Special Agent, Oklahoma City Field Office, Federal Bureau of Investigation*

Joe Billy, *Special Agent In-Charge, New York Field Office, Federal Bureau of Investigation*

[—————], *Counterterrorist Center, Central Intelligence Agency*

Cofer Black, *Former Chief, Counterterrorist Center, Central Intelligence Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

William Black, *Deputy Director, National Security Agency*

[—————], *Defense Intelligence Agency*

[—————], [—————], [—————], *Central Intelligence Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Foreign Broadcast Information Service, Central Intelligence Agency*

[—————], *Section Chief, Counterintelligence Division, Federal Bureau of Investigation*

[—————], *Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *Office of General Counsel, Counterterrorist Center, Central Intelligence Agency*

Marion E. (Spike) Bowman, *Deputy General Counsel for National Security Affairs, Federal Bureau of Investigation*

[—————], *Former NSA Detailee to Counterterrorist Center, Central Intelligence Agency*

[—————], *Directorate of Operations, Central Intelligence Agency*

[—————], *Chief of Language School, Central Intelligence Agency*

John Brennan, *Executive Director, Central Intelligence Agency*

[—————], [—————], [—————], *Central Intelligence Agency*

[—————], *Private Citizen*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Radical Fundamentalist Unit, Federal Bureau of Investigation*

Robert Bryant, *Former Deputy Director, Federal Bureau of Investigation*

[—————], *Counterterrorist Center, Central Intelligence Agency*

Jeffrey Builta, *Defense Intelligence Agency*

[—————], [—————], [—————], *Central Intelligence Agency*

[—————], *Joint Counterintelligence Assessment Group, Department of Defense*

[—————], *Former Special Agent, San Diego Field Office, Federal Bureau of Investigation*

[—————], *Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *Counterterrorism Office, National Security Unit, Immigration and Naturalization Service*

[—————], *Senior Science Advisor, Joint Chiefs of Staff*

[—————], *Headquarters, Defense Intelligence Agency*

[—————], *Central Intelligence Agency*

Lt. Gen. Michael Canavan, U.S. Army (Ret), *Former Commander, Joint Special Operations Command*

[—————], *Federal Bureau of Investigation*

[—————], *Special Agent, New York Field Office, Federal Bureau of Investigation*

Amb. Timothy Carney, *Former US Ambassador to Sudan*

[—————], *Former Chief, CIA Counterterrorist Center, Central Intelligence Agency*

[—————], *Supervisory Special Agent, FBI Representative to Department of State*

[—————], *Counterterrorist Center, Central Intelligence Agency*

James T. Caruso, *FBI Deputy Executive Assistant Director for Counterintelligence and Counterterrorism*

[—————], *Counterterrorist Center, Central Intelligence Agency*

Ed Chase, *Office of Management and Budget*

[—————], *Supervisory Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *Supervisory Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *National Security Agency Representative to Deputy Director of Central Intelligence*

Richard Clarke, *Former National Coordinator for Counterterrorism, Clinton and Bush Administrations*

[—————], *Boston Field Office, Federal Bureau of Investigation*

[—————], *Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency (Retired)*

[—————], *Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *Headquarters, Federal Bureau of Investigation*

[—————], *Civil Aviation Security Field Office, Minneapolis Airport, Department of Transportation*

Jay Corcoran, *Director of Intelligence, U.S. Customs Service*

[—————], *Information Operation Specialist, Federal Bureau of Investigation*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], [—————], [—————], *Central Intelligence Agency*

[—————], *National Security Agency*

Roger Cressey, *National Security Counsel*

William P. Crowell, *Former Deputy Director, National Security Agency*

[—————], *Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *National Security Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

Pasquale D'Amuro, *Assistant Director, Counterterrorist Division, Federal Bureau of Investigation*

Maj. Gen. Keith Dayton, *Director of Operations, Defense Intelligence Agency*

[REDACTED], *National Security Agency*

[REDACTED], *Special Agent, Phoenix Field Office, Federal Bureau of Investigation*

John Deutch, *Former Director of Central Intelligence*

[REDACTED], *Supervisory Special Agent, Federal Bureau of Investigation*

[REDACTED], *Assistant Legal Attache, Islamabad, Federal Bureau of Investigation*

[REDACTED], *Division Chief, Central Intelligence Agency*

[REDACTED], *Inspection Division, Federal Bureau of Investigation*

Patrick Duecy, *Director, Joint Intelligence Task Force, Defense Intelligence Agency*

[REDACTED], *Director, Executive Secretary, Central Intelligence Agency*

[REDACTED], *Legal Attaché, London, England, Federal Bureau of Investigation*

[REDACTED], *Special Agent, Boston Field Office, Federal Bureau of Investigation*

[REDACTED], *National Security Agency*

[REDACTED], *Special Agent, New York Field Office, Federal Bureau of Investigation*

[REDACTED], *Department of State Representative to Counterterrorist Center, Central Intelligence Agency*

[REDACTED], *Counterterrorist Center, Central Intelligence Agency*

[REDACTED], *Counterterrorist Center, Central Intelligence Agency*

[REDACTED], *Headquarters, Federal Bureau of Investigation*

[REDACTED], *Radical Fundamentalist Unit, Federal Bureau of Investigation*

[REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED],
Central Intelligence Agency

[—————], *U.S. Customs Service*

[—————], *Legal Attaché, Brussels and The Hague, Federal Bureau of Investigation*

[—————], *Supervisory Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *Supervisory Special Agent, Radical Fundamentalist Unit, Federal Bureau of Investigation*

[—————], *Office of General Counsel, Counterterrorist Center, Central intelligence Agency*

Louis J. Freeh, *Former Director, Federal Bureau of Investigation*

Vice Adm. Scott Fry, *Commander, 6th Fleet, Former Deputy Director of Operations, Joint Chiefs of Staff*

[—————], *Former Federal Bureau of Investigation Special Agent*

[—————], *Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *National Security Agency*

[—————], *Portland Field Office, Federal Bureau of Investigation*

[—————], *Federal Bureau of Investigation*

[—————], *Supervisory Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *Federal Bureau of Investigation Representative to Central Intelligence Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Special Agent, San Diego Field Office, Federal Bureau of Investigation*

[—————], *Acting Legal Attaché, Tel Aviv, Israel, Federal Bureau of Investigation*

[—————], *Special Agent, Federal Bureau of Investigation*

[—————], *Language Specialist, Federal Bureau of Investigation*

[—————], *Special Agent, San Diego Field Office, Federal Bureau of Investigation*

[REDACTED], *Counterterrorist Center, Federal Bureau of Investigation*

[REDACTED], *Private Citizen*

[REDACTED], *Legal Attaché, Berlin, Federal Bureau of Investigation*

[REDACTED], *Central Intelligence Agency*

[REDACTED], *Special Agent, Federal Bureau of Investigation*

[REDACTED], [REDACTED], *Central Intelligence Agency*

[REDACTED], [REDACTED], [REDACTED], *Central Intelligence Agency*

William Gore, *Special Agent In-Charge, San Diego Field Office, Federal Bureau of Investigation*

Brig. Gen. Scott Gratton, *Former Deputy Director Information Operations, Joint Chiefs of Staff*

[REDACTED], *Counterterrorist Referent, [REDACTED], Central Intelligence Agency*

[REDACTED], [REDACTED], *Central Intelligence Agency*

[REDACTED], *Counterterrorist Center, Central Intelligence Agency*

[REDACTED], *Chief, Language Services Division, Federal Bureau of Investigation*

[REDACTED], *Former [REDACTED] Division Chief of Operations, [REDACTED],
Central Intelligence Agency*

[REDACTED], *National Security Agency*

Carol Haave, *Deputy Assistant Secretary of Defense for Security and Information Operations*

[REDACTED], *Counterterrorist Center, Central Intelligence Agency*

[REDACTED], *Special Agent, San Diego Field Office, Federal Bureau of Investigation*

[REDACTED], *National Imagery and Mapping Agency*

Lee Hamilton, *Former House Permanent Select Committee on Intelligence Chairman,
Director, Woodrow Wilson International Center for Scholars,
Director, Center on Congress at Indiana University*

[—————], *Supervisory Special Agent, Federal Bureau of Investigation*

John Hamre, *Former Deputy Secretary of Defense, Former Comptroller, Department of Defense*

[—————], *Associate Deputy Director of Central Intelligence for Operations for Resources,
Plans and Policy*

[—————], *Special Agent, San Diego Field Office, Federal Bureau of Investigation*

[—————], *Former Supervisory Special Agent, Phoenix Field Office, Federal Bureau of Investigation*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *National Imagery and Mapping Agency*

[—————], *Headquarters, Federal Bureau of Investigation*

[—————], *Immigration and Naturalization Service*

[—————], *Special Agent, Phoenix Field Office, Federal Bureau of Investigation (Retiree)*

Richard Haver, *Special Assistant for Intelligence, Office of the Secretary of Defense*

Lt. Gen Michael Hayden, *Director, National Security Agency*

Christine Healey, *Minority Counsel, House Permanent Select Committee on Intelligence*

[—————], *Booz Allen & Hamilton*

[—————], *General Accounting Office*

Frederick Hitz, *Former Inspector General, Central Intelligence Agency*

[—————], *National Security Agency*

[—————], [—————], *Division Chief, Central Intelligence Agency*

[—————], *Acting Legal Attaché, London, England, Federal Bureau of Investigation*

[—————], *Private Citizen*

Karl Inderfurth, *Former Assistant Secretary of State for South Asia*

[—————], *National Security Agency*

Rear Adm. Lowell E. Jacoby, *Director, Defense Intelligence Agency, Joint Chiefs of Staff*

[—————], *Central Intelligence Agency*

[—————], *Special Agent, Federal Bureau of Investigation*

Robert Jervis, *Professor, Columbia University*

[—————], [—————], [—————], *Central Intelligence Agency*

[—————], *Special Agent, Boston Field Office, Federal Bureau of Investigation*

[—————], *Defense Intelligence Agency*

[—————], *Special Agent, Minneapolis Field Office, Federal Bureau of Investigation*

[—————], *National Security Agency Representative to Federal Bureau of Investigation*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *National Security Agency*

Donald Kerr, *Deputy Director of Central Intelligence for Science and Technology*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Defense Intelligence Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *Counterterrorist Center, Central Intelligence Agency*

[—————], *National Security Agency Representative to Federal Bureau of Investigation*

[—————], *Directorate for Science and Technology, Central Intelligence Agency*

[—————], *Former Counterterrorist Center, Central Intelligence Agency*

David Kris, *Associate Deputy Attorney General, Department of Justice*

Capt. Michael Kuhn, *U.S. Navy*

[—————], *Special Agent, Phoenix Field Office, Federal Bureau of Investigation*

[—————], *Supervisory Special Agent, Phoenix Field Office, Federal Bureau of Investigation*

Thomas Kuster, *Director of Counterterrorism Policy, Department of Defense*

[—————], *Assistant Special Agent In-Charge, San Diego Field Office,
Federal Bureau of Investigation*

[—————], *Supervisory Special Agent, Boston Field Office, Federal Bureau of Investigation*

[—————], *Language Specialist, Federal Bureau of Investigation*

[—————], *Supervisory Special Agent, Headquarters, Federal Bureau of Investigation*

Matthew Levitt, *Washington Institute for Near East Policy*

[—————], *Supervisory Special Agent, New York Field Office, Federal Bureau of Investigation*

[—————], *Supervisory Special Agent, Headquarters, Federal Bureau of Investigation*

[—————], *Deputy Assistant Director, Inspection Division, Federal Bureau of Investigation*

[—————], *National Security Agency*

[—————], *National Security Agency*

John Louder, *National Reconnaissance Agency*

Mark Lowenthal, *Associate Director of Central Intelligence for Analysis and Production*

[—————], *Department of State*

[—————], *Headquarters, Federal Bureau of Investigation*

[—————], *Federal Bureau of Investigation*

[—————], *Supervisory Special Agent, Cleveland Field Office, Federal Bureau of Investigation*

[—————], *Supervisory Special Agent, Federal Bureau of Investigation*

[—————], *Central Intelligence Agency*

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APPENDIX

**COUNTERTERRORISM ORGANIZATIONS
WITHIN
THE INTELLIGENCE COMMUNITY**

**COUNTERTERRORISM ORGANIZATIONS
WITHIN
THE
INTELLIGENCE COMMUNITY
(As of December 31, 2002)**

The U.S. Intelligence Community currently consists of the Office of the Director of Central Intelligence, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, other specialized offices within the Department of Defense, the intelligence elements of the military services, the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, the Bureau of Intelligence and Research of the Department of State, and the Coast Guard.

PRIMARY COUNTERTERRORISM AGENCIES

Central Intelligence Agency (CIA)

The Counterterrorist Center (CTC) is the CIA's primary counterterrorism component. In 1993, a special unit was established within the CTC, the Bin Ladin Issue Station, with personnel from CIA, NSA, FBI and other agencies to develop intelligence on Bin Ladin and his organization. The CIA worked alone and with friendly foreign intelligence services to disrupt Bin Ladin, degrade his ability to engage in terrorism, and bring him to justice.

[Within CTC, several units focus on al-Qa'ida:

- The [————] Extremist CT Operations Group, the CTC operational arm, tracks al-Qa'ida and other [————] radical groups. In 1996, the CTC created [the Bin Ladin Issue] Station to target Bin Ladin and his network, [————]. The CTC's [————] Extremist Branch also follows a range of radical [——] groups, which are not part of al-Qa'ida, but often share personnel, provide logistical support, or otherwise assist it.
- The Office of Terrorism Analysis, the CTC's analytic arm, is responsible for providing analytical products on terrorism. OTA now has approximately [——] analysts. Before September 11, its [————] analysts were part of the smaller Assessments and Information Group, which was organized into five branches, only one of which focused (partially) on Bin Ladin.

- [The Renditions Group (formerly the Renditions Branch) [_____]].
From 1986 to September 2001, the Renditions Branch was involved in several dozen renditions].
- [The Financial Operations Group, which was established after September 11, grew out of the Bin Ladin Station's efforts to track Bin Ladin's financial activities. [_____]].

The CIA developed an operational strategy, referred to as "the Plan," so that CTC could react quickly to operational opportunities, renditions, and analysis to disrupt and capture Bin Ladin and his principal lieutenants.

To execute its plan against Bin Ladin, CTC developed a program to train and position personnel and move experienced operations officers into the Center to identify, vet, and hire qualified personnel for counterterrorism assignments. They sought fluency in Mid-East and South-Asian languages, combined with police, military, business, technical, or academic expertise, and established an eight week advanced counterterrorism operations course.

From 1999 to September 11, human intelligence sources against terrorism grew by more than fifty percent. Working across agencies, and in some cases with foreign services, the CIA designed and built [_____] for specific use against Al-Qa'ida inside Afghanistan. By September 11, sufficient collection programs and human networks were in place to cover almost all of Afghanistan.

Federal Bureau of Investigation (FBI)

The FBI within the Department of Justice is the principal law-enforcement arm of the government and the lead agency responsible for counterterrorism in the United States.

In 1999, the Counterterrorism Division was established in FBI Headquarters, incorporating the International Terrorism Operations Division, the Domestic Terrorism Division, the National Domestic Preparedness Office, and the National Infrastructure Protection Center. The Radical Fundamentalist Unit and the Bin Ladin Unit became operational units within the International Terrorism Operations Section. These units advise field offices on Attorney General Guidelines and coordinate field terrorism investigations.

Since the 1980s, the FBI's New York Field Office has had the principal role in the FBI's counterterrorism effort. It has been the lead field office for Bin Ladin investigations and was the first to establish a Joint Terrorism Task Force of state and federal law enforcement and intelligence personnel.

A reorganization of the FBI's Counterterrorism Division was announced in May 2002, which includes:

- Headquarters centralization of counterterrorism programs
- Joint Terrorism Task Forces in all field offices and a National JTTF at Headquarters
- Flying Squads to support field operations
- Enhanced counterterrorism and analytical training
- Shifting 518 field agents from criminal investigations to counterterrorism

National Security Agency (NSA)

Within NSA, a Department of Defense entity, responsibility for collecting, processing, analyzing, and reporting signals intelligence (SIGINT) is centered principally within the Signals Intelligence Directorate created in February 2001. Within SID, the Counterterrorism Product Line has the lead for SIGINT production on counterterrorism targets. CT Product Line personnel increased from approximately [—] before September 11 to about [—] in April 2002.

A portion of NSA's counterterrorism SIGINT reports comes from other product lines within SID:

- [_____
_____].
- [_____
_____].
- [_____
_____].
- [_____
_____].

Department of State

The Bureau of Intelligence and Research (INR), the intelligence arm of the Department of State, has three units involved in counterterrorism: the Office of Analysis for Terrorism, Narcotics and Crime, the Office of Intelligence Coordination, and the Office of Intelligence Operations. Outside INR, a Coordinator for Counterterrorism is responsible for developing counterterrorism policy.

The State Department also works closely with the Justice Department's Immigration and Naturalization Service to prevent terrorist suspects from entering the United States. To this end, the State Department maintains two key counter-terrorism databases:

SECRET

- TIPOFF, a classified database within INR containing the names of foreigners who are not allowed to enter the United States because of ties to terrorism and other illegal activities and
- The Consular Lookout and Support System (CLASS), an unclassified database designed to assist in visa processing.

Information in TIPOFF and CLASS is derived from the Intelligence Community and other sources, such as the Immigration and Naturalization Service, the Drug Enforcement Agency, the Customs Service, and the Federal Aviation Authority. All consular officers must use the CLASS system before issuing visas.

Defense Intelligence Agency (DIA)

DIA is the Department of Defense element that produces and manages intelligence for the Secretary of Defense. Within DIA, the offices principally responsible for counterterrorism include the Defense Human Intelligence Service and the Joint Intelligence Task Force-Combating Terrorism.

Since July 2001, the Joint Terrorism Task Force – Counterterrorism (JITF-CT) has been the focal point for all DIA counterterrorism analysis and production. The JITF-CT provides warnings, threat assessments, and all-source analysis and production and serves as a counterterrorism knowledge base within the Department of Defense.

Department of Transportation (DoT)

Within DoT, the U.S. Coast Guard and the Transportation Security Administration play a role in the government's counterterrorism mission. Pursuant to the Intelligence Authorization Act of 2002, the Coast Guard has become an Intelligence Community member. After September 11, DoT established the Transportation Security Administration, within which the Transportation Security Intelligence Service coordinates intelligence support and provides current and strategic warnings on threats to U.S. transportation.

Department of Treasury

Within Treasury, the Financial Crimes Enforcement Network is responsible for assisting U.S. intelligence and law enforcement agencies in tracking the movement of terrorist funds.

