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STATEMENT FOR THE RECORD
SSCI/HPSCI JOINT INQUIRY STAFF
9-11 HEARING
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Mr. Chairman, Members and Staff, I am a senior officer attached to the DCI's Counterterrorist Center (CTC) currently assigned to the FBI. From September 1998 until May 2001, as an Operations Manager, I was privileged to work alongside a group of extraordinary officers from the CIA, as well as other agencies, who were and remain committed to combating the threat posed by Bin Ladin and those he has inspired. In May of 2001, I moved over to the Federal Bureau of Investigation (FBI), where I have since worked as a CIA detailee in the Counterterrorism Division, a position in which I have also focused on the Bin Ladin menace.

Before we begin, I would like to observe that even after 10 months of incredible effort by the U.S military and others in Afghanistan, and by the agencies you see represented before you here today and others here and abroad, al-Qa'ida remains poised to strike again.

What we say in this venue over the coming weeks will be closely followed by the very people who are trying to destroy you, me, our families and our way of life. I want to stress, speaking on behalf of those still carrying the war to al-Qa'ida inside Afghanistan and out, that we do not and cannot for the foreseeable future view this group and its emulators and supporters as anything less dangerous than they were at this time last year. While we have an obligation to ensure that flaws in our procedures have been identified and corrected, we must also take great care that we not educate the enemy while we are at it.

With those comments, I now turn to the specific topic we have been invited here to review. Your staff has laid out the basic facts, so I won't repeat them in detail, but I'd like to walk through the most significant elements in summary form.

In late 1999, the U.S. counterterrorist community launched a global effort aimed at disrupting terrorist operations we knew were being planned for the millennium turnover, and that we suspected would carry over into the

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end of the Muslim month of Ramadan in early January 2000. Dozens of terrorists and terrorist support nodes were disrupted. Both CIA and the FBI surged large numbers of officers for this effort, and they worked round the clock through 15 January 2000.

During that heightened alert, the CIA, CTC, FBI, and other members of the Intelligence Community were also working over data they had shared relevant to the Nairobi and Dar es Salaam Embassy bombings of August 1998. In December 1999, this intelligence provided a kind of tuning fork that buzzed when two individuals reportedly planning a trip to Kuala Lumpur were linked indirectly to what appeared to be a support element that had been involved with the Africa bombers. A CTC officer, noting the linkage, set in motion a complex set of operations aimed at determining their identity, their contacts, and, ideally, what they were doing.

The operation succeeded in its first phase. Within a very short period of time, we learned the name of one of the travelers—Khalid al-Mihdhar. We learned where they were staying and the name of several of their local contacts. We were unable to complete the second phase of the operation, however: we did not learn the identities of the other participants in the meeting and were unable to determine—and still do not know—what they discussed during their meeting.

While the meeting was in progress, via CIA officers detailed to the FBI, CTC kept the FBI advised of developments via verbal briefings. As you know, for a number of years, the FBI has had agents and analysts working in CTC—in the UBL element and elsewhere—and CIA officers have also served in various components of the FBI, including the UBL Unit at FBI HQS. Part of the job on either side, especially during moments of crisis, is to provide verbal briefs on the fly, before shifting attention to the next facet of the crisis.

We prefer to document significant transfers of information, both to assure ourselves that it was passed and to create a detailed record for our own operations officers and analysts, who at a later date draw on such data to do a variety of tasks. In this case, CTC did not formally document to the FBI the conversations between the CIA referents and the FBI supervisors they briefed. CTC did note in a cable to the field that al-Mihdhar's passport information had been passed to the FBI, but to date we have been unable to confirm either passage or receipt. So we cannot say what the exact details were that were passed.

As the operations unfolded, a piece of data that in hindsight turned out to be critical revealed al-Mihdhar's passport information and that he had earlier obtained a visa to the United States. Under ideal conditions, that passport data should have been provided to the State Department's TIPOFF program, which is designed to help keep terrorists from entering the U.S. from abroad. At this point, both al-Mihdhar and his companion—who would turn out to be another hijacker, Nawaf al-Hazmi—had their visas.

Later, in early March 2000, long after the dust had settled in Malaysia, information surfaced indicating that al-Mihdhar's partner was named Nawaf al-Hazmi. In early March CIA also received information indicating that al-Hazmi had booked a flight that terminated in Los Angeles on 15 January 2000. Again, the new information on al-Hazmi was not disseminated.

After the October 2000 bombing of the USS Cole, the al-Mihdhar and al-Hazmi data resurfaced when the FBI learned that an individual alleged to have been a key planner of the Cole attack had been in Southeast Asia at the same time as the Malaysia meeting. Seeking to develop more information on that hypothesis and related to other information linking some Cole operatives to possible unknown contacts in Malaysia, the FBI and CIA sought to develop more information about the other people at the meeting. Early in 2001, more intelligence was developed that strengthened the hypothesis that this key planner had

been one of the participants in the January meeting with al-Mihdhar and al-Hazmi. At the time, the focus was on the USS Cole investigation and on understanding what had occurred in Malaysia—not on whether these individuals had been watchlisted.

In mid-summer 2001, although the presence of the key planner in Malaysia had yet to be confirmed, while burrowing through intelligence related to other terrorist activity in Malaysia, the data from January 2000 and January 2001 was put together in a different way, and both the FBI and the CIA began working to flesh out their understanding of all the people linked to the key planner. In the course of that work, in mid-August 2001, CIA learned that al-Mihdhar had entered the U.S. in January 2000, departed at a later date, and then re-entered in July 2001. CTC notified a number of agencies officially within a short time, and the FBI began an investigation to backtrack from al-Mihdhar's immigration documents in an effort to find him. But he had not registered at the hotels indicated on his forms, and time ran out before other venues could be searched.

How could these misses have occurred? I do not want to speculate at any length about this, because I do not have the definitive answer. But I should try to put the events into some kind of context. The events I've summarized above took place in the context of a worldwide campaign that also focused on people we knew were trying to kill Americans. The CIA operators focused on the Malaysia meeting while it occurred; when it was over, they focused on other, more urgent operations against threats real or assessed. Of the many people involved, no one detected that the data generated by this operation crossed a reporting threshold, or, if they did, they assumed that the reporting requirement had been met elsewhere.

In a later session, officers who served in CTC after 9/11 will expand on the revisions and new training that have been put into place to reduce the chances of this happening again. There are new types of watchlists and

new, very low thresholds for entering names onto them. They will be discussed by others more familiar with the protocols and detail. What I will say here is that, new procedures and training aside, they are also the kinds of misses that happen when people—even very competent, dedicated people such as the CIA officers and FBI agents and analysts involved in all aspects of this story—are, simply, overwhelmed.

The counterterrorism business often does not feature a large team going after a single target, but rather one or two officers juggling multiple activities against many people, simultaneously trying to make sense of what it means, which target deserves priority attention, and balancing the interests of multiple stations, liaison services, and other U.S. agencies. I would like to say that we will get it right 100 percent of the time. In fact, we're in a business where we have to get it right 100 per cent of the time, because the enemy only has to get it right once. While I can't promise that we'll ever completely reach that goal of perfection, I have no doubt that those working in counterterrorism will never stop trying to get there.