

**TWELFTH PUBLIC HEARING OF THE NATIONAL COMMISSION ON TERRORIST
ATTACKS UPON THE UNITED STATES, PANEL I
NTSB CONFERENCE CENTER, L'ENFANT PLAZA, WASHINGTON, D.C.
9:01 A.M. EDT, WEDNESDAY, JUNE 16, 2004**

**THOMAS KEAN, CHAIRMAN; LEE HAMILTON, VICE CHAIRMAN; PHILIP
ZELIKOW, COMMISSION EXECUTIVE DIRECTOR; DOUGLAS MACEACHIN,
COMMISSION STAFF (SUBJECT: AL QAEDA)
WITNESSES: DEBORAH MARY DORAN, SPECIAL AGENT, FBI; PATRICK
FITZGERALD, U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS;**

MR. KEAN: Good morning. As chair of the National Commission on Terrorist Attacks Upon the United States, I hereby convene this, our 12th and final public hearing of the Commission.

During the next two days we will focus on two topics: the 9/11 plot and the federal government's immediate response to the terrorist attacks on September 11th.

We will look back at al Qaeda, its formation, its growth, its support and its financing. Then we will explore how the 9/11 plot developed and unfolded up to the morning of September 11th.

Tomorrow we're going to look at that morning in more detail, particularly the response to the attacks by the Federal Aviation Administration, the military and our national leadership.

The Commission is nearing the completion of its work. We've interviewed more than 1,100 individuals in 10 countries, including the highest officials of our government, the past and current presidents of the United States. We've examined some 2 million pages of documents, including the most sensitive materials in the possession of our government. We have had 17 days of public hearings and heard testimony from over 140 federal, state and local officials and private sector experts. And of course, as you probably know, we have begun now the drafting of our final report.

And our goal is to make recommendations so that our country will be safer and more secure. I know I speak for all of us, the entire Commission, when I say that we fully intend to press for the adoption of what we recommend. We will be calling on the American people who have been following our work to assist us in

pressing for the enactments of our recommendations and their implementation.

Today's session will run till about 3:00 p.m., and there will be a lunch break of about an hour. Tomorrow we will reconvene at 8:00 a.m. and adjourn tomorrow at 1:00 p.m.

Once again I would ask our friends in the audience to refrain from public expression during the hearings. Please no applause, no disturbances. I would now like to recognize Dr. Philip Zelikow, our commission's executive director, who will begin the first Staff Statement, "Overview of our Enemy." -- (audio break).

MR. ZELIKOW: (In progress following audio break.) Members of the Commission, with your help, your staff has developed initial findings to present to the public on the nature of the enemy that carried out the September 11th attacks.

In this statement, we will focus on al Qaeda's history and evolution and how this organization came to pose such a serious threat to the United States. These findings may help frame some of the issues for this hearing and inform the development of your judgments and recommendations.

This report reflects the results of our work so far. We remain ready to revise our understanding of events as our investigation proceeds. This Staff Statement represents the collective effort of a number of members of our staff. Douglas MacEachin, Yoel Tobin, Nicole Grandrimo, Sarah Linden, Thomas Dowling, John Roth, Douglas Greenburg, and Serena Wille did much of the investigative work reflected in this statement.

We were fortunate in being able to build upon a great deal of excellent work already done by the intelligence community.

Several executive branch agencies cooperated fully in making available documents and personnel for interviews.

Roots of al Qaeda. In the 1980s, a large number of Muslims from the Middle East traveled to Afghanistan to join the Afghan people's war against the Soviet Union, which had invaded in 1979. Usama Bin Ladin was a significant player in this group, then known as the Afghan Arabs. A multimillionaire from a wealthy Saudi family, Bin Ladin used his personal wealth and connections to rich Arab contributors to facilitate the flow of fighters into Afghanistan.

He provided extensive financing for an entity called the Bureau of Services, or Maktab al Khidmat. This bureau operated a recruiting network in Muslim communities throughout the Middle East, Southeast Asia, Western Europe and the United States. It provided travel funds and guest houses in Pakistan for recruits and volunteers on the road to the Afghan battlefield. Bin Ladin also used this financial network to set up training camps and procure weapons and supplies for Arab fighters. Major Afghan warlords who led forces in the battle against the Soviets also benefited from the use of these camps.