APPENDIX

**EVOLUTION
OF THE TERRORIST THREAT
AND THE
U.S. RESPONSE**

1983 – 2001

Evolution of the terrorist threat and U.S. response, 1983-2001

The Building Threat: Pre-1993

Year	"Big picture" view	Selected, major terrorist events	U.S. institutional responses to terrorism
1979	Soviet invasion of Afghanistan. Lebanese civil war already underway.		
1980			First FBI Joint Terrorism Task Force established in NY City.
1981			
1982	Jun. Israeli invasion of Lebanon. Sep. U.S. Marine peacekeeping presence established in Lebanon following assassination of Lebanese President.		
1983		18 Apr. Bombing of U.S. embassy in Beirut. 63 killed, including CIA's Middle East director. 120 injured. (Islamic Jihad.) 23 Oct. Marine barracks bombing in Beirut. 241 Marines killed. French base attacked. (Islamic Jihad.)	
1984	26 Feb. U.S. Marines depart Lebanon.	16 Mar. CIA officer William Buckley kidnapped in Beirut. Other U.S. citizens not connected to the U.S. government are kidnapped over the next two years. 12 Apr. Hezbollah bombed restaurant near U.S. airbase near Torrejon, Spain, killing 18 U.S. servicemen. 83 injured.	

	<p>20 Sep. Hezbollah Bombing of U.S. embassy annex in Beirut. 14 Americans killed.</p>		
<p>1985</p>	<p>14 Jun. TWA 847 hijacked by Hezbollah terrorists.</p> <p>7 Oct. <i>Achille Lauro</i> hijacking. Palestinian Liberation Front took 700 hostages. 1 U.S. citizen killed.</p> <p>23 Nov. Egypt Air flight from Athens to Malta carrying several U.S. citizens hijacked by Abu Nidal Group.</p> <p>Dec. Rome/Vienna airport bombings by Abu Nidal Organization.</p>		<p>Dec. Vice President's Report on Combating Terrorism. 40 recommendations. Key recommendations: Presidential [directive] regarding terrorism, National Security Decision Directive 207, establish a CTC.</p>
<p>1986</p>	<p>30 Mar. Palestinian splinter group detonated a bomb as TWA 840 approached Athens, killing four U.S. citizens.</p> <p>5 Apr. Bombing of La Belle disco in Berlin, Germany, killing two U.S. servicemen and one Turkish civilian. 200 wounded. Traced to Libyan perpetrators.</p>		<p>20 Jan. President signs NSDD-207, which delineates broad outlines of U.S. government policy for dealing with terrorism and set in place government-wide mechanisms for responding to the emerging threat.</p> <p>Feb/Mar. CIA establishes CTC.</p> <p>9 Apr. Operation El Dorado Canyon. U.S. bombing of Libya.</p> <p>Spring. Directive signed that authorizes CIA to conduct certain counterterrorism activities.</p>

			<p>27 Aug. Omnibus Diplomatic Security and Antiterrorism Act expands FBI jurisdiction to include violence against U.S. nationals abroad.</p>
<p>1987</p>		<p>Sep. Rendition of Fawaz Yunis, wanted for hijacking Royal Jordanian airliner in which 6 Americans killed. [_____].</p>	
<p>1988</p>		<p>17 Feb. U.S. Marine LtCol William Higgins kidnapped/murdered by Iranian-backed Hezbollah.</p> <p>14 Apr. Organization of Jihad Brigades exploded a car bomb outside a USO club in Naples, Italy, killing one U.S. sailor.</p> <p>21 Dec. Bombing of Pan Am 103 over Lockerbie, Scotland.</p>	
<p>1989</p>	<p>15 Feb. Soviet withdrawal from Afghanistan completed.</p>		<p>13 Oct. Terrorist Threat Warning System established.</p>
<p>1990</p>	<p>Aug. Iraq invades Kuwait. U.S. launches Operation Desert Shield.</p>		

<p>1991</p>	<p>Jan-Mar. Operation Desert Storm expels Iraqi forces from Kuwait. Apr. Operation Provide Comfort. Safe havens for Kurdish refugees in northern Iraq. This operation eventually becomes enforcement of no-fly zones over northern/southern Iraq, operations which continue to this day and resulted in a large, semi-permanent U.S. military presence in the Persian Gulf region.</p>	<p>Jan/Feb. CTC thwarts Iraqi agents' plans worldwide. 18-19 Jan. Iraqi agents planted bombs at the U.S. Ambassador to Indonesia's residence and at the USIS library in Manila.</p>	
<p>1992</p>	<p>Rise of jihadist movement. Dec. U.S. Operation Restore Hope to provide humanitarian relief to Somalia.</p>	<p>Dec. Attack on Aden hotel housing U.S. service members for the operation in Somalia. Possibly the first attack by UBL's network.</p>	

The Hunt for bin Ladin, 1993-2001

Year	"Big picture" developments	Terrorist attacks and "tactical" counterterrorist actions	U.S. "strategic" responses to the terrorist threat	Other intelligence actions and issues
<p>1993</p>	<p>Bin Ladin in Sudan.</p> <p>26 Apr. [Intelligence warns that [] is increasingly convinced that U.S. is working for its overthrow, and may be preparing to sponsor terrorist attacks against U.S.]</p>	<p>26 Feb. World Trade Center bombing.</p> <p>20 Mar. Sarin gas attack in Tokyo subway kills 12, sickens 5000. Aum Shinrikyo responsible.</p> <p>23 Mar. Rendition of Abu Halima, suspect in World Trade Center bombing [] to FBI custody.</p> <p>14 Apr. Iraqi Intelligence Service attempt to assassinate former President Bush in Kuwait thwarted.</p>	<p>2 Apr. [CIA paper characterizes UBL as "independent actor [who] sometimes works with other individuals or governments [] [] [to] promote militant Islamic causes throughout the region..." [His group almost certainly played a role in an earlier bombing directed against U.S. interests].</p> <p>20 Apr. NID: [Hundreds of Islamic militants received training during the past year at military camps in Afghanistan. [] [] []].</p>	

<p>3-4 Sep. Operation Desert Strike. Cruise missile strikes against Iraq.</p> <p>11 Sep. Egyptian government issues an arrest warrant for UBL based on UBL's longtime support of Egyptian terrorist groups like EGI and EIJ.</p> <p>Sep. Taliban comes to power in Afghanistan; takes Kabul.</p> <p>Dec. [] [] [] [] []</p> <p>[Winter. Information indicates UBL considers jihad worldwide.]</p>	<p>[]</p> <p>[Late 1996. [] reports [] indicate that UBL is much more of a terrorist—rather than just a terrorist financier—than the CIA has previously thought. Reporting provides significant new details about UBL and his terrorist support infrastructure known as "Al Qaeda." [Note: first reference to Al Qaeda].</p> <p>[Late 1996. Bin Ladin Unit develops most detailed information yet regarding UBL's intentions].</p>	<p>22 Oct. [] []</p>	<p>[]</p>
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<p>[redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]</p>	<p>26 May. Saudi government extends formal recognition of the Taliban government of Afghanistan. The decision immediately follows reports that the Taliban have extended their control into northern Afghanistan.</p>	<p>31 Oct. Kenyan authorities arrest and later deport [redacted] reportedly connected to a terrorist plot against the U.S. embassy in Nairobi.</p>	<p>Apr. Update to 1995 terrorism National Intelligence Estimate.</p> <p>Spring 1997. Foreign liaison service says it is studying the early 1997 proposal for a joint operation [redacted].</p> <p>Nov. Secretary Albright trip to South Asia.</p>	<p>Spring 1997. [redacted] [redacted].</p> <p>[Fall 1997. [redacted] [redacted] [redacted] [redacted] [redacted]</p>
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<p>civilian targets anywhere in the world. Fatwa represents a shift from criticizing the states in the region and attacks the U.S. instead.</p>	<p>[redacted] [redacted] [redacted] [redacted] [redacted].</p>	<p>information warfare, and international financial turmoil... "In addition to traditional terrorist groups, the U.S. faces an increasing threat from transnational groups, such as UBL's organization..."</p>	
<p>16 Mar. Letter sent from UBL to Egyptian press complaining about U.S. occupation of the Arabian Peninsula. "Let them rest assured of the weakness and cowardice of American soldiers. They are fastest to fail and least persevering in the fire of war. We will never forget how they disappeared in the wake of Riyadh and Khobar incidents."</p>	<p>6 Mar. C/CTC, et al, brief Congressional staff on the CTC strategic plan for FY98.... [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted].</p>		
<p>May 11-13. India conducts nuclear tests. Pakistan conducts nuclear tests May 28.</p>	<p>Apr. U.S. Ambassador to U.N. Richardson visits Kabul and Sherbergan.</p>		
<p>26 May. UBL press conference. UBL declared his supporters would strike U.S. targets in the Gulf. Indicated the results of his jihad would be</p>	<p>18 May. [redacted] [redacted].</p>		
			<p>10 Mar. C/CTC briefs SSC staff. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted].</p>

<p>"visible" within weeks. He also talked about "bringing the war home to America." [Note: this is possibly a call for attacks in the U.S.]</p> <p>12 Jun. In an interview with a U.S. journalist, UBL indicates he may attack a U.S. military passenger aircraft using antiaircraft missiles. At a press conference in the previous month, he indicated the results of his jihad would be "visible" within weeks.</p> <p>[] Jul. [] [] []</p>	<p>May. Police in Europe arrest 60 members of the Algerian Armed Islamic Group (GIA) to pre-empt threats to the coming World Cup in Paris.</p> <p>Jun. Officers [] [] raid homes and NGO offices of Mustafa Majid and Mohammed Fouda, [] [] linked to UBL. [] [] []</p> <p>Summer 1998. Liaison service captured [] [] a member of a UBL cell in Europe. [] [] []</p>	<p>22 May. President signs PDD-62 on counter-terrorism and PDD-63 on infrastructure protection.</p> <p>[] [] [] [] [] PDD-63 establishes the National Infrastructure Protection Center.</p> <p>10 Jun. UBL indicted by federal grand jury, Southern District of New York. Sealed indictment. Conspiracy to destroy national defense utilities.</p>	<p>[Summer [] [] suggest UBL is planning attacks in the U.S. [] says plans are to attack in NY and Washington. Information mentions an attack in Washington probably against public places. UBL probably places a high priority on conducting attacks in the U.S.... CIA has little information about UBL's operatives in the U.S.]</p> <p>Summer 1998. [] [] [] [] []</p> <p>Summer 1998. [] []</p>
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<p>[redacted].</p> <p>21 Aug. [Recap: DCI eight committee briefing regarding why CIA concluded that UBL was responsible for the bombings in Africa. DCI noted large number of renditions of UBL supporters].</p> <p>[redacted] Sep. [redacted], Abu Hajer, who is head of UBL's computer operations and weapons procurement, was arrested <i>abroad</i>. Hajer is the most senior-level UBL operative arrested to date.</p> <p>18 Sep. DCI briefs members of Congress on bombings. [redacted]</p> <p>[redacted]</p> <p>[redacted]</p> <p>[redacted]</p> <p>[redacted]</p> <p>[redacted]</p> <p>[redacted]</p> <p>[redacted]</p> <p>[redacted]</p> <p>[redacted]. DCI noted that the FBI is following 3 or 4 Bin Ladin operatives in the U.S.</p>	<p>2 Sep. DCI testimony to SSCI/HPSCI. "Key elements of CIA's offensive strategy against UBL include: hit UBL's infrastructure; work with liaison to break up cells and carry out arrests; disrupt and weaken bin Ladin's businesses and finances; [redacted] operatives; ... pressure on the Taliban; and enhancing unilateral capability to capture him.</p>	<p>Sep. [Information indicates UBL has considered conducting attacks in the U.S. The near-term threat to Americans is greater in Europe, where UBL's infrastructure is better established].</p> <p>[Fall 1998. [redacted] claimed that UBL's next target would possibly involve flying an explosives-laden aircraft into a U.S. airport and detonating it].</p> <p>Fall 1998. [Information indicates al-Qa'ida is trying to establish an operative cell within CONUS to strike at the heart of U.S. interests and [redacted]]</p>
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<p>[redacted] Oct. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted].</p>		<p>trying to recruit U.S. citizen Islamists and U.S.-based foreign nationals. No targets were mentioned but NYC was cited as a center of recruitment efforts].</p>
<p>Fall 1998. [redacted] [redacted] [redacted] [redacted] [redacted] [redacted].</p>		<p>Fall 1998. [Collection against UBL satellite phone ends, following media leaks].</p>
	<p>4 Nov. Bin Ladin and Mohammed Atef indicted in Southern District of New York. Also announcement made of reward for the two under State Department rewards program.</p>	<p>Fall 1998. [UAE UBL cell is attempting to recruit a group of 5 to 7 young men from the United States to travel to the Middle East for training. This is in conjunction with planning to strike U.S. domestic targets.</p>
		<p>1 Dec.</p>

<p>[redacted] [redacted] [redacted] [redacted] [redacted] [redacted].</p>	<p>have been able to:</p> <ul style="list-style-type: none">• Stop at least two UBL attacks against U.S. interests abroad• Render over 30 foreign nationals abroad• Significantly damage UBL's infrastructure• Put doubt in UBL's mind about security of his operations and operatives]	<p>[redacted] [redacted] [redacted] [redacted] [redacted] [redacted].</p>	<p>27 Sep. [redacted] [redacted] [redacted] [redacted].</p>
<p>12 Oct. Pakistani Chief of Army Staff Musharraf ousts Prime Minister Nawaz Sharif in a bloodless military coup.</p>	<p>Oct 8. State Department designates Al Qaeda a foreign terrorist organization. Current state sponsors of terrorism: Iran, Iraq, Libya, Syria, Sudan, North Korea, Cuba.</p>		
	<p>15 Oct. UN deplores provision of safe haven to UBL and demands his rendering to some country. On 14 Nov 99, sanctions are to begin which ban most foreign flights of Ariana except for humanitarian need and the Hajj. Freezes funds for Taliban except on humanitarian groups.</p>		<p>[redacted] Oct. [redacted] [redacted] [redacted] [redacted] [redacted].</p> <p>[redacted] Oct. [redacted] [redacted]</p>

<p>2000</p> <p>5 Jan. Khalid al-Mihdhar and Nawaf al-Hazmi hold meetings with a senior UBL field operative in Malaysia and Bangkok between 5 and 8 Jan 2000.</p>	<p>3 Jan. Bombing of USS <i>The Sullivans</i> aborted. An explosives-laden boat sank as it was launched in Aden harbor.</p> <p>Jan. Al-Qaida operative [] detained at CIA behest. He is deported and admits he has received training at Al-Qaida camps in Afghanistan.</p> <p>Feb. []</p>	<p>Jan. DCI announces Abu Zubaida the #1 terrorist target.</p> <p>[] Feb. []</p>
<p>[] Mar. [] UBL planning operations to kidnap U.S. diplomats or civilians in [] to hold as bargaining chips. []</p>	<p>3 Mar. []</p>	<p>Mar. []</p> <p>Mar. []</p>

<p>[redacted]</p>	<p>[redacted]</p>	<p>[redacted]</p>	<p>[redacted]</p>
<p>[redacted]</p>	<p>16 Jul. CTC briefing to House Committee on Government Operations and Reform. C/CTC lists accomplishments, i.e., [redacted] disruptions of terrorists' organizational planning over the past two years. Helped render more than 30 terrorists in other countries since [redacted]; more than half of whom were associates of UBL's Al Qaeda.</p>	<p>[redacted]</p>	<p>[redacted]</p>
<p>Sep. [redacted]</p> <p>Sep. [redacted]</p> <p>Sep. [redacted]</p>		<p>[redacted]</p>	<p>30 Sep. Taliban issued press statement on unknown aircraft seen over Kandahar allegedly looking for UBL.</p>

		<p>[redacted] May. [redacted] Foreign authorities seize terrorist suspect. Links to Ressay Millennium cell].</p> <p>May. UK law enforcement officials released all of the Algerian extremists who were recently arrested in London. [redacted]. One [redacted]. [redacted] was immediately re-arrested on a French warrant. The leader of the cell [redacted] also was re-arrested on immigration charges pending possible deportation. Both individuals had prior knowledge of Ressay's abortive attack on LAX.</p> <p>[redacted] May. [redacted] Spanish police arrested Frankfurt terrorist cell member].</p> <p>[redacted] May. [redacted]</p>	

		7 Oct. Operation Enduring Freedom commences.	17 Sep. [] [] []	
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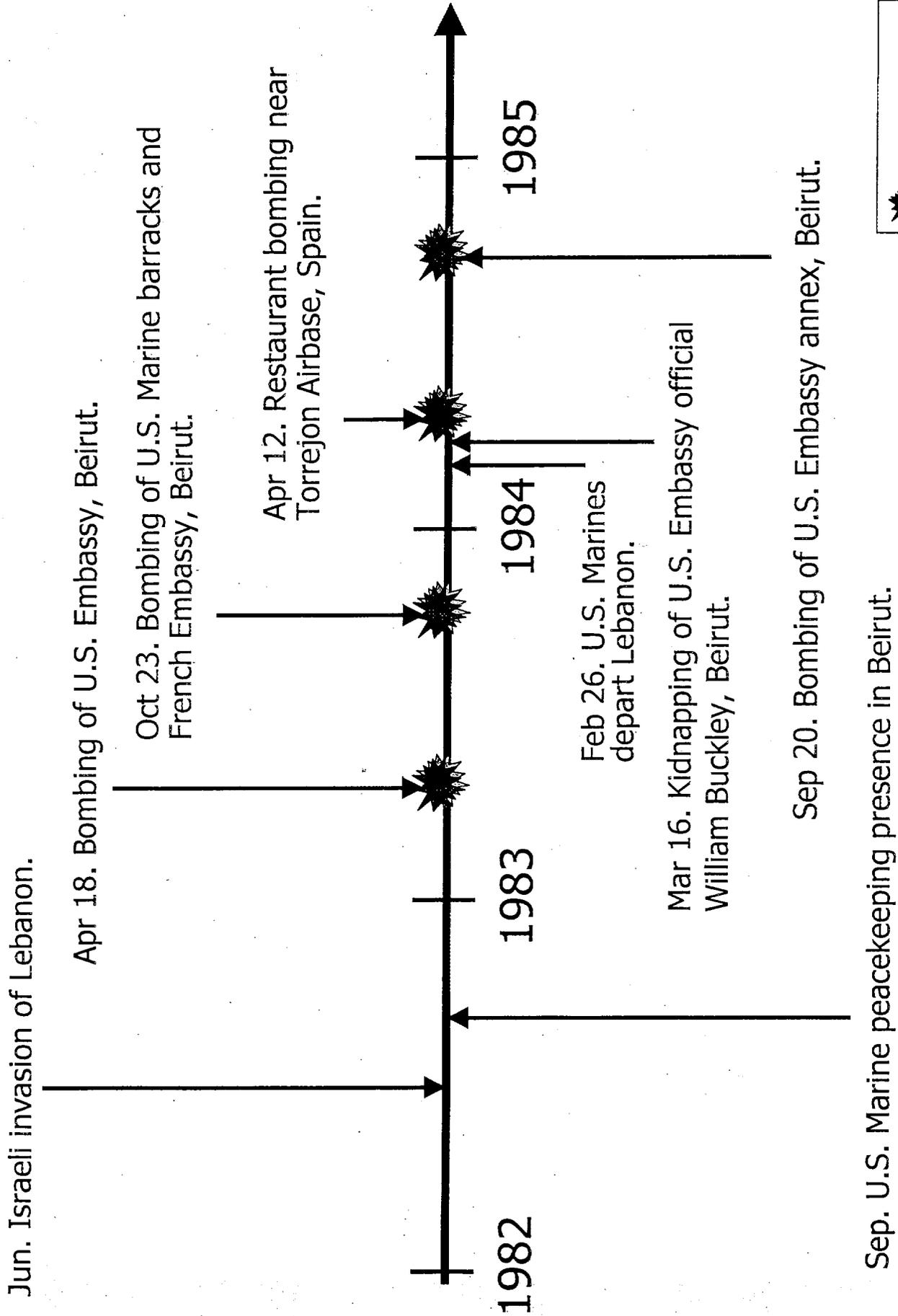
APPENDIX

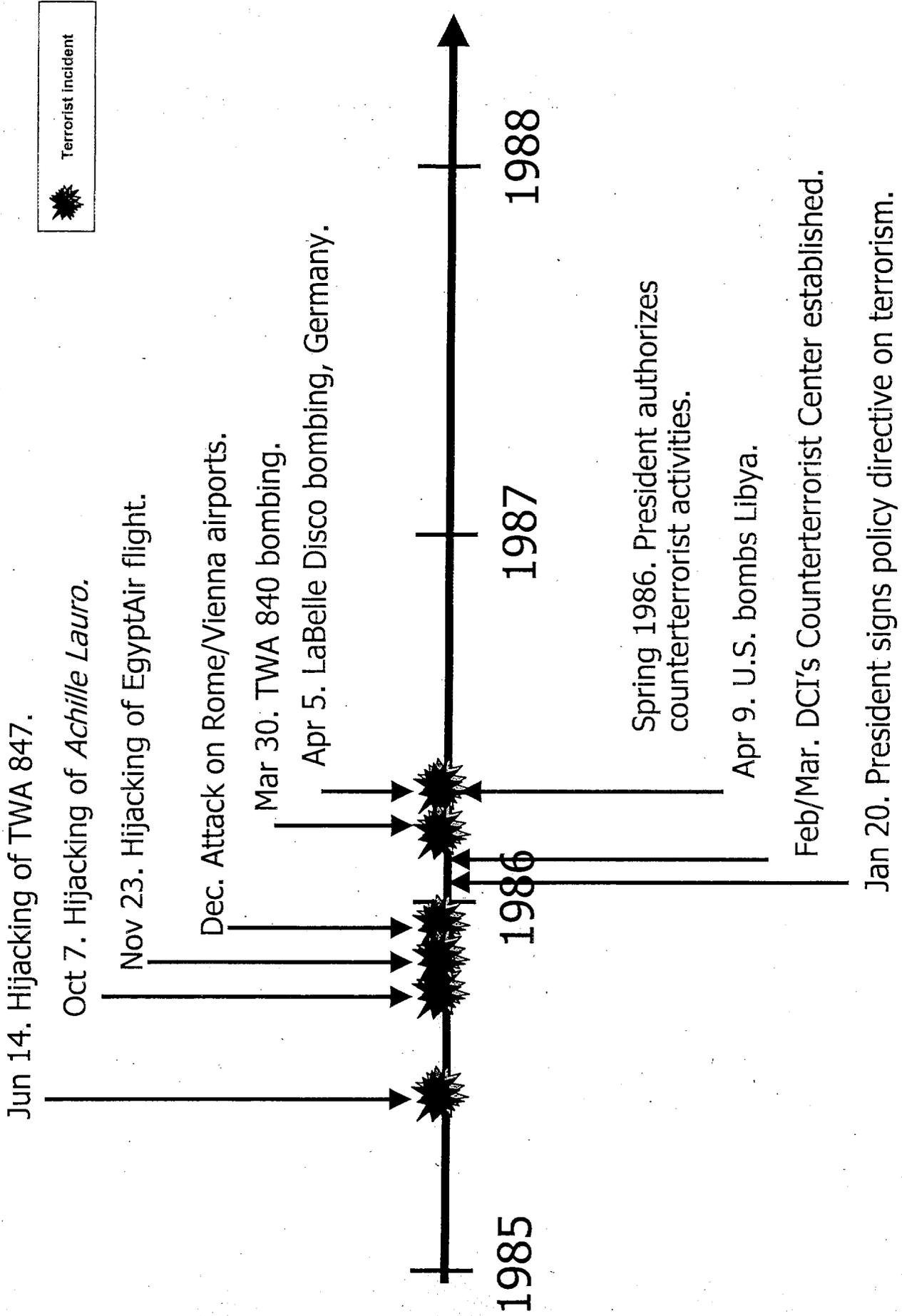
**SELECTED EVENTS
IN THE
CHRONOLOGY
OF TERRORISM**

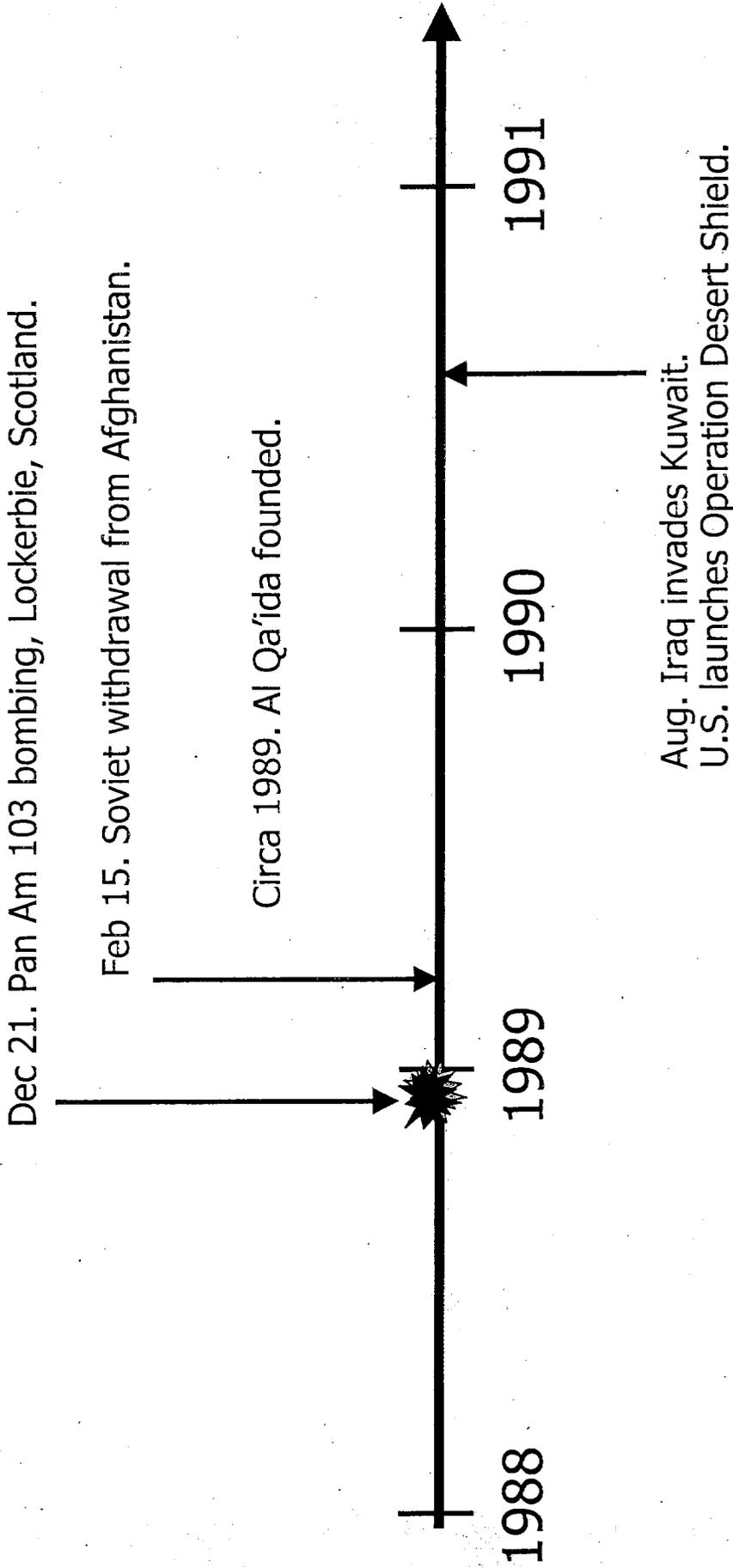
1982 – 2001

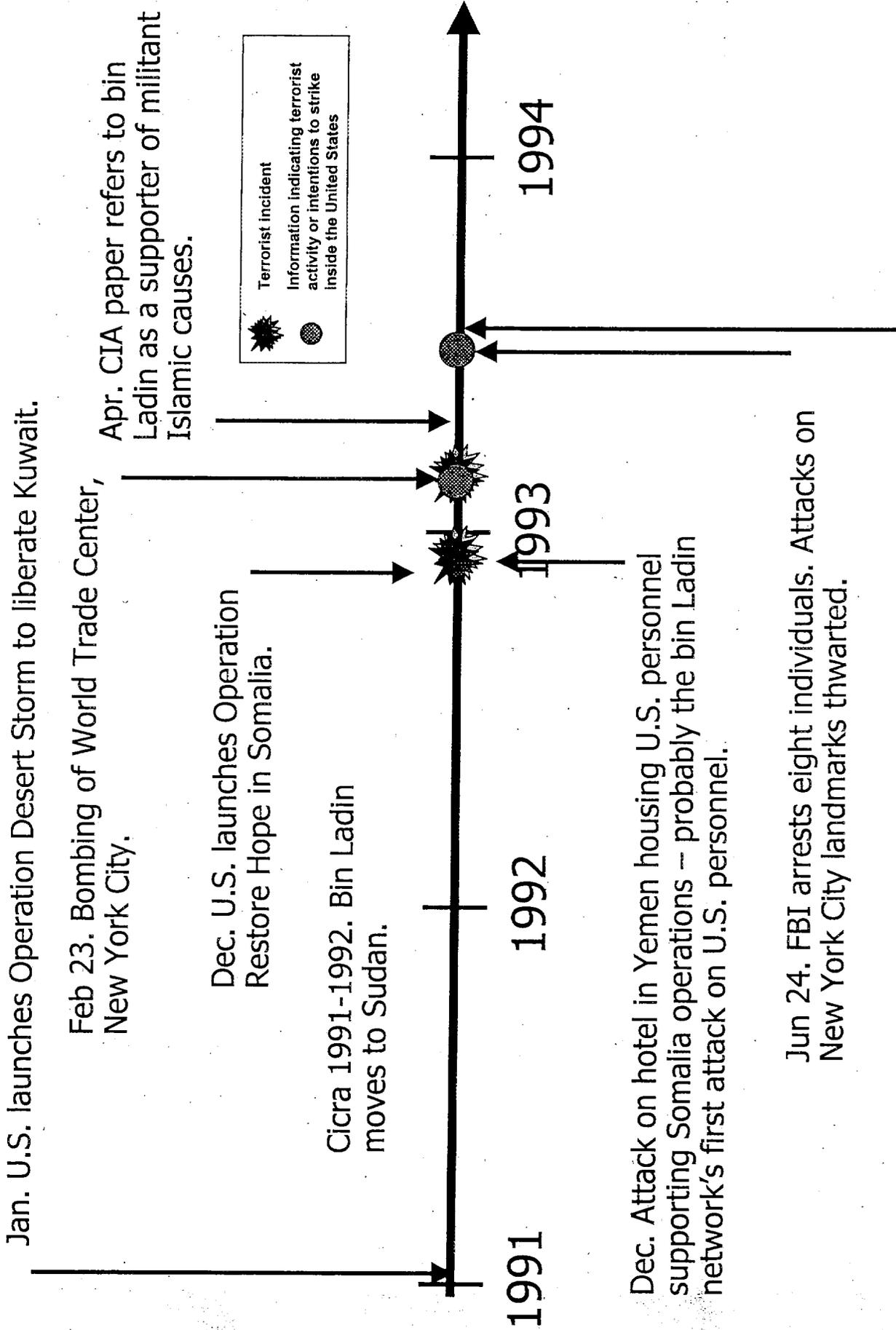
Selected events in the chronology of terrorism, 1982-2001

-  Terrorist incident
-  Information indicating terrorist activity or intentions to strike inside the United States
-  Information indicating terrorist activity or intentions to use airplanes as weapons
-  Information indicating terrorist activity or intentions to strike inside the United States using airplanes as weapons
-  Communications intercepts suggesting possible imminent terrorist activities









Jul 2. Sheik Omar Abd al-Rahman arrested.

Dec 11. Bombing of Philippine airline, Manila, by Ramzi Yousef.

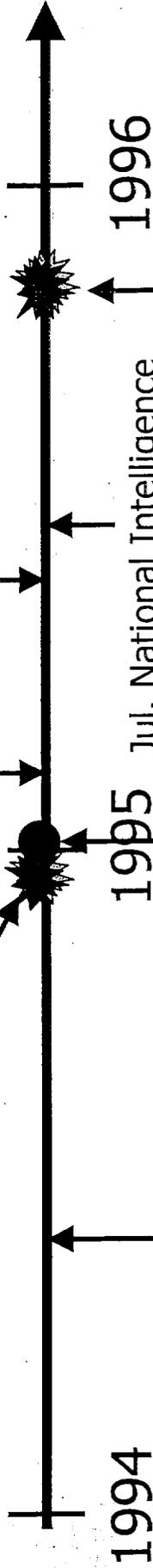
Dec 23. Algerian extremists hijack plane and threaten to crash it into the Eiffel Tower.

Terrorist Incident
Information indicating terrorist activity or intentions to strike inside the United States using airplanes as weapons

Jun. Attempted assassination of Egyptian President Mubarak, Ethiopia.

Feb 10. Ramzi Yousef arrested and extradited to U.S.

Summer 1995. President signs policy document on terrorism.



1994

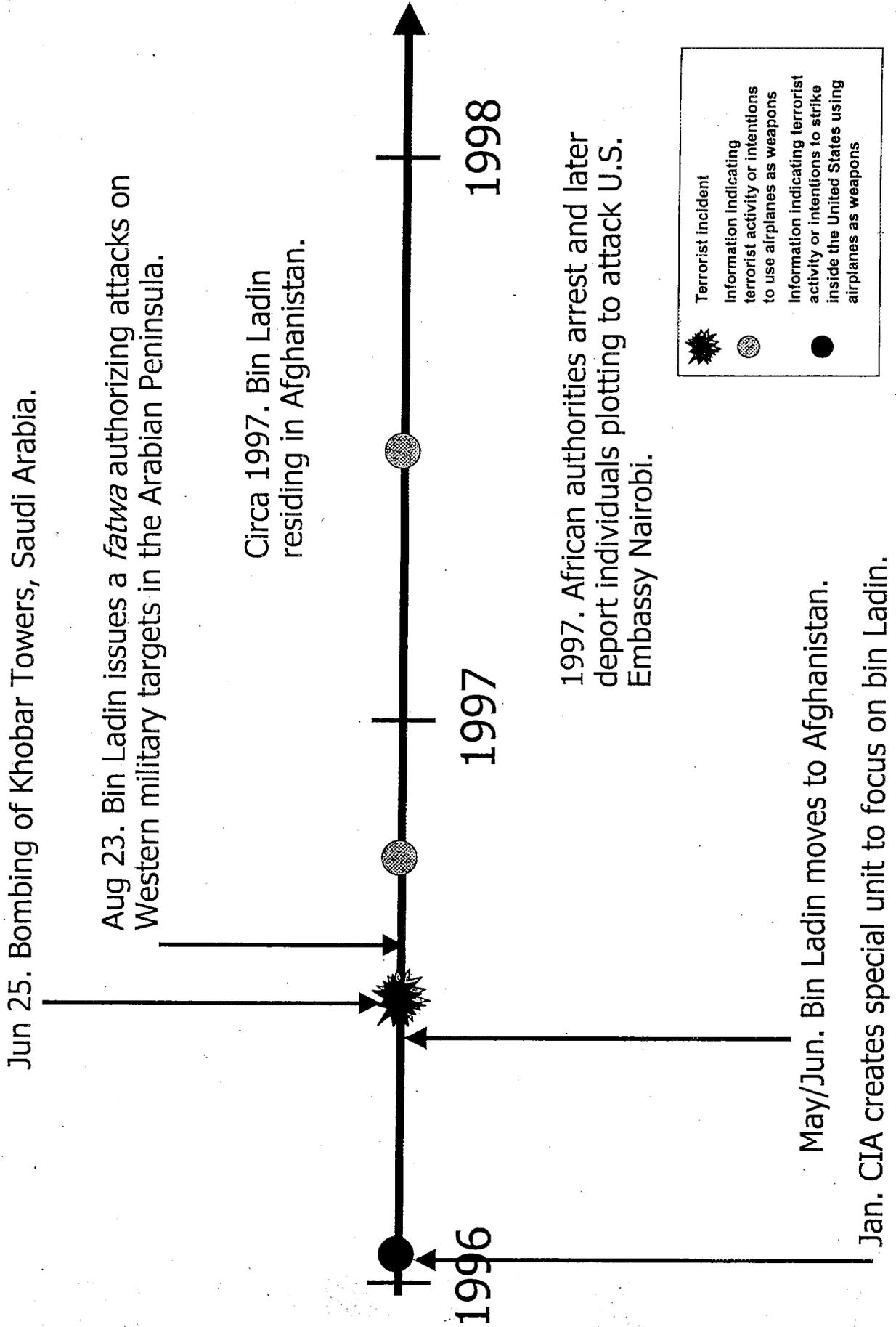
1995

1996

Jan 7. Philippine police raid Ramzi Yousef's apartment in Manila. Bojinka Plot uncovered.

Nov 13. Five Americans killed in bombing of Saudi Arabia National Guard facility, Riyadh, Saudi Arabia.

Circa Apr. Saudi Arabia revokes bin Ladin's citizenship.



Aug 20. U.S. cruise missile strikes against Afghanistan and Sudan. Intelligence Community makes bin Ladin a top priority.

Summer/winter 1998. Two authorizations for counterterrorism activities.

Nov 4. Bin Ladin indicted by federal grand jury.

Aug 7. Bombing of U.S. embassies in Nairobi and Dar es Salaam.

1998. U.S. Government and foreign law enforcement thwart a terrorist attack against U.S. Embassy Tirana.

1998

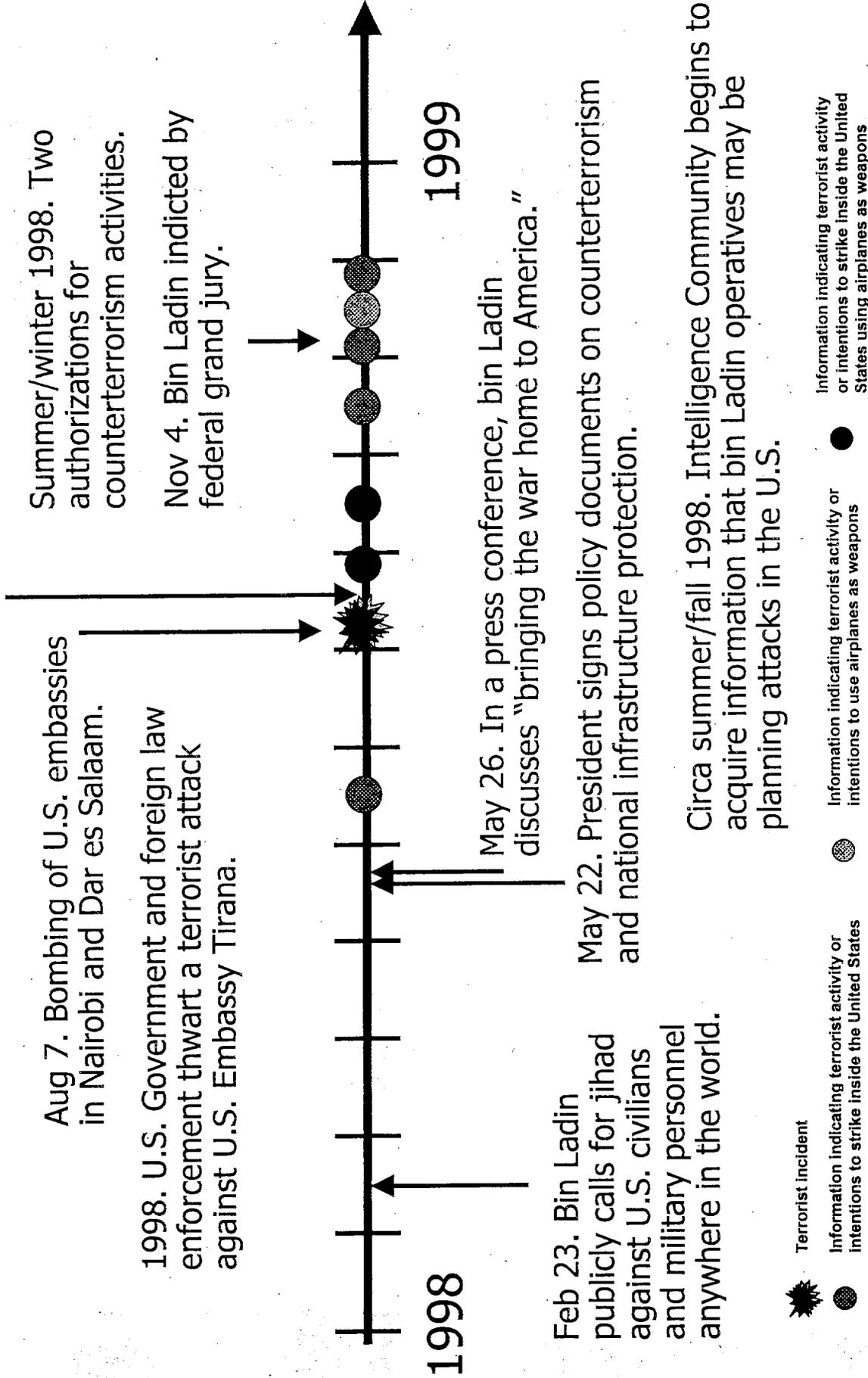
Feb 23. Bin Ladin publicly calls for jihad against U.S. civilians and military personnel anywhere in the world.

1999

May 26. In a press conference, bin Ladin discusses "bringing the war home to America."

May 22. President signs policy documents on counterterrorism and national infrastructure protection.

Circa summer/fall 1998. Intelligence Community begins to acquire information that bin Ladin operatives may be planning attacks in the U.S.

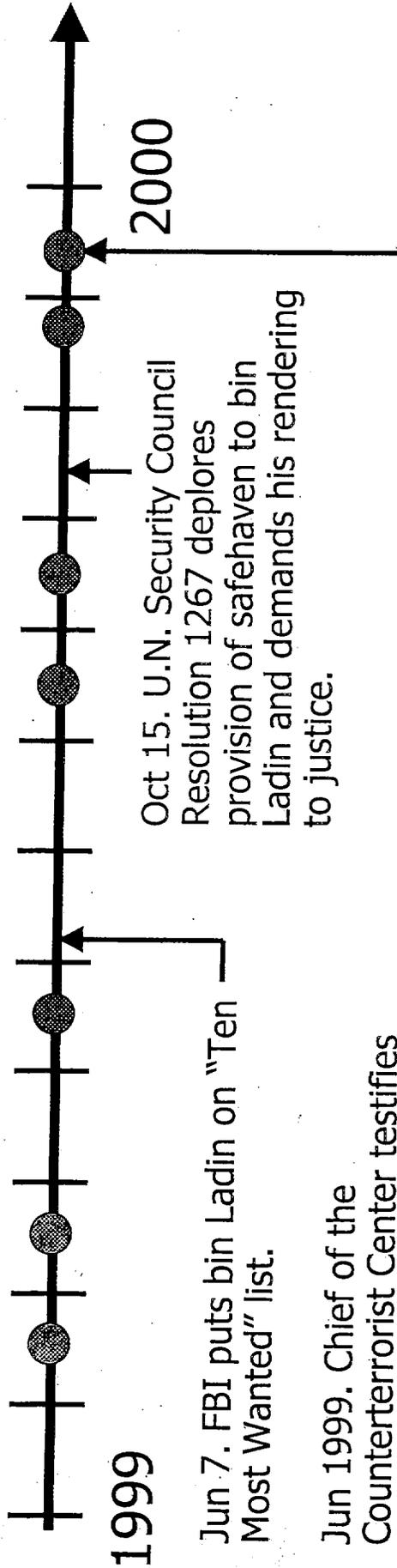


 Information indicating terrorist activity or intentions to strike inside the United States
 Information indicating terrorist activity or intentions to use airplanes as weapons

Circa late 1998 to Spring 2000. Hijackers Atta, al-Shehhi, and Jarrah are together in Hamburg, Germany.

Dec 1999. Atta, al-Shehhi, and Jarrah travel to Afghanistan.

On three separate occasions during the year, the President authorizes counterterrorism activities.



1999

Jun 7. FBI puts bin Ladin on "Ten Most Wanted" list.

Jun 1999. Chief of the Counterterrorist Center testifies before intelligence committees that bin Ladin and associates are planning attacks in the U.S.

Oct 15. U.N. Security Council Resolution 1267 deplores provision of safehaven to bin Ladin and demands his rendering to justice.

2000

Dec 14. Ahmed Ressam arrested attempting to enter Washington State. Numerous foreign intelligence and law enforcement services arrest, detain, or surveil suspected terrorists worldwide.

2000. Attack on a U.S. warship aborted.

Jan 5-8. Meeting of Al Qa'ida operatives in Malaysia.

Jan 15. Two individuals from the Malaysia meeting – al-Mihdhar and al-Hazmi – enter the U.S. Over the next several months, they take flight lessons in San Diego but abandon that effort.

Oct 12-13. Bombing of *USS Cole*, Aden, Yemen. Attack on British Embassy Yemen.

Mar. CIA receives information that al-Hazmi entered the U.S. on Jan 15.

2000



2001

Spring/summer/fall 2000. Hijackers Atta, al-Shehhi, Jarrah enter the U.S. and take flight lessons in Florida.

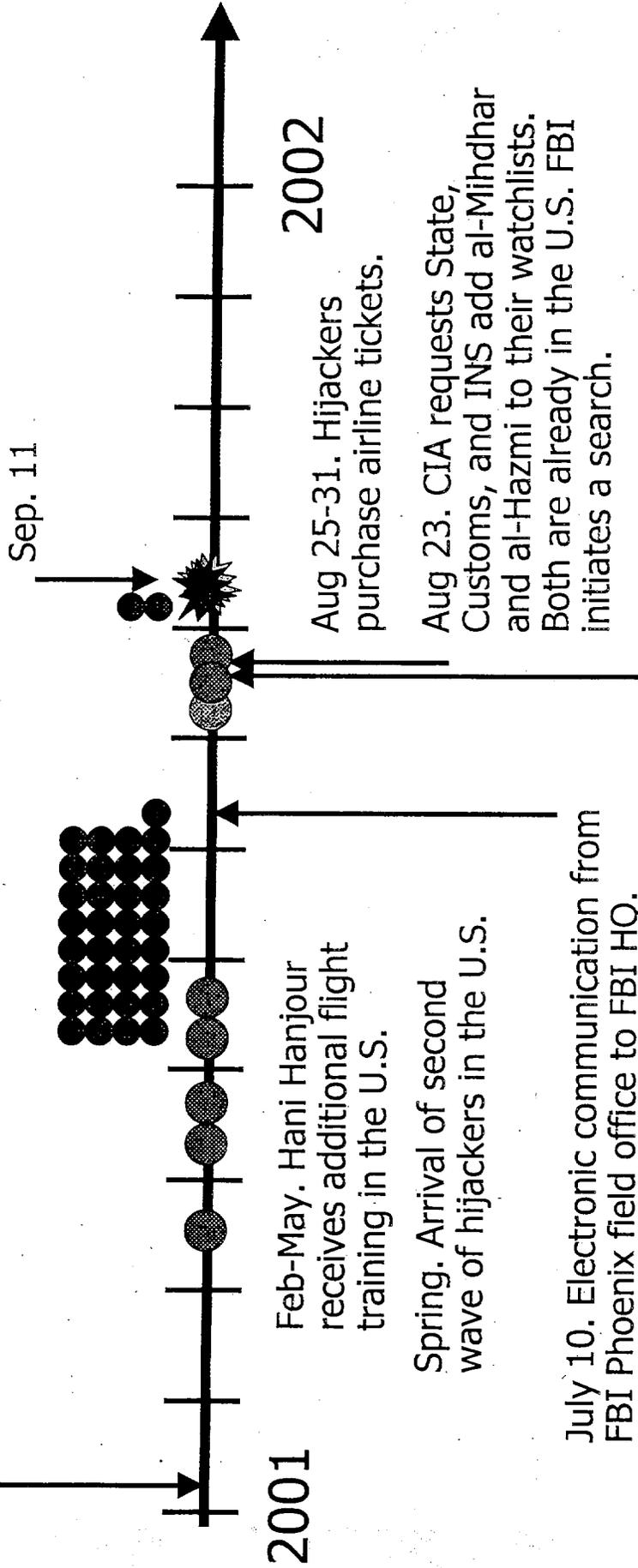
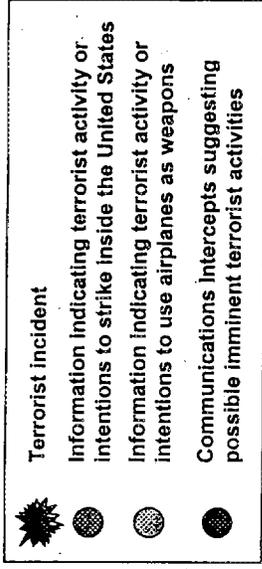
Dec 19. U.N. Security Council Resolution 1333 strongly condemns Taliban for sheltering and training terrorists.

Circa Dec 2000-Feb 2001. *Cole* investigation triggers renewed CIA interest in the Malaysia meeting.

	Terrorist incident
	Information indicating terrorist activity or intentions to strike inside the United States
	Information indicating terrorist activity or intentions to use airplanes as weapons

Jan 4. One of the individuals at the Malaysia meeting is identified as a principal Co/e plotter.

May-Aug. Intelligence Community receives numerous reports indicating an impending terrorist attack. The volume of reports drops off in July and August. Circa Jun-Aug, CIA officers again review information from the Malaysia meeting.



2001

Feb-May. Hani Hanjour receives additional flight training in the U.S.

Spring. Arrival of second wave of hijackers in the U.S.

July 10. Electronic communication from FBI Phoenix field office to FBI HQ.

2002

Aug 25-31. Hijackers purchase airline tickets.

Aug 23. CIA requests State, Customs, and INS add al-Mihdhar and al-Hazmi to their watchlists. Both are already in the U.S. FBI initiates a search.

Aug 16. Zacarias Moussaoui detained.

Jan-Sep. New Administration conducting terrorism policy review. New policy ready for President's consideration on Sep. 10.

APPENDIX

**CIA/FBI FAILURES
IN REGARD TO
TWO OF THE SEPTEMBER 11 HIJACKERS,
THE PHOENIX ELECTRONIC COMMUNICATION,
AND
THE MOUSSAOUI INVESTIGATION**

**(ADAPTED FROM A CHART PRESENTED
BY SENATOR CARL LEVIN
AT THE OCTOBER 17, 2002
JOINT INQUIRY HEARING)**

**CIA/FBI FAILURES IN REGARD TO TWO SEPTEMBER 11 HIJACKERS,
THE PHOENIX ELECTRONIC COMMUNICATION, AND THE MOUSSAOUI INVESTIGATION
(BASED ON CHART PRESENTED BY SENATOR CARL LEVIN AT OCTOBER 17, 2002 JOINT INQUIRY HEARING)**

CIA Failures

<p><u>al-Mihdhar</u></p> <p>1. 1/5/00 – CIA acquires Midhar’s passport information with multiple entry U.S. visa but does not watchlist him.</p> <p>2. 1/8/00 – CIA does not notify FBI when it learns Mihdhar has left Malaysia and, again, does not watchlist him.</p> <p>3. 3/5/00 – CIA Headquarters does not read cable on Hazmi travel to U.S., so does not consider likelihood that Mihdhar traveled with him. CIA does not check to determine whether Mihdhar is in the U.S. until 8/21/01 - 17 months later.</p> <p>4. 1/2001 – CIA does not watchlist Mihdhar after learning he was in Malaysia with Khallad, aka Tawfiq bin Attash, planner of the bombing of <i>USS Cole</i>.</p> <p>5. 6/11/01 – CIA analyst at N.Y. meeting with FBI is aware of Mihdhar travel and visa information but does not pass it on to FBI because “it does not mean anything to [him]” and he does not have permission to reveal operational details.</p>	<p><u>Al-Hazmi</u></p> <p>1. 1/9/00 – CIA has information to determine Hazmi’s full name and learns that Hazmi left Malaysia with Mihdhar on 1/8/00 but does not watchlist Hazmi. Nor does it notify the FBI about the Hazmi travel.</p> <p>2. 1/9/00 – CIA does not check U.S. immigration records to determine whether Hazmi, like Mihdhar, has a U.S. multiple entry visa (which had been used on 4/3/99).</p> <p>3. 3/5/00 – CIA Headquarters does not read cable noting Hazmi travel to U.S., so does not watchlist Hazmi or notify the FBI that he is in the country.</p> <p>4. 1/2001 – CIA does not watchlist Hazmi after learning he was in Malaysia with Khallad, aka Tawfiq bin Attash, planner of the bombing of <i>USS Cole</i>.</p>
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FBI Failures

<p><u>al-Mihdhar</u></p> <p>1. 1/5/00 – CIA notifies FBI about Malaysia meeting, but FBI does not watchlist Mihdhar.</p> <p>2. 8/28/01 – FBI NY agent request for full criminal investigation is denied by FBI Headquarters official. Agent decries the “wall: preventing the sharing of intelligence information with criminal investigators.</p>	<p><u>al-Hazmi</u></p> <p>1. 8/28/01 – After Mihdhar and Hazmi are placed on watchlist, FBI opens investigation on Mihdhar, but not Hazmi. FBI does not check whether Hazmi extended his original U.S. visa (an extension applied for on 7/12/00, and granted on 6/18/01).</p>
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Phoenix 7/10/01 Electronic Communication

<p>1. FBI RFU does not direct that FBI field offices establish liaisons with aviation schools around the country, as requested by the Phoenix agent who wrote the Electronic Communication.</p> <p>2. FBI RFU fails to share the Phoenix Electronic Communication with other agencies prior to September 11, the FBI’s analytical unit, or any of the FBI’s field offices.</p> <p>3. FBI’s New York field office receives the Phoenix Electronic Communication, but does not take action, although personnel there knew that al-Qa’ida had previously received flight training in the U.S.</p>	<p><u>Moussaoui Investigation, August – September 2001</u></p> <p>1. FBI Headquarters and agents in Minneapolis misunderstand legal standard for obtaining a FISA order, believing they have to link Moussaoui to a “recognized foreign power.” Minneapolis wastes time and resources trying to connect Chechen rebels, which FBI did not consider a “recognized foreign power,” to al-Qa’ida.</p> <p>2. On August 24, CTC alerts CIA stations worldwide about Moussaoui. FBI waits until September 4 to send teletype to Intelligence Community and other government agencies, noting that Moussaoui was in custody, but not describing any particular threat, i.e., that he might be connected to a larger plot. The teletype did not recommend that addressees take action or look for additional indicators of a terrorist attack.</p> <p>3. FBI does not connect Moussaoui with heightened threat in Summer 2001, the Phoenix Electronic Communication, or Mihdhar and Hazmi’s entry into U.S.</p>
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APPENDIX

**THE
PHOENIX
ELECTRONIC COMMUNICATION**

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/10/2001

To: Counterterrorism

Attn: RFU
SSA
IRS

SEARCHED
SERIALIZED
INDEXED
FILED

[REDACTED]

New York

From: Phoenix

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: (S) [REDACTED] (Pending)

Title: (S) [ZAKARIA MUSTAPHA SOUBRA;
IT-OTHER [REDACTED]]

Synopsis: (S) UBL [REDACTED] supporters attending civil aviation universities/colleges in the State of Arizona.

(S) Derived From: G-3
Declassify On: X1

(S) Full Field Investigation Instituted: 04/17/2000 (NONUSPER)

Details: (S) [The purpose of this communication is to advise the Bureau and New York of the possibility of a coordinated effort by USAMA BIN LADEN (UBL) to send students to the United States to attend civil aviation universities and colleges. Phoenix has observed an inordinate number of individuals of investigative interest who are attending or who have attended civil aviation universities and colleges in the State of Arizona. The inordinate number of these individuals attending these type of schools and fatwas [REDACTED]

~~SECRET~~

602672/4
CID
46

~~SECRET~~

To: Counterterrorism From: Phoenix
Re: [REDACTED] 07/10/2001

(S)
[REDACTED] gives reason to believe that a coordinated effort is underway to establish a cadre of individuals who will one day be working in the civil aviation community around the world. These individuals will be in a position in the future to conduct terror activity against civil aviation targets.

(S) Phoenix believes that the FBI should accumulate a listing of civil aviation universities/colleges around the country. FBI field offices with these types of schools in their area should establish appropriate liaison. FBIHQ should discuss this matter with other elements of the U.S. intelligence community and task the community for any information that supports Phoenix's suspicions. FBIHQ should consider seeking the necessary authority to obtain visa information from the USDOS on individuals obtaining visas to attend these types of schools and notify the appropriate FBI field office when these individuals are scheduled to arrive in their area of responsibility.

(S) Phoenix has drawn the above conclusion from several Phoenix investigations to include captioned investigation and the following investigations: [REDACTED], a Saudi Arabian national and two Algerian Islamic extremists [REDACTED]

(S) Investigation of ZAKARIA MUSTAPHA SOUBRA was initiated as the result of information provided by [REDACTED] a source who has provided reliable information in the past. The source reported during April 2000 that SOUBRA was a supporter of UBL and [REDACTED]. SOUBRA arrived in Arizona from London, England on 08/27/1999 on an F-1 student visa to attend EMBRY RIDDLE UNIVERSITY (ERU), Prescott, Arizona. ERU only teaches courses related to the field of aviation. SOUBRA is an Aeronautical Engineering student at ERU and has been taking courses in "international security" relating to aviation. SOUBRA, within weeks of his arrival at Prescott, Arizona, [REDACTED] supporting UBL, at Mosques located throughout Arizona. SOUBRA has also organized anti United States and Israeli demonstrations in the area of ARIZONA STATE UNIVERSITY (ASU), Tempe, Arizona. He has also established and organized an Islamic student association on the ERU campus organizing the Muslim student population on the ERU campus.

(S) Phoenix has identified several associates of SOUBRA at ERU who arrived at the university around the same time that he

~~SECRET~~

To: Counterterrorism From: Phoenix
Re: ~~(S)~~ [REDACTED] 07/10/2001

did. These individuals are Sunni Muslims who have the same radical fundamentalists views as SOUBRA. They come from Kenya, Pakistan, United Arab Emirates, India, Saudi Arabia and Jordan. SOUBRA's associates are ~~(S)~~

~~(S)~~ [REDACTED]

~~(S)~~ The above individuals are involved with SOUBRA and regularly participate in meetings with him in Prescott, Arizona.

~~(S)~~ FBIHQ, IRS [REDACTED] RFU, wrote an analytical paper on the [REDACTED] dated 11/09/1999, in support of FBINY investigation captioned: [REDACTED]

[REDACTED] research paper can be found in [REDACTED]. The following information was gleaned from IRS research paper.

~~SECRET~~

To: Counterterrorism From: Phoenix
Re: (S) [REDACTED] 07/10/2001

(S) [REDACTED]

(S) [REDACTED]

(S) [REDACTED]

(S) " The Fatwa is jihad against the U.S. and British government, armies, interests, airports (emphasis added by FBI Phoenix), and instructions and it has been given because of the U.S. and British aggression against Muslims and the Muslim land of Iraq...we...confirm that the only Islamic Fatwa against this explicit aggression is Jihad. Therefore the message for the British governments or any other government of non-Muslim countries is to stay away from Iraq, Palestine, Pakistan, Arabia, etc...or face full scale war of Jihad which it is the responsibility and the duty of every Muslim around the world to participate in...We...call upon...Muslims around the world including Muslims in the USA and in Britian to confront by all means whether verbally, financially, politically or militarily the U.S. and British aggression and do their Islamic duty in relieving the Iraqi people from the unjust sanctions."

(S) SOUBRA was interviewed by FBI Phoenix on 04/07/2000 and 05/11/2000 at his residence. On 04/07/2000, interviewing Agents observed photocopied photographs of UBL, IBN KHATTAB and wounded Chechnyan Mujahadin tacked to his livingroom wall. SOUBRA admitted to [REDACTED] in the State of Arizona. SOUBRA stated that he considers the United States Government and U.S. Military forces in the Gulf as "legitimate military targets of Islam." He also stated that the targeting of the U.S. Embassies in Africa was "legitimate." SOUBRA denied having received any military training. However; Phoenix believes that SOUBRA was being less than truthful in this

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To: Counterterrorism From: Phoenix
Re: [REDACTED] 07/10/2001

regard. SOUBRA was defiant towards interviewing Agents and it was clear that he was not intimidated by the FBI presence. It is obvious that he is a hardcore Islamic extremist who views the U.S. as an enemy of Islam. Investigation of SOUBRA is continuing.

(S) [REDACTED]

(S) [REDACTED]

(S) [REDACTED]

(S) [REDACTED]

~~SECRET~~

~~SECRET~~

To: Counterterrorism From: Phoenix
Re: (S) [REDACTED] 07/10/2001

(S) [REDACTED]

(S) [REDACTED]

(S) [REDACTED]

(S) Phoenix believes that it is more than a coincidence that subjects who are supporters of UBL are attending civil aviation universities/colleges in the State of Arizona. As receiving offices are aware, Phoenix has had significant UBL associates/operatives living in the State of Arizona and conducting activity in support of UBL. [WADIH EL-HAGE, a UBL lieutenant recently convicted for his role in the 1998 bombings of U.S. Embassies in Africa, lived in Tucson, Arizona for several years during the 1980s.]

[REDACTED]

~~SECRET~~

~~SECRET~~

To: Counterterrorism From: Phoenix
Re: (S) [REDACTED] 07/10/2001

[REDACTED]

(S) This information is being provided to receiving offices for information , analysis and comments.

~~SECRET~~

~~SECRET~~

To: Counterterrorism From: Phoenix
Re: (S) [REDACTED] 07/10/2001

LEAD(s):

Set Lead 1:

COUNTERTERRORISM

AT WASHINGTON, DC

(S) The RFU/UBLU is requested to consider implementing the suggested actions put forth by Phoenix at the beginning of this communication.

Set Lead 2:

NEW YORK

AT NEW YORK, NEW YORK

(S) Read and Clear

◆◆

~~SECRET~~

MAY 29 2003



12-21-03
11:23:52

ENLIFE Connection - EntireConnection - [1]
12-21-03 11:23:52

ICMML02

Set Assigned Stat

Set	Assigned Stat
07/27/01	07/30/01
07/27/01	07/30/01
04/06/01	04/06/01
04/06/01	04/11/01
02/28/01	03/01/01
12/15/00	01/02/01
12/15/00	01/02/01
12/15/00	12/19/00
06/19/00	06/20/00
05/01/00	11/27/00
05/01/00	05/16/00
05/01/00	00/18/00

ENLIFE

ENLIFE Connection - EntireConnection - [1]

NO. 072 P. 11



APPENDIX

**MOUSSAOUI-RELATED
FBI FIELD AGENT NOTES
AND
FIELD OFFICE/HEADQUARTERS E-MAILS***

* The contents of this Appendix have been withheld at the request of the Department of Justice so as to avoid any impact on the prosecution of Zacharias Moussaoui.

APPENDIX

**GENERAL ACCOUNTING OFFICE
ANALYSIS
OF
U.S. ANTHRAX ATTACKS**

**SUMMARY
OF
JOINT INQUIRY REVIEW
OF
ANTHRAX ATTACKS**

In October 2001, the Congress, the United States Postal Service (USPS), and elements of the domestic infrastructure were the targets of anthrax attacks that eventually killed five Americans. The Joint Inquiry requested that the General Accounting Office review those attacks, focusing on the difficulty of producing and spreading anthrax, mail as a delivery system, the status of USPS efforts to detect anthrax, the federal investigation into the attacks, and how the government is preparing for other incidents.

When the Joint Inquiry report was filed, the GAO investigation had been substantially completed, with an initial finding that no consensus exists among experts regarding the ease with which terrorists or a disgruntled scientist could effectively produce and disseminate anthrax on U.S. soil. According to the GAO, technical experts believe that it would be very difficult to overcome technical and operational challenges to produce and deliver biological warfare agents sufficient to cause mass casualties.

According to the experts the GAO interviewed, delivery of anthrax by mail is not as efficient a method of producing mass casualties as military technologies. However, in the public's mind and in terms of economic damage, anthrax powder in the mail represents a potentially significant problem. The USPS effort to defend against biological agents illustrates a key aspect of homeland defense: the distinction between reactive and proactive operational environments. Whereas the nation's posture had been to prevent attacks against military facilities, the anthrax attacks targeted civilian facilities that unprepared to react.

~~LIMDIS FOUO~~

According to the GAO, the FBI is aware of numerous anthrax incidents throughout the United States, which were random in nature and determined to be hoaxes. Because this was the first time the FBI responded to an actual attack, however, there was some initial confusion about the investigative roles and responsibilities of various agencies. The Bureau has recognized the need to involve subject-matter experts and, as a result, its investigative teams include scientists, criminal investigators, hazardous-material experts, investigators from other federal agencies, and federal laboratories.

As a result of the anthrax attacks, the FBI and other investigative agencies have increased attention on chemical and biological threats. These agencies have reached agreements delineating roles and responsibilities, increased liaison with public health officials, developed a Center for Disease Control and FBI handbook for conducting investigations, and identified state and local officials who need security clearances for access to classified information.

To date, no connection has been established between the anthrax attacks and the terrorist attacks of September 11.

A copy of the GAO report follows.

~~LIMDIS FOUO~~



G A O

Accountability * Integrity * Reliability

United States General Accounting Office
Washington, DC 20548

December 6, 2002

The Honorable Bob Graham,
Chairman, Select Committee on Intelligence
United States Senate

The Honorable Richard Shelby
Vice Chairman, Select Committee on Intelligence
United States Senate

The Honorable Porter J. Goss
Chairman, Permanent Select Committee on Intelligence
House of Representatives

The Honorable Nancy Pelosi
Ranking Minority Member
Permanent Select Committee on Intelligence
House of Representatives

Subject: Analysis of U.S. Anthrax Attacks

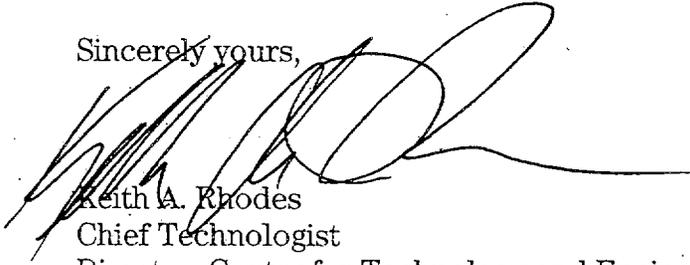
The purpose of this letter is to transmit a copy of our statement for inclusion in the Committee record, regarding our response to your request to collect information on the October 2001, anthrax in the United States using the United States Postal Service (USPS) as a vehicle. To address this objective, we specifically drew upon the biodetection work we are conducting at the USPS and the chemical-biological defense work we are performing at the Department of Defense. We have also collected the Federal Bureau of Investigation's response to last year's anthrax attacks, and analyzed new information regarding the steps necessary to produce dry anthrax spores.

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This assignment was conducted by staff from our Applied Research and Methods team and Office of Special Investigations under assignment code 460539. If you have any questions, please contact Sushil Sharma, Assistant Director, Center for

Technology and Engineering, at (202) 512-3460, Don Fulwider, Assistant Director, Office of Special Investigations at (202) 512-7413, or me at (202) 512-6412. We can also be reached at SharmaS@gao.gov, FulwiderD@gao.gov, or RhodesK@gao.gov, respectively.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Keith A. Rhodes', written over a large, stylized, circular flourish.

Keith A. Rhodes
Chief Technologist
Director, Center for Technology and Engineering
Applied Research and Methods

GAO

Testimony

Before the Select Committee on Intelligence, U.S. Senate, and the Permanent Select Committee on Intelligence, House of Representatives

Tuesday, December 10, 2002

DIFFUSE SECURITY
THREATS

Information on U.S.
Domestic Anthrax Attacks

Statement for the Record by Keith Rhodes,
Chief Technologist,
Center for Technology and Engineering

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Released
by
GAO
6/12/03



GAO

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Mr. Chairman and Members of the Joint Committee:

As you requested in your letter of October 31, 2002, we are pleased to submit our statement for the record on the anthrax threat. We collected this information as part of several ongoing and completed projects dealing with the anthrax threat, the anthrax vaccine, and technologies to detect and identify anthrax spores,¹ that is, anthrax in a powder form. As you requested, my testimony will focus on the following questions: (1) How easy is it to produce and weaponize anthrax? (2) What studies were conducted to test mail as a weapon delivery system? And (3) what is the status of the United States Postal Service's (USPS) efforts to detect anthrax in the mail? You also requested that we provide an overview of federal law enforcement agencies' initial investigation in response to the October 2001 anthrax attack and how these agencies are preparing for similar incidents in the future.

In conducting our work on anthrax production processes, we identified and consulted with a wide range of current and retired experts in anthrax and biological weapons production processes from the U.S. Army's Dugway Proving Grounds, Utah, a principal site of biological weapons testing; the U.S. Army Medical Research Institute of Infectious Diseases, Ft. Detrick, Maryland; the Institute of Genomic Research, Bethesda, Maryland; the University of Arizona, Tucson, Arizona; and the United Kingdom.

In conducting our work on USPS's efforts to detect anthrax in the mail, we reviewed documents associated with USPS efforts to procure anthrax detection devices, met with USPS officials, and also met with industry experts and vendors representing the technologies USPS is considering. We also met with officials of the Canadian Defense Research Establishment Suffield (DRES) and observed the results of their tests of anthrax in mail in an office setting.

Finally, in conducting our work on how law enforcement agencies responded to the October 2001 anthrax attack, we contacted representatives from the Federal Emergency Management Agency; the Environmental Protection Agency's (EPA) Office of Criminal

¹See U.S. General Accounting Office, *Diffuse Security Threats: Technologies for Mail Sanitization Exist, but Challenges Remain*, GAO-02-365 (Washington, D.C.: April 23, 2002) and *Diffuse Security Threats: USPS Air Filtration Systems Need More Testing and Cost Benefit Analysis before Implementation*, GAO-02-838 (Washington, D.C.: August 22, 2002).

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Enforcement, Forensics and Training (OCEFT); the Federal Bureau of Investigation's (FBI) Weapons of Mass Destruction Unit and Washington Field Office; USPS's Manager for Environmental Management, Incident Commander for the Brentwood facility, and Postal Inspector; and the Department of Health and Human Services' Office of Public Health Preparedness and Centers for Disease Control and Prevention (CDC).

The work on which this statement is based began in November 2001 and has continued through November 2002, and it was conducted in accordance with generally accepted government auditing standards.

Background

As of October 2002, intelligence assessments have not changed since 1990 for chemical and biological warfare threats on the battlefield or by terrorists. This is especially true, intelligence analysts told us, in terms of the numbers of countries suspected of developing anthrax spores, the types of biological agents these countries are known to possess, and their ability to weaponize and deliver such agents.² Unfortunately, for assessing a similar nonbattlefield threat, there are no current data on which to base an estimate apart from data on the October 2001 attack.

As to the terrorist threat, according to officials at the State Department's Diplomatic Security and at the Central Intelligence Agency, no clear evidence exists at this time that U.S. missions or interests overseas are threatened by foreign states or terrorist attacks using chemical and biological agents. According to these officials, terrorist attacks involving the use of conventional bombs are considered the greatest threat to U.S. overseas missions.³

In 1998, at least 12 U.S. abortion clinics received letters that claimed to contain anthrax powder, followed by more than 35 such letters in 1999 and over 30 in 2000. All of these were found to be hoaxes. In addition, DOD committed to a program on December 15, 1997, to vaccinate the entire military because it considered anthrax powder to be a major battlefield

²See also U.S. General Accounting Office, *Medical Readiness: Safety and Efficacy of the Anthrax Vaccine*, GAO/T-NSIAD-99-148 (Washington, D.C.: April 29, 1999).

³See U.S. General Accounting Office, *State Department: Serious Problems in the Anthrax Vaccine Immunization Program*, GAO-01-21 (December 13, 2000).

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threat.⁴ Simultaneously, the American public was introduced to biological warfare threats in a series of evening prime-time television addresses, including one by then-Secretary of Defense William Cohen, showing the relative power of bio-weapons. There was much attendant publicity, both about the importance of the threat and concerns about the safety and efficacy of the vaccine. From 1998 to September 2001, more than 400 anthrax powder hoaxes occurred in the United States. While much attention has been paid to the anthrax letters sent in October 2001, more than 750 hoax letters involving anthrax threats were sent worldwide in October and November 2001. According to a non-profit center specializing in issues related to weapons of mass destruction, a single group, called the Army of God, sent more than 550 hoax letters to abortion clinics in the United States.

Ease of Production of Anthrax Spores

As you know, many conflicting statements have been made in public testimony before Congress and in the press concerning the ease or difficulty with which terrorists or a lone scientist could effectively disseminate, on U.S. soil, a chemical or biological agent, specifically anthrax, and cause mass casualties. As to the biological agents, all of the experts we met with agreed that while a laboratory scientist may be able to grow cultures of some bio-agents, the production and use of most biological warfare agents would require a relatively high degree of sophistication in terms of both expertise and equipment.

According to technical experts in the many fields associated with biological agents, including those formerly with state-sponsored offensive biological weapons programs, it would be very difficult for a terrorist to overcome major technical and operational challenges to effectively and successfully weaponize and deliver a biological warfare agent to cause mass casualties.⁵ If terrorists could overcome these obstacles, experts believe that those without a prior knowledge of these agents would have to conduct extensive experimentation to perfect their skills, which would

⁴In July 2000, DOD ordered a temporary slowdown of its program because the U.S. anthrax vaccine manufacturer could not win Food and Drug Administration (FDA) approval of its manufacturing process and facilities. In January 2002, FDA approved the U.S. manufacturer's facilities and vaccine manufacturing process and DOD announced the resumption of its anthrax vaccination program in June 2002.

⁵See U.S. General Accounting Office, *Combating Terrorism: Need for Comprehensive Threat and Risk Assessments of Chemical and Biological Attacks*, GAO/NSIAD-99-163 (Washington, D.C.: September 7, 1999).

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result in their increased risk of discovery. Specialized knowledge is needed to acquire the right biological warfare agent, process it, improvise a weapon or device, and effectively deliver it to cause mass casualties.

To make high-quality anthrax powder, a number of challenging steps and specialties are involved:

- Acquisition of a virulent strain of anthrax (such as the Ames strain), by (1) locally isolating a strain from a dead animal, (2) purchasing a small sample from an organization that already possessed it, or (3) stealing or by other means obtain it from a laboratory known to possess it.
- Culturing or growing the organism to yield a large quantity, which could be done in commercially available fermenters or on agar plates (if fermented, the result is a slurry or liquid concentrate; if on an agar plate, the result is a wet paste).
- Harvesting, washing, and concentrating the cultured sample, typically done in a centrifuge, which also removes most of the liquid and results in a wet paste.⁶
- Drying and grinding or milling the sample to sufficiently small size,⁷ including milling the spores to achieve the required particle size, and, possibly, adding appropriate chemicals to prevent aggregation of spores and to reduce static charge.⁸
- Testing to confirm dispersion patterns and potency to cause mass casualties, unless the perpetrators are highly confident of their abilities.

Studies Conducted to Test Mail as a Delivery System for Anthrax

Prior to 1998, the military did not envision mail as a delivery system for anthrax powder. In 1998, SAIC, a defense contractor, asked a scientist from the former U.S. offensive biological weapons program, to articulate in a paper several scenarios for delivery of biological warfare agents to support decontamination and containment. One of these scenarios included anthrax powder being sent through the mail. According to this

⁶Experts told us that anthrax production is not an exact science. The yield and quality of each batch is variable even when produced legitimately in a highly sophisticated facility.

⁷There are several drying and milling methods. Some will greatly increase the static charge, and some will reduce the efficiency of the production. Any anthrax powder of < 5 microns is essentially a vapor.

⁸While it has been suggested that static charge could be reduced without adding chemicals, we have not been provided data to support this assertion. At this point, containment becomes imperative if the perpetrator wants to leave no evidence and protect himself or herself.

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paper, if a letter contained more than 2 to 3 grams of powder, it would be relatively easy to detect by its visible shape. In addition, the author believed, by sending the anthrax in a letter, the area of contamination would be limited, so decontamination procedures could be implemented successfully. In this paper, however, the operational environment of automated mail processing was not considered.

In Canada, the first Canadian anthrax hoax letter incident occurred on January 30, 2001, at the Citizenship and Immigration Office. Since no experimental study on which to base a realistic assessment of the threat posed by these "anthrax letters" could be found, Defense Research Establishment Suffield (DRES), a Canadian defense research and development organization, undertook a series of experiments to determine the extent of the hazard. This study was an attempt to (1) mimic what might occur in an office or mailroom if an envelope containing anthrax powder was received and opened and (2) estimate the aerosol release of the anthrax powder from the letters. This study also did not consider the operational environment of automated mail processing. Although this study was not published until October 1, 2001, DRES officials provided a schedule of briefings that were conducted through the spring and summer of 2001, when the results of the study were discussed.

The results indicated that dispersion of spores in an office setting would be far more effective than had initially been suspected. Significant numbers of aerosolized particles (>99% in the 2.5 to 10 micron size range) were released when envelopes, containing 0.1 or 1.0 grams of anthrax powder, were opened. A lethal dose could be inhaled within seconds of opening such an envelope. In addition, the powder quickly spread throughout the room so that if other workers were present, depending on their location and the airflow within the office, they would also be likely to inhale a lethal dose. The results also indicated that envelopes with corners not totally sealed could pose a threat to individuals in the mail-handling system. However, it is important to note that the scientists were only evaluating the anthrax threat that could result from opening an anthrax-contaminated letter. They did not evaluate whether the mail going through the pinch rollers in a postal sorting machine could also result in secondary contamination. Although these results are significant with respect to local area contamination, overall, the mail as a means of producing mass casualties remains an inefficient method of dissemination as compared with the various military technologies. Nonetheless, in terms of public concerns and economic damage, anthrax powder in the mail represents a potentially significant problem.

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USPS Efforts to Detect Anthrax in the Mail

USPS has been pursuing several approaches, including procedural changes and a number of currently available technologies, to reduce risk through early detection of biohazards, primarily anthrax. USPS has identified several key areas of focus, including (1) redesign of mail collection boxes for both risk reduction and detection, (2) development of technology and procedures to reduce the volume of “anonymous” mail, (3) deployment of vacuum/filtration technology on automated sorting equipment, (4) use of mass spectrometry for detection, and (5) pursuit of a variety of technologies to aid investigators in finding whoever was responsible for earlier anthrax attacks through the mail and deterring future attempts at placing biohazards in the mail.

To date, USPS has focused on systemwide detection technology—centered mainly on Polymerase Chain Reaction (PCR) detection—placed on the initial operation in processing facilities for mail with the greatest risk, which is picked up at collection boxes, residences, and small businesses.⁹ USPS continues to face challenges in developing this technology for its operational environment. USPS continues to work with the manufacturers of several different technologies and is conducting additional testing and prototyping to fully determine the viability of these technologies in a mail processing environment. We are continuing to monitor USPS efforts to procure and deploy these technologies.

The USPS efforts to defend against biological agents illustrate a key aspect of homeland defense—namely, the distinction between reactive and proactive operational environments. Prior to the October 2001 letters containing anthrax powder, the vast majority of technologies and techniques for defending against biological agent attacks were based on a post-release reaction approach. This post-release approach assumed that the delivery of the biological warfare agent would be via a known weapon system; that the target would be an active military site; that the soldiers at the site would be protected by adequate training, clothing, and prophylaxis; and that a high number of false positive detections would not hinder the site’s operations in any significant way.

The USPS efforts illustrate a completely new proactive environment and concept of operations for these techniques and technologies. The USPS

⁹PCR technology is able to detect small quantities of DNA with a particular genetic sequence (e.g., anthrax) and is the nucleus of the biohazard detection system (BDS) specifically designed for USPS.

environment is a civilian one, in which the assumptions are that affected people would not have the full protection and training that would be available in a battlefield setting; that the biological warfare agent would have to be intercepted prior to its release, to minimize the impact on both humans and operations; that the delivery mechanism may not be obvious; and that the rate of false positive detection must be minimal in order to avoid unnecessary interruption to normal mail processing activities. As we stated earlier, overcoming the lack of data on the threat in this domestic civilian environment will be critical to USPS success in establishing a biological agent defense.

Overview of Law Enforcement's Initial Response to the Anthrax Attack

The FBI as lead investigative agency is currently investigating a series of bioterrorism incidents using anthrax spores that were sent through the mail and which resulted in 22 anthrax cases, including five deaths, since October 3, 2001. This is the first time the FBI has conducted this kind of investigation. The FBI's investigative team includes criminal investigators with scientific knowledge. In addition, the FBI has reached out to the scientific community to gain additional scientific knowledge about anthrax. Further, the FBI's HAZMAT Response Team was used to gather evidence at various crime scenes contaminated by anthrax utilizing Personal Protection Equipment.¹⁰ The FBI also utilized the expertise of (1) EPA's Office of Criminal Enforcement, Forensics and Training (OCEFT) to assist in gathering evidence at one of the crime scenes, the Senate Hart Building; (2) USPS's Postal Inspector in collecting evidence involving the contamination of the mail system; (3) CDC and the Florida health unit that initially reported the first anthrax case; and (4) Department of Defense laboratories.

The FBI had previously been made aware of numerous anthrax incidents throughout the United States, which were random in nature and determined to be hoaxes. Because this was the first time the FBI responded to an actual anthrax attack, there was some confusion about the investigative roles and responsibilities of relevant agencies. As a result, the FBI recognized the need for increased coordination with public health officials, including CDC, and other investigative agencies. The CDC particularly is a key agency in any biological terrorist threat because it is

¹⁰The FBI has 17 Field Offices that have HAZMAT Response Teams that are fully trained and equipped to respond to a hazardous material incident. These teams work in conjunction with the state and local first responders, to assess and evaluate the incident and provide direction to obtain evidence that could be used in subsequent prosecutions.

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able to identify biological agents and has the tools to investigate and respond quickly.

Current Efforts to Prepare for Future Bioterrorist Attacks

The anthrax investigation has prompted the FBI and other investigative agencies to focus additional attention on the chemical and biological threat. Some of these efforts include (1) agreements among the FBI, other federal agencies, and state and local governments delineating each organization's role; (2) increasing liaison efforts with public health officials; (3) preparation by the FBI and CDC of a handbook for conducting investigations involving biological agents; and (4) identification of key state and local officials needing security clearances to allow access to classified information.

Mr. Chairman, thank you for giving us the opportunity to submit this statement. If you have any questions on the statement or follow-up questions, we will be happy to respond.

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APPENDIX

CTC WATCHLISTING GUIDANCE

DECEMBER 1999

CTC WATCHLISTING GUIDANCE

December 1999

Questions raised by Senator Shelby and his staff in December 2002 prompted the Joint Inquiry to inquire further regarding whether CIA's Counterterrorist Center (CTC) had any established guidance concerning the watchlisting program. The Joint Inquiry had asked CTC about such watchlisting guidance in April 2002, and had been told in a written CIA response that no such guidance existed.

As a result of this renewed request, the Joint Inquiry was able to determine that CTC had sent a cable in December 1999 to all Directorate of Operations (DO) stations and bases, the subject of which was "Terrorism Guidance." The cable was designated as "Read and Retain," and its purpose was to remind DO personnel of pre-existing, periodically republished guidance regarding several important subjects of relevance to their counterterrorism efforts. The Joint Inquiry also determined that the unit in CTC that was responsible for matters relating to Usama Bin ladin and al-Qa'ida received a copy of the cable.

One paragraph of the nine paragraph "Terrorism Guidance" cable (see attached copy) reminded recipients of the procedures for watchlisting "potential," "possible," "known," or "suspected" terrorists. The guidance stated, in part, that:

. . . It is important to flag terrorist personality information in DO intelligence reporting for [the State Department watchlist program] so that potential terrorists may be watchlisted. Information for inclusion in [the State Department watchlist program] must raise a reasonable suspicion that the individual is a possible terrorist . . . Information for [the State Department watchlist] program should be based on the following priorities:

-- known or suspected terrorists who pose or may pose a present threat to U.S. interests in the United States or abroad:

. . . .

Thus, CTC personnel and CIA station and base personnel abroad were reminded in December 1999 of the existence, importance and thresholds of the watchlisting program shortly before CTC learned in January 2000 that a known al-Qa'ida associate – al-Mihdhar – possessed a multiple entry U.S. visa; one month before the Malaysia meeting; and three months before CTC received information from the field indicating that at least one known al-Qa'ida associate – Nawaf al-Hazmi – had traveled to the United States.

~~SECRET~~

DOSE

DIRECTOR 676309

11 DECEMBER 1999

5. VISAVIPER PROGRAM:

THE VISAVIPER PROGRAM PROVIDES A CONSULAR CHANNEL FOR WATCHLISTING POTENTIAL TERRORISTS BY CONTRIBUTING TERRORIST PERSONALITY INFORMATION FOR THE STATE DEPARTMENT'S UNCLASSIFIED CLASS AND CLASSIFIED TIPOFF DATABASES. IT IS IMPORTANT TO FLAG TERRORIST PERSONALITY INFORMATION IN DO INTELLIGENCE REPORTING FOR VISAVIPER SO THAT POTENTIAL TERRORISTS MAY BE WATCHLISTED. INFORMATION FOR INCLUSION IN VISAVIPER MUST RAISE A REASONABLE SUSPICION THAT THE INDIVIDUAL IS A POSSIBLE TERRORIST, AND BIOGRAPHIC DATA MUST BE SUFFICIENT FOR IDENTIFICATION PURPOSES OR STATE DEPARTMENT WILL NOT MAKE A VISAVIPER ENTRY. INFORMATION FOR THE VISAVIPER PROGRAM SHOULD BE BASED ON THE FOLLOWING PRIORITIES:

--KNOWN OR SUSPECTED TERRORISTS WHO POSE OR MAY POSE A PRESENT THREAT TO U.S. INTERESTS IN THE UNITED STATES OR ABROAD;

--KNOWN OR SUSPECTED TERRORISTS NOT NOW KNOWN TO BE ENGAGED IN TERRORIST ACTIVITIES AGAINST U.S. INTERESTS BUT WHO WERE SO ENGAGED WITHIN THE PAST 15 YEARS;

--KNOWN OR SUSPECTED TERRORISTS WHO ARE CURRENTLY ENGAGING IN TERRORIST ACTIVITY AGAINST NON-U.S. INTERESTS, OR WHO WERE SO ENGAGED WITHIN THE PAST TEN YEARS.

~~SECRET~~

APPENDIX

THE JOINT INQUIRY IN COURT

THE JOINT INQUIRY IN COURT

On August 20, 2002, the Department of Justice (DOJ) filed a motion in *United States v. Moussaoui*, Crim. No. 01-455-A, in the Eastern District of Virginia, concerning potential disclosure in the Joint Inquiry's public hearings and reports of information provided by the Federal Bureau of Investigation (FBI) and other Executive Branch agencies about the Government's investigation of Zacarias Moussaoui. The relief sought by DOJ would have imposed significant limitations on the Joint Inquiry's ability to inform the public about the FBI's conduct of its Moussaoui investigation in the weeks leading up to September 11, 2001. For that reason, the Joint Inquiry appeared before Judge Leonie Brinkema, the presiding judge in the Moussaoui prosecution, to oppose DOJ's motion. The issue was finally resolved favorably for the Joint Inquiry in a court order on September 23, 2002 that effectively cleared the way for FBI testimony at the Joint Inquiry's public hearing the next day on the FBI's conduct of the Moussaoui investigation.

This portion of the Appendix briefly describes the issues that were presented and the orders that were issued in conjunction with the Moussaoui litigation. Although begun as a nonpublic, or "sealed" proceeding, the pleadings in the case were unsealed by the court and the orders were also filed on the public record.

At the outset of the Joint Inquiry, representatives of the Joint Inquiry and DOJ discussed procedures for access to FBI and DOJ information that would recognize the need for a thorough Congressional inquiry and yet avoid interfering with the Moussaoui case and other pending criminal prosecutions and investigations. On April 9, 2002, the Joint Inquiry Staff Director wrote to the Director of Central Intelligence -- with copies to the FBI and other Intelligence Community agencies -- to describe procedures for meeting this goal that were being adopted by the Joint Inquiry. These procedures included a commitment by the Joint Inquiry to consult with the Justice Department "before any information that is obtained from Intelligence Community records and that may constitute evidence in a criminal proceeding is made public."

Over the following weeks, it became clear that DOJ believed there were legal bars to the Joint Inquiry's public disclosure of materials about the FBI's Moussaoui investigation. As a result of these concerns, DOJ advised the Joint Inquiry in a May 31, 2002 letter that "the Department may have to oppose efforts to release publicly certain protected information prior to the trial, to the extent that it would impair the government's ability to present its case, infringe upon the defendant's right to a fair trial, or compromise the integrity of other investigations."

One bar, in DOJ's view, was a Protective Order in the Moussaoui case that had been prepared by DOJ and entered by the District Court on February 5, 2002. That Order provided, among other things, "that none of the discovery materials produced by the government to the defense shall be disseminated to the media by the government."

The other bar, in DOJ's view, was Eastern District of Virginia Local Criminal Rule 57. That Rule bars several categories of out-of-court statements by the prosecution or defense "which a reasonable person would expect to be further disseminated by any means of public communication," but also contains a specific proviso that nothing in it is intended to preclude "hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies."

In the next several months, as the date for the first public hearings approached, the Joint Inquiry sought to assure DOJ that its concerns could be accommodated by the Inquiry. A June 27, 2002 letter to the Attorney General from the leaders of the Joint Inquiry stated that the objective of the Inquiry's planned public hearing on the Moussaoui matter was "not to consider the guilt or innocence of Mr. Moussaoui, which is a matter for the Judicial Branch, but to examine the counterterrorist efforts of U.S. Government personnel and the organizations and authorities under which they operate." The letter also informed the Attorney General that the Offices of Senate Legal Counsel and House General Counsel had advised the Joint Inquiry that neither the Protective Order nor the Local Rule governed the public proceedings of Congress.

In July 2002, DOJ's Criminal Division asked for a further description of the subjects that would be addressed in the Joint Inquiry's public hearings, which were scheduled to begin in September. On August 5, 2002, the Joint Inquiry Staff Director wrote to the Assistant Attorney General for the Criminal Division and explained that the scope of the Inquiry's planned public examination of the Moussaoui matter would include "FBI activity concerning Zacarias Moussaoui from August 15, 2001, when an intelligence investigation was opened, through September 11, 2001."

On August 20, 2002, DOJ filed an "Expedited Motion of the United States for Clarification Regarding the Applicability of the Protective Order for Unclassified but Sensitive Material and Local Criminal Rule 57 to Information that May be Made Public in Congressional Proceedings." DOJ asked the District Court to order that "[t]he Protective Order and Local Rule would preclude the provision of information regarding 'The Moussaoui Investigation,' as described [in the Joint Inquiry letter of August 5], for public use" The Department also submitted an order, which the District Court granted, "to authorize the service of its Expedited Motion with its attachments on the representatives of the House and Senate Intelligence Committees who are involved in the Joint 9/11 Inquiry, and to enable these committees to reply to the motion and attend any scheduled hearing."

With the assistance of the Offices of Senate Legal Counsel and House General Counsel, the General Counsel of the Joint Inquiry filed a reply on behalf of the Joint Inquiry on August 26 and participated in the argument on August 29, 2002. The reply asked that the District Court deny DOJ's requested relief for three main reasons: "(1) the protective order does not govern testimony before Congress, nor does it govern the production of documents to Congress, the use of documents by it, or the issuance of its reports; (2) Local Criminal Rule 57 specifically does not preclude the holding of legislative hearings or the issuance of legislative reports, and (3) the proposed expansion of the order by the Department of Justice runs afoul of the separation of powers."

On August 29, the District Court entered an order that denied DOJ's motion. Stating that the Protective Order "is too complicated in its present form," the order directed the submission of a new Protective Order. The August 29 order also stated "that nothing in this Order is intended to affect the applicability of Local Rule 57 to the participants in this case."

The transcript of the August 29 hearing was released publicly on August 30. Representatives of DOJ and the Joint Inquiry discussed, but could not agree on, the import of the Court's ruling, particularly regarding the applicability of the Local Rule to the testimony of FBI witnesses at the public hearing. During the first week of September 2002, DOJ asked the Joint Inquiry to advise it regarding which of the documents that had been provided to the Joint Inquiry by the FBI were believed to be relevant to a public hearing concerning the Moussaoui investigation. On September 11, 2002, the Joint Inquiry's General Counsel provided DOJ with a list of documents that were substantially likely to be included in public questioning of FBI witnesses at public hearings.

On September 20, DOJ filed a "Renewed Expedited Motion of the United States for Clarification Regarding the Applicability of Local Criminal Rule 57 to Information to be Made Public in Congressional Proceedings." Focusing only on the Local Rule, the Department did not renew its earlier arguments about the applicability of the Protective Order to Congressional proceedings. The Department asked the District Court to enter an order that "Local Criminal Rule 57 applies to Department of Justice personnel who are testifying at public Congressional hearings, including but not limited to, all statements such personnel make in response to questions asked by Members and staff at such hearings."

Again assisted by the Offices of Senate Legal Counsel and House General Counsel, the Joint Inquiry General Counsel replied in writing that:

. . . the order sought by the United States would substantially shut down the opportunity of the full Congress and the public to understand the important issues involved in the FBI's handling of the Moussaoui investigation prior to September 11. The relief sought by the United States would, in effect, amount to an injunction blocking a proceeding of the Congress that no Court has ever issued.

On September 23, 2002, the District Court denied the DOJ motion, as follows:

The Joint Inquiry made clear in its August 5, 2002 letter to the Assistant Attorney General for the Criminal Division the limited parameters of the inquiry and has reiterated in its Reply that the Committees will not ask witnesses to comment about the merits of this case. Indeed, the questions are expected to focus on “what government officials heard, observed, reasoned, recommended, and acted on (or did not act on) prior to September 11.” [Quoting Joint Inquiry Reply.] The Committees are not interested in “expressions of current judgment from government witnesses about the defendant’s guilt or innocence or the government’s plans for presenting its case.” [Quoting Joint Inquiry Reply.] Given the ground rules articulated by the Joint Inquiry, FBI personnel should have no difficulty responding to Congress’ questions without violating Local Rule 57 or any other order of this Court. Accordingly, the Renewed Expedited Motion for Clarification is DENIED.

In accordance with its commitment to consult with the Department of Justice, the Joint Inquiry continued to allow DOJ to review and comment regarding the contents of staff statements related to the Moussaoui case and other matters. At the Joint Inquiry’s September 24 public hearing and the closed hearing that followed concerning the Moussaoui matter, the Joint Inquiry permitted a DOJ representative to attend with FBI witnesses for the purpose of advising whether any question called for an answer that might impair the Moussaoui prosecution. Thus, the Inquiry was able to proceed with a full public exposition of the issues raised in the Moussaoui investigation without impeding the due process and fair trial interests of Moussaoui and DOJ.

APPENDIX

**ACCESS LIMITATIONS
ENCOUNTERED
BY THE
JOINT INQUIRY**

**ACCESS LIMITATIONS
ENCOUNTERED
BY THE
JOINT INQUIRY**

The Joint Inquiry received assurances from the White House, the Director of Central Intelligence and the heads of the Intelligence Community agencies that its access would be complete and unprecedented and that the agencies would “bend over backwards” and “be forward leaning” in response to requests for information made in the course of the Inquiry. While the major agencies in the Inquiry – CIA, FBI and NSA – provided substantial support and allowed access to large volumes of information, there were certain areas in which no access was allowed, and others where access was achieved only after extensive discussions and delays or under conditions that limited the scope of the Inquiry’s work.

Access Denied

-- The President’s Daily Brief (PDB): the White House determined, and the DCI and CIA agreed, that the Joint Inquiry could have no access to the contents of the PDB. Ultimately, this bar was extended to the point where CIA personnel were not allowed to be interviewed regarding the simple process by which the PDB is prepared. Although the Inquiry was inadvertently given access to fragments of some PDB items early on, this decision limited the Inquiry’s ability to determine systematically what Presidents Clinton and Bush, and their senior advisors, were being told by the Intelligence Community agencies, and when, regarding the nature of the threat to the United States from Usama Bin Ladin and al-Qa’ida. Despite the White House decision, the Joint Inquiry was advised by Intelligence Community representatives of the content of an August 2001 PDB item that is discussed in the report. This glimpse into that PDB indicated the importance of such access [—————]

[_____
_____] .*

-- Foreign Liaison Relationships: The DCI refused to allow the Joint Inquiry to have access to a series of reports that had been prepared within CTC regarding the strengths and weaknesses of the CIA's liaison relationships with a variety of foreign governments. This decision affected the Inquiry's ability to determine the extent to which some foreign governments had or had not cooperated and shared information with the United States in countering Bin Ladin and al-Qa'ida prior to September 11.

-- Budget Information: Because a lack of resources was raised repeatedly by Intelligence Community representatives throughout the Inquiry, it became important to review the budget requests that had been made by the various agencies through the relevant years and to compare the treatment of those requests within the agencies from which they originated, within the Administration, and by Congress. While certain information was made available regarding agency and Congressional action, the Office of Management and Budget (OMB) and the White House prevented the agencies from sharing information regarding budget requests that were submitted by the agencies to OMB and the actions OMB took to increase or decrease those requests before they were submitted to Congress. This limited the Inquiry's ability to determine where in the budget process requests for additional counterterrorism resources were changed.

-- [Covert Action Programs: Covert action was an important part of CIA's overall effort to counter the threat posed by Bin Ladin prior to September 11, 2001. [_____

_____]

_____]. The NSC denied the Joint Inquiry access to documents, thereby limiting its ability to inquire into this area].

* National Security Advisor Condoleeza Rice stated in a May 16, 2002 press briefing that, on August 6, 2001, the President's Daily Brief (PDB) included information about Bin Ladin's methods of operation from a historical perspective dating back to 1997. One of the methods was that Bin Ladin might choose to 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.

-- NSC-Level Information: There were several areas of counterterrorism intelligence policy development where insight into discussions involving the DCI, CIA and other Intelligence Community officials, and personnel at the National Security Council and White House levels would have been helpful in determining why certain options and programs were or were not pursued in particular time frames. Access to most information that involved NSC-level discussions was blocked, however, by the White House. Even agency documents that were drafted in anticipation of NSC discussion were denied to the Inquiry as "pre-decisional." The Inquiry also was denied access to, or a briefing concerning, the findings and conclusions of the report of the National Security Presidential Directive-5 Commission on Intelligence Reform chaired by Lt.Gen. Brent Scowcroft.

-- Interview of the DCI: The Joint Inquiry attempted to schedule an interview of DCI George Tenet in order to solicit his recollections, understandings and opinions regarding a host of questions relating to policy, resource, organizational, authority, priorities, and other issues that had been developed during the Inquiry. Such an interview was at first delayed and then made conditional on further discussions with DCI staff. Ultimately, the DCI testified at length in closed and open sessions before the Joint Inquiry and the interview was denied on that basis.

-- [Interview of FBI Informant: On August 8, 2002, the FBI informed the Joint Inquiry that two of the hijackers had numerous contacts with a long time FBI counterterrorism informant. The Joint Inquiry made numerous requests to the FBI to interview the informant in an effort to resolve some of the inconsistencies in the informant's reporting and to better evaluate how effectively the FBI utilized the informant. The FBI, supported by the Attorney General and the Administration, refused to make the informant available for an interview or to serve a Congressional deposition notice and subpoena on the informant, whose whereabouts were known to the FBI at the time. The FBI also strongly objected to a Joint Inquiry interview of the informant, citing concerns about adverse impact on FBI efforts to recruit future informants. The Joint Inquiry instead agreed with a suggestion by FBI officials that, as an initial step, written

interrogatories be served on the informant. The FBI agreed to deliver those interrogatories to the informant for a written response. Soon after, the informant retained an attorney, who advised the Joint Inquiry that the informant would not respond to the interrogatories. The attorney also advised the Joint Inquiry that, if subpoenaed, the informant would be unwilling to testify without an immunity agreement. As a result, while the Joint Inquiry interviewed and received testimony from FBI personnel familiar with the information provided by the informant, it was denied the opportunity to discuss that information directly with the informant].

-- NSA Technical and Contractual Information: The Joint Inquiry sought to determine whether and how NSA is planning to cope with changing technology and requirements, and how it is equipped to manage the allocation of scarce resources for research and development in the counterterrorism area. Despite numerous requests for specific planning and other documents and briefings, NSA provided very limited responsive information in this area.

-- CIA and NSA Documents: CIA took the position that so-called "operational cables" from the field and certain other documents it deemed to be sensitive could be subject to Joint Inquiry review at CIA Headquarters, but that no copies could be brought to the Joint Inquiry's office. NSA adopted a similar position concerning its transcripts and disseminated intelligence reports and, ultimately, almost all other materials. This prevented the incorporation of the original documents in the Inquiry's central records where they could be drawn upon effectively for research and reference purposes. Both agencies did, however, allow verbatim notes to be made and removed to Inquiry offices. This consumed many hours and slowed the Inquiry's progress. Both agencies then agreed to allow copies to be removed from their premises if the Joint Inquiry agreed to allow them to be stored by the agencies at the end of the Inquiry, and even provided a draft of an agreement that would recognize this. When the Inquiry later agreed in principle and responded

with a revised draft, however, the agencies decided that such an agreement was no longer desirable and returned to their original positions.

-- Military Options: In order to evaluate allegations that the U.S. military was reluctant to become involved in the effort against Bin Ladin prior to September 11, and to assess the interplay between the CIA and the military in covert action and special operations relating to counterterrorism, the Joint Inquiry asked to review documents regarding 13 military options that had been reportedly prepared by the Joint Chiefs of Staff (JCS) in response to a White House request. The JCS Legal Counsel, supported by the Defense Department (DOD) General Counsel and the NSC, took the position that this request exceeded the scope of the Joint Inquiry's authority, but provided a summary briefing concerning the options.

Access Limited

-- Foreign Government Information at the FBI: The FBI allowed the Joint Inquiry to review information provided by foreign governments at the FBI, but would not allow the documents or verbatim notes to be carried to the Inquiry's offices. This limited and delayed the Inquiry's efforts to understand the level of cooperation displayed by the [————] and other governments in counterterrorism efforts prior to September 11.

-- Interview Policies: The Intelligence Community agencies insisted that agency representatives – usually legal or congressional affairs – be present to monitor all interviews of their personnel – present or former. The Inquiry took the position that agency monitors would be excluded where an agency employee, or Joint Inquiry personnel, decided that their presence would inhibit the full and frank discussion of any matter. Some of the agencies “pre-briefed” personnel who were to be interviewed by the Joint Inquiry, explaining to them what the agency position was on certain matters and urging the employees not to range too broadly in their responses. In one instance, after lengthy discussions with DOJ and FBI personnel, a former FBI agent was interviewed without monitors present at his request. On occasion, agency legal

representatives instructed individuals not to respond to questions that the monitors deemed would reveal pre-decisional matters or legal advice.

Access Delayed

-- Department of Justice (DOJ) Concerns: The Joint Inquiry agreed with DOJ's position that information sealed by court order or relating directly to Grand Jury proceedings, and evidence obtained by means of electronic surveillance conducted under 18 U.S.C. §2510, et seq., not be provided to the Inquiry. Some previously sealed information was, with the assistance of DOJ and by court order, eventually provided to the Inquiry. While this agreement was not inconsistent with the goals of the Inquiry, significant delays resulted in the first months of the Inquiry while Intelligence Community and other U.S. Government agencies waited for DOJ to develop an efficient process for review of all information requested by the Inquiry. Subsequently, DOJ took the position that FBI personnel who had been involved in the Moussaoui investigation or the September 11 investigation and who might be trial witnesses could not be interviewed by the Joint Inquiry about those matters. This issue was not resolved until the Congressional leaders of the Joint Inquiry met with the Attorney General and senior Department of Justice officials in early May and expressed their objections to the DOJ position. Other DOJ objections and concerns relating specifically to Joint Inquiry access to and use of information relating to the Moussaoui investigation were dealt with in federal court and are discussed in a separate section of this Appendix, entitled "The Joint Inquiry In Court."

-- The Third Agency Rule/Internal Reviews: The Intelligence Community initially took the position that any information from one agency that was found in the files of another agency could not be shared with the Joint Inquiry until the originating agency had been consulted and given its permission. This slowed the disclosure process significantly. Based on Inquiry objections, the Community first reduced the application of this procedural obstacle to only intelligence that

had not been disseminated in finished form, and finally agreed to provide the Inquiry with access and simultaneous notice to the originating agency. In addition, the agencies insisted on reviewing and redacting certain information from documents before they were provided to the Inquiry, further preventing timely responses to Inquiry requests. Finally, the agencies would not provide the Inquiry with electronic access to information, but insisted on providing paper copies of all information. This not only slowed production of the material, but also hindered the efficient review and utilization of this information by the Inquiry.

-- Interview of the Deputy National Security Advisor: The Joint Inquiry requested the opportunity to conduct an interview of the National Security Advisor to the President in May 2002 in order to obtain a better understanding of the development of counterterrorism policy in the Bush Administration before September 11, 2001. The NSC resisted this and suggested in June that the Deputy National Security Advisor be the subject instead and that written questions be provided instead of conducting an interview. The Joint Inquiry provided written questions in July but did not receive responses until November 2002.

Congress of the United States

Committee Sensitive

Washington, DC 20515

July 1, 2002

President George W. Bush
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

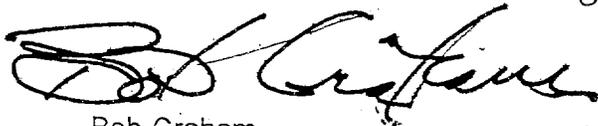
Dear Mr. President:

As you know, the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence is reviewing the performance of the Intelligence Community in connection with the attacks of September 11. Key aspects of this Inquiry include the organization and functions of the Community and whether legislative action is necessary to improve its ability to produce and share critical intelligence for counter-terrorism purposes. We are requesting that the draft report of the 2001 NSPD-5 Presidential Commission on Intelligence Reform chaired by General Brent Scowcroft be made available to the Joint Inquiry as it considers those issues. As you know, reports of the Commission's tentative findings have appeared in the media. Based on those reports, the findings appear to be highly relevant to the work of the Joint Inquiry.

If your staff has any questions or would like to discuss this request further, they should contact Eleanor Hill, the Joint 9/11 Inquiry Staff Director, at (202) 226-0911.

We appreciate your support for our effort and look forward to receiving the Commission report.

Sincerely,



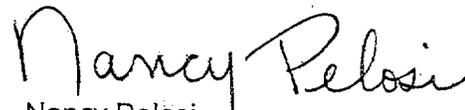
Bob Graham
Chairman
Senate Select Committee on
Intelligence



Porter Goss
Chairman
House Permanent Select
Committee on Intelligence



Richard Shelby
Vice Chairman
Senate Select Committee on
Intelligence



Nancy Pelosi
Ranking Democrat
House Permanent Select
Committee on Intelligence

Congress of the United States
Washington, DC 20515

Committee Sensitive

July 1, 2002

Mitchell E. Daniels, Jr.
Director
Executive Office of the President
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Mr. Daniels:

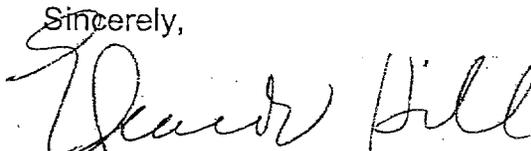
The Joint Inquiry Staff of the House and Senate Intelligence Committees seeks access to several Office of Management and Budget documents that are relevant to our ongoing inquiry. These documents have either been referred to in briefings or hearings before the Committees or during staff interviews of Intelligence Community personnel.

As you know, the Committees announced the scope of their joint inquiry in June, which focuses on the performance of the Intelligence Community in connection with the terrorist attacks of September 11th [enclosure (1)]. As part of that inquiry, we are reviewing the resources granted to the Intelligence Community during the course of its counter-terrorism efforts. Enclosure (2) is an initial list of requests.

Your assistance will facilitate the Joint Inquiry in key areas of interest to the House and Senate Intelligence Committees. Please do not hesitate to call me if there is anything I can do to expedite this request. I can be reached at (202) 226-0911. Please have your staff contact Daniel Byman at the same number with any specific questions regarding this request.

We appreciate your cooperation in this most important effort.

Sincerely,



Eleanor Hill
Director, Joint Inquiry Staff

Enclosures:

- (1) Initial Scope of the Joint Inquiry
- (2) List of requested documents

Committee Sensitive

Committee Sensitive

Joint 9/11 Inquiry

**OMB Document Request
July 1, 2002**

- OMB guidance levels ("passback") for the Intelligence Community agencies, including the FBI, since 1986;
- Any "overguidance" requests from the Director of Central Intelligence or the heads of other members of the Intelligence Community related to terrorism since FY98;
- OMB National Security Crosscut Report to Congress for FY99-present;
- Documents from the OMB "Director's Review" on intelligence programs for the Fall of 1998, the Fall of 1999, and the Fall of 2000; and
- National Security Crosscut Data on counterterrorism for FY00 and FY01 requested by OMB from the various Intelligence Community agencies.

Committee Sensitive

Congress of the United States
Washington, DC 20515

PREAMBLE

To reduce the risk of future terrorist attacks; to honor the memories of the victims of the September 11 terrorist attacks by conducting a thorough search for facts to answer the many questions that their families and many Americans have raised; and to lay a basis for assessing the accountability of institutions and officials of government:

**THE SENATE SELECT COMMITTEE ON INTELLIGENCE
AND
HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE**

ADOPT THIS

INITIAL SCOPE OF JOINT INQUIRY

Pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, Rule 6 of the Rules of Procedure of the Senate Select Committee on Intelligence, Rule XI(1)(b) of the Rules of the House of Representatives, and Rule 9 of the Rules of Procedure of the House Permanent Select Committee on Intelligence, the two Committees have authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks on the United States. The Committees have undertaken this Joint Inquiry pursuant to their responsibility to oversee and make continuing studies of the intelligence activities and programs of the United States Government and all other authority vested in the Committees.

The purpose of this Joint Inquiry is --

(a) to conduct an investigation into, and study of, all matters that may have any tendency to reveal the full facts about --

(1) the evolution of the international terrorist threat to the United States, the response of the United States Government including that of the Intelligence Community to international terrorism, from the creation of the Director of Central Intelligence's Counterterrorist Center in 1986 to the present, and what the Intelligence Community had, has, or should have learned from all sources of information, including any terrorist attacks or attempted ones, about the international terrorist threat to the United States;

- (2) what the Intelligence Community knew prior to September 11 about the scope and nature of any possible attacks against the United States or United States interests by international terrorists, including by any of the hijackers or their associates, and what was done with that information;
 - (3) what the Intelligence Community has learned since the events of September 11 about the persons associated with those events, and whether any of that information suggests actions that could or should have been taken to learn of, or prevent, those events;
 - (4) whether any information developed before or after September 11 indicates systemic problems that may have impeded the Intelligence Community from learning of or preventing the attacks in advance, or that, if remedied, could help the Community identify and prevent such attacks in the future;
 - (5) how and to what degree the elements of the Intelligence Community have interacted with each other, as well as other parts of federal, state, and local governments with respect to identifying, tracking, assessing, and coping with international terrorist threats; as well as biological, chemical, radiological, or nuclear threats, whatever their source (such as the Anthrax attack of 2001).
 - (6) the ways in which the Intelligence Community's responses to past intelligence problems and challenges, whether or not related to international terrorism, have affected its counterterrorism efforts; and
 - (7) any other information that would enable the Joint Inquiry, and the Committees in the performance of their continuing responsibilities, to make such recommendations, including recommendations for new or amended legislation and any administrative or structural changes, or other actions, as they determine to be necessary or desirable to improve the ability of the Intelligence Community to learn of, and prevent, future international terrorist attacks; and
- (b) to fulfill the Constitutional oversight and informing functions of the Congress with regard to the matters examined in the Joint Inquiry.

Congress of the United States

Washington, DC 20515

~~Top Secret~~

- Committee Sensitive

July 8, 2002

Dr. Condoleezza Rice
Assistant to the President for National Security Affairs
National Security Council
The White House
Washington, DC 20504

Dear Dr. Rice:

The Joint Inquiry Staff of the House and Senate Intelligence Committees seeks access to several National Security Council (NSC) documents that are relevant to our ongoing inquiry. These documents have either been referred to in briefings or hearings before the Committees or during staff interviews of Intelligence Community personnel.

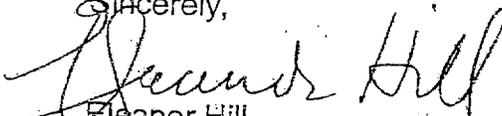
As you know, the Committees announced the scope of their Joint Inquiry in June, which focuses on the performance of the U.S. Intelligence Community in connection with the terrorist attacks of September 11th [enclosure (1)]. In keeping with that guidance, the Joint Inquiry Staff is reviewing the U.S. Government response to international terrorism as part of its examination of the Intelligence Community's performance. As part of that effort, it is important that we review the policy guidance the Intelligence Community received from the National Security Council, including covert action instructions.

Enclosure (2) is forwarded as an initial list of requests. This list focuses primarily on covert action and the use of force against al-Qa'ida.

Your assistance will facilitate the Joint Inquiry in key areas of interest to the House and Senate Intelligence Committees. Please do not hesitate to contact me if there is anything I can do to expedite this request. I can be reached at (202) 226-0911. Please have your staff contact Daniel Byman with any specific questions regarding this request.

We appreciate your continued cooperation in this most important effort.

Sincerely,



Eleanor Hill

Director, Joint Inquiry Staff

Enclosures:

- (1) Initial Scope of the Joint Inquiry
- (2) List of requested documents

~~Top Secret~~
PRINTED ON RECYCLED PAPER

- Committee Sensitive

Joint 9/11 Inquiry

NSC Document Request
July 1, 2002

- Minutes, memoranda, or other documents prepared in connection with Principals' meetings concerning proposals for covert action against terrorism between 1998 and September 11, 2001, particularly with regard to al-Qa'ida or Usama bin Ladin;
- Memoranda or other documents related to any requests the NSC made to the CIA for covert action options from 1996 to September 11, 2001, [redacted]
[redacted]
- The NSC policy options paper, prepared by Richard Clarke's office during Spring 2001, which proposed a change in U.S. policy regarding [redacted]
[redacted]
- Memoranda, documents, or other records related to requests the NSC made to the Department of Defense and/or the Joint Chiefs of Staff regarding possible military options against al-Qa'ida from 1994 to September 11, 2001, including military strikes and [redacted]; and
- The after-action report on the Millennium prepared by the National Coordinator for Counterterrorism's office.

Congress of the United States
Washington, DC 20515

PREAMBLE

To reduce the risk of future terrorist attacks; to honor the memories of the victims of the September 11 terrorist attacks by conducting a thorough search for facts to answer the many questions that their families and many Americans have raised; and to lay a basis for assessing the accountability of institutions and officials of government:

**THE SENATE SELECT COMMITTEE ON INTELLIGENCE
AND
HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE**

ADOPT THIS

INITIAL SCOPE OF JOINT INQUIRY

Pursuant to section 5(a)(1) of Senate Resolution 400, 94th Congress, Rule 6 of the Rules of Procedure of the Senate Select Committee on Intelligence, Rule XI(1)(b) of the Rules of the House of Representatives, and Rule 9 of the Rules of Procedure of the House Permanent Select Committee on Intelligence, the two Committees have authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks on the United States. The Committees have undertaken this Joint Inquiry pursuant to their responsibility to oversee and make continuing studies of the intelligence activities and programs of the United States Government and all other authority vested in the Committees.

The purpose of this Joint Inquiry is --

(a) to conduct an investigation into, and study of, all matters that may have any tendency to reveal the full facts about --

(1) the evolution of the international terrorist threat to the United States, the response of the United States Government including that of the Intelligence Community to international terrorism, from the creation of the Director of Central Intelligence's Counterterrorist Center in 1986 to the present, and what the Intelligence Community had, has, or should have learned from all sources of information, including any terrorist attacks or attempted ones, about the international terrorist threat to the United States;

(2) what the Intelligence Community knew prior to September 11 about the scope and nature of any possible attacks against the United States or United States interests by international terrorists, including by any of the hijackers or their associates, and what was done with that information;

(3) what the Intelligence Community has learned since the events of September 11 about the persons associated with those events, and whether any of that information suggests actions that could or should have been taken to learn of, or prevent, those events;

(4) whether any information developed before or after September 11 indicates systemic problems that may have impeded the Intelligence Community from learning of or preventing the attacks in advance, or that, if remedied, could help the Community identify and prevent such attacks in the future;

(5) how and to what degree the elements of the Intelligence Community have interacted with each other, as well as other parts of federal, state, and local governments with respect to identifying, tracking, assessing, and coping with international terrorist threats; as well as biological, chemical, radiological, or nuclear threats, whatever their source (such as the Anthrax attack of 2001).

(6) the ways in which the Intelligence Community's responses to past intelligence problems and challenges, whether or not related to international terrorism, have affected its counterterrorism efforts; and

(7) any other information that would enable the Joint Inquiry, and the Committees in the performance of their continuing responsibilities, to make such recommendations, including recommendations for new or amended legislation and any administrative or structural changes, or other actions, as they determine to be necessary or desirable to improve the ability of the Intelligence Community to learn of, and prevent, future international terrorist attacks; and

(b) to fulfill the Constitutional oversight and informing functions of the Congress with regard to the matters examined in the Joint Inquiry.

Congress of the United States
Washington, D.C.

~~Top Secret~~ - Committee Sensitive

July 31, 2002

Dr. Stephen Hadley
Deputy Assistant to the President for National Security Affairs
National Security Council
The White House
Washington, DC 20504

Dear Mr. Hadley:

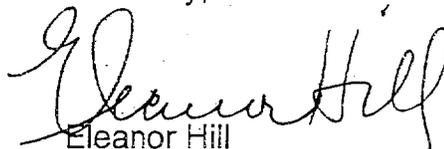
The Joint Inquiry is examining the performance of the U.S. Intelligence Community in connection with the terrorist attacks of September 11, 2001. Per our discussions with John Bellinger, I ask that you submit a written response for inclusion in the record of the ongoing Joint Inquiry of the House and Senate Intelligence Committees. Your assistance will make an important contribution to our effort.

Attached is an initial list of questions that cover your time at the National Security Council. After we receive your answers, our staff seeks to interview you to discuss any remaining issues.

Your assistance will facilitate the Joint Inquiry in key areas of interest to the House and Senate Intelligence Committees. Please do not hesitate to call me if there is anything I can do to expedite this request. I can be reached at (202) 226-0911. For any specific questions regarding this request, please have your staff contact Daniel Byman at the same number.

We appreciate your cooperation in this most important effort.

Sincerely,



Eleanor Hill
Director, Joint Inquiry Staff

Enclosure:
List of questions

~~Top Secret~~

Committee Sensitive

Proposed Questions for Deputy National Security Advisor Hadley

Terrorism as a Policy Priority

1. During your time as Deputy National Security Advisor, what priorities did you establish for U.S. intelligence priorities and where did terrorism fit in? How did this change from the priorities of the Clinton administration?
2. How were these priorities conveyed to the Intelligence Community? Did the Intelligence Community propose any changes in priority with regard to counterterrorism or al-Qa'ida? What were they?
3. Prior to September 11, who at the National Security Council and the U.S. government played a leading role in setting counterterrorism policy? Who else was involved in this process? Please describe the process, the participants, and the fora.
4. Prior to September 11, did Congress support the NSC's counterterrorism efforts? Did Congress oppose NSC priorities related to terrorism in any way? Please provide details of both, as appropriate.
5. Was Richard Clarke, the National Coordinator for Counterterrorism, included all in Principals' meetings related to terrorism after January 2002? If not, why not? How was it determined who would be involved in such meetings? What was his role in counterterrorism policy and intelligence prioritization after January 2002?
6. During the transition from the Clinton administration, did former National Security Adviser Sandy Berger or other senior Clinton NSC officials provide any advice, information, warning, or guidance requiring policy, priorities, or threats from al-Qa'ida and Bin Ladin? If so, what was the advice, information, warning, or guidance?
7. Prior to September 11, was the Administration engaged in a review of counterterrorism policy? What issues were identified for change? What stage were plans in? What changes in the role of the Intelligence Community, if any, were planned? What happened to the review after the September 11 attacks?
8. When the new Administration came into office, was it aware that Usama bin Ladin had declared war on the United States in 1998? Who provided this information, and how was it provided? What was the impact of that fact on the

Administration's national security priorities? How did it affect the Intelligence Community's posture?

9. Prior to September 11, did the President or other senior officials in the administration make any public statements or give any speeches on the subject of the threat of terrorism, or Usama bin Ladin's terrorist network in particular? If so, please make copies available to the Joint Inquiry Staff.

Resources

1. Prior to September 11, did the Intelligence Community come to the new Administration with any requests for additional counterterrorism resources, e.g., additional funding? Who made the request, and what was the nature of the proposal?

2. Did the Intelligence Community ask the Administration for more resources to fight Usama bin Ladin and al-Qa'ida? Who made this request?

3. Did the Intelligence Community ever cite a lack of resources as the basis for not acting? If so, provide details and the NSC response.

4. When the DCI, Director of NSA, and FBI Director requested more counterterrorism resources, what was the stated justification for their requests?

5. What was the NSC's response to each specific Intelligence Community request for any increases in resources for counterterrorism? For al-Qa'ida?

Agency responsiveness and support for policy makers

1. What specific strengths did you observe in intelligence collection, analysis, and reporting on Bin Ladin, al-Qaeda or terrorism in general prior to September 11? What specific weaknesses? Please provide specific examples of each.

2. What was the quality of intelligence received by the NSC? Did the NSC make any efforts to improve this quality?

3. With respect to Intelligence Community counterterrorism efforts prior to September 11, how responsive were the CIA, the FBI, NSA, and DIA?

- Did they provide the President and the National Security Council with the information needed to make informed decisions?
- Did the agencies use their authority aggressively? Did they cite limits or a lack of authority as a basis for no action?
- Did they shift resources appropriately in response to NSC direction?

- Did the NSC provide any specific tasking to Intelligence Community agencies to which they did not respond? Please provide specific examples.

Threat to the homeland

1. Prior to September 11, including especially spring/summer 2001, what information did the Intelligence Community provide to the National Security Council, orally or in writing, indicating the possibility of terrorist attacks inside the United States?
2. Prior to September 11, what information did the Intelligence Community provide to the National Security Council on al-Qa'ida activities and infrastructure inside the United States?
3. Prior to September 11, did the National Security Council ever consider alerting the American people to the internal threat from al-Qaeda? What happened?
4. Did the National Security Council ever consider enhancing U.S. border controls, e.g., by strengthening watchlist programs, alerting the FAA or the airlines, or inspecting cargo containers on a larger scale? If so, what happened?
5. Prior to September 11, what was the National Security Council's view regarding how well postured the FBI was with respect to combating terrorist groups inside the United States? What steps were taken to improve the FBI, if any?
6. Prior to September 11, did the Intelligence Community provide the NSC with any information regarding the possibility that al-Qa'ida members would use airplanes as weapons or hijack airplanes in the United States? What did the NSC do in response to this information?

Foreign governments

1. Prior to September 11, which foreign governments were most and least helpful regarding counterterrorism? How were they helpful or not helpful in each case?
2. Prior to September 11, were the governments of Saudi Arabia and Pakistan supportive of U.S. counterterrorism efforts? How responsive were European allies? What priority was counterterrorism cooperation in Saudi Arabia relative to military operations against Iraq, the Middle East peace negotiations, and other concerns?

3. Did Intelligence Community agencies ask for NSC assistance in getting foreign governments to take action against terrorist cells? Did the NSC take any specific actions to support the Intelligence Community? What did the NSC do? Did the NSC ask or instruct the State Department or the Department of Defense to assist the Intelligence Community in this regard?
4. Prior to September 11, was there any discussion of increasing information sharing and/or counterterrorism cooperation with the Sudan?

Use of Force/Overt and Covert

1. Prior to September 11, did the National Security Council consider the use of military force against al-Qa'ida in Afghanistan? How? In what form? Why was it not pursued? Was there sufficient intelligence to support military options? Was there tasking to gain further intelligence to support military operations?
2. Prior to September 11, did the National Security Council issue any tasking to the CIA or the U.S. military to develop plans involving the covert or overt use of force?
3. Prior to September 11, did the National Security Council ever review the CIA's authorities to conduct covert action against Bin Ladin or al-Qa'ida? What problems were identified regarding existing authorities, [redacted] [redacted]? Were there any proposals to change those authorities before September 11th? What steps were taken?
4. Prior to September 11, was the *unarmed* Predator flown in Afghanistan after the Bush Administration came into office? Were proposals made to the NSC to fly it? Which participants favored flying it? If it was not flown, why not?
5. Did the National Security Council support the development of the *armed* Predator? Did any administration official try to expedite the process? Were any discussions held on this issue at the NSC? Who participated?
6. Did you consider [redacted]? Why or why not? What impact did you expect?
7. Why was there no military response to the attack on the *USS Cole*? Was this considered?

Recommendations

1. What recommendations would you make to improve the intelligence community's performance?

Congress of the United States
Washington, D.C.

~~Top Secret~~

August 12, 2002

Mr. John Bellinger
Senior Associate Counsel to the President &
National Security Council Legal Advisor
The White House
Washington, DC 20504

Dear John:

We have been engaged, for several weeks now, in a discussion regarding Joint Inquiry Staff (JIS) access to a variety of types of documents and information relating to the President's Daily Brief (PDB). Rather than continuing to rely on periodic oral exchanges, I thought it would be helpful to describe in writing the specific areas of JIS interest in this regard and to solicit your written response as to each in order to illuminate the JIS and the relevant Intelligence Community personnel who must implement your instructions.

First, the JIS seeks access to information relating to the process by which the PDB is created. This would include questions such as: By whom is it prepared? How? When? What standards are applied? What source quality is required? With whom and how is it coordinated? How are analytic disagreements handled? What is its relation to the Senior Executive Intelligence Brief and other intelligence publications? By what means is it presented to the President? Who else reads it? Etc.

In addition, the JIS would like to know the specific genesis of the August 2001 PDB item relating to Usama Bin Ladin (UBL) and terrorism threats to the United States. As I have told you, we have received very different versions of how this item came to be published. This is especially significant in light of the timing and content of that particular item in reference to the September 11 attacks and the substantial public interest in how well the Intelligence Community was serving the President at the time. Thus, we believe it important to establish a clear and complete record in that regard, and suggest that the National Security Council (NSC) should share that goal.

Finally, as I have told you, I believe there is a significant case to be made that the JIS should be provided with special access in some form to the complete record of the numbers and contents of any PDB items regarding UBL, al-Qa'ida, and the terrorism threat to U. S. interests that appeared from January 1998 – the year the Director of Central Intelligence declared we were at war with UBL – to September 11, 2001. Again, the public has a compelling interest in the circumstances in understanding how well the Intelligence Community was performing its principle function of advising the President and the NSC of threats to U.S. national security. There must be a way to recognize and

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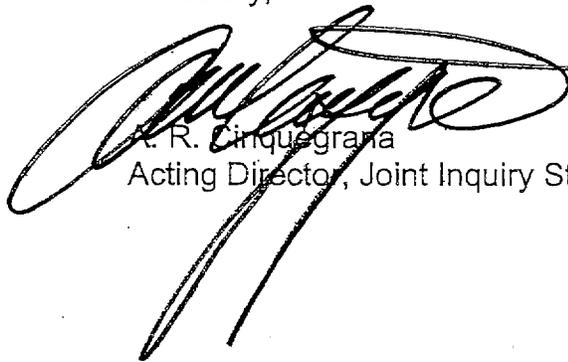
~~Top Secret~~

Mr. John Bellinger
August 12, 2002
Page 2

accommodate this interest without waiving the Executive's prerogatives in this regard in other circumstances. In the absence of such access, we will have no choice but to extrapolate the number and content of PDB items on these subjects from the items that appeared on these subjects in the Senior Executive Intelligence Brief and other lower level intelligence products during the same period. This may result, however, in dangerously skewed and misleading conclusions regarding what the President was being told about the threat during the months preceding the September 11 attacks.

I appreciate your efforts on behalf of the JIS in the weeks and months since we began this effort. Please let me have your response by August 26, 2002.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. R. Cinquegrana', written over a horizontal line.

A. R. Cinquegrana
Acting Director, Joint Inquiry Staff

~~Top Secret~~

Congress of the United States
Washington, D.C.

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August 12, 2002

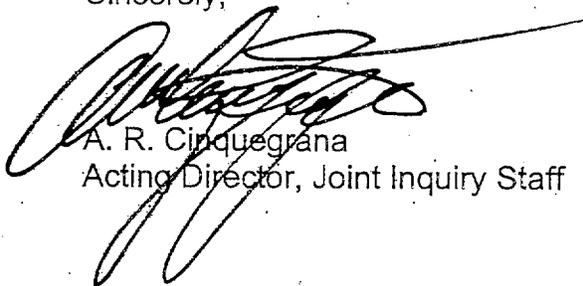
Mr. John Bellinger
Senior Associate Counsel to the President &
National Security Council Legal Advisor
The White House
Washington, DC 20504

Dear John:

As I have explained, the Central Intelligence Agency continues to deny Joint Inquiry Staff (JIS) access to a broad range of documents and information relating to covert action, "National Security Council (NSC) programs," etc., on the grounds that these materials relate to NSC proceedings and are thereby precluded from JIS access by virtue of NSC instructions. Based on my discussions with you, my understanding is that the only documents and information the NSC intends to have withheld from the JIS relate to direct advice to, and discussions with, the President. In order to clarify this access issue in a timely and definitive manner, I request your written response as soon as possible regarding whether my understanding is correct. Only in this way, I believe, will we be able to break this particular logjam with the Agency.

I would appreciate your response before August 23, 2002. Thanks very much for your continued cooperation and assistance in this regard.

Sincerely,



A. R. Cinquegrana
Acting Director, Joint Inquiry Staff

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