Following the defeat of the Soviets in the late 1980s, Bin Ladin formed an organization called "the Foundation," quote, unquote, or "al Qaeda," in Arabic. Al Qaeda was intended to serve as a foundation upon which to build a global Islamic army.

In 1989 the regime in Sudan, run by a military faction and an Islamic extremist organization called the National Islamic Front, invited Bin Ladin to move there. He sent an advance team to Sudan in 1990 and moved there in mid-1991. Bin Ladin brought resources to Sudan, building roads and helping finance the government's war against separatists in the south. In return, he received permission to establish commercial enterprises and an operational infrastructure to support terrorism.

By 1992, Bin Ladin was focused on attacking the United States. He argued that other extremists, aimed at local rulers or Israel, had not gone far enough. They had not attacked what he called "the head of the snake," the United States. He charged that the United States, in addition to backing Israel, kept in power repressive Arab regimes not true to Islam. He also excoriated the continued presence of U.S. military forces in Saudi Arabia after the Gulf War as a defilement of holy Muslim land.

I'd now like to turn to Douglas MacEachin, a former deputy director of intelligence of the CIA, to continue.

MR. MACEACHIN: In Sudan, Bin Ladin built upon the al Qaeda organization he had established back in Afghanistan. It had its own membership roster and a structure of committees to guide and oversee a variety of functions. At the top, the emir was Bin Ladin. He had a Shura, or advisory council, that was made up of close associates, most of whom had served with him, long-standing ties going back to the days in Afghanistan.

The Sharia and Political Committee was responsible for issuing what are called fatwas, edicts purporting to be grounded in Islamic law, directing or authorizing certain actions, including authorizing deadly attacks; the Military Committee for proposing targets, gathering ideas, supporting operations, managing training camps; the Finance Committee responsible for fundraising, budgetary support for training camps, housing costs, living expenses and also the movement of money allocated to terrorist operations. The Foreign Purchases Committee was responsible for acquiring weapons, explosives and technical equipment; the Security Committee, for physical protection; and Information Committee, in charge of propaganda.

I need to emphasize that this organizational structure should not be read as defining a hierarchical chain of command for specific operations. It served mainly as a means for coordinating functions, providing material support to operations. But once a specific operation was decided upon, it would be assigned to a carefully selected clandestine cell headed by a senior al Qaeda operative who reported personally to Bin Ladin.

With al Qaeda as its foundation, Bin Ladin sought to build a broader Islamic army that included terrorist groups for most of the Middle Eastern countries and Africa. Not all the groups that he approached joined, but most did. And he created a multinational council, in effect an Islamic army council, intended to promote common goals, coordinate targeting and authorize asset sharing for terrorist operations. This represented a new level of collaboration among diverse terrorist groups.

In Sudan, Bin Ladin set up training camps and weapons and supply depots. He used them to support his al Qaeda organization and also other member groups of this Islamic army. Bin Ladin's operatives used positions in the businesses that he had set up as a cover to acquire weapons, explosives and technical equipment. And to facilitate these activities, Sudanese intelligence officers provided false passports and shipping documents. At this time, Bin Ladin's operational role, or al Qaeda's operational role, was mainly in providing of funds, training and weapons for attacks that would be carried out by members of these other groups.

Let me move forward to the launching of attacks on the United States. In December of 1992, an explosion outside two hotels in Aden, in Yemen, which was being used as a stopover for U.S.

troops en route to Somalia, killed one Australian tourist and no Americans. U.S. intelligence would learn four years later that this attack was carried out by Yemeni terrorist groups -- a Yemeni terrorist group, whose leader was very close to Bin Ladin, whose members reportedly were trained at a Bin Ladin-funded camp in Sudan that was run by a member of the al Qaeda military committee.

In October of 1993, two Black Hawk helicopters were shot down, 18 U.S. soldiers were killed, in Mogadishu, Somalia.

U.S. intelligence learned in the ensuing years that Bin Ladin's organization had been heavily engaged in assisting the warlords who attacked U.S. forces in Somalia. The head of the al Qaeda military committee, from a command center in Nairobi, Kenya, reportedly sent scores of trainers into Somalia, including experts in the use of rocket-propelled grenades, the same kind of weapon that was used to shoot down those helicopters. Operatives dispatched to Somalia were told that their mission was, quote, "To kill U.S. troops, incite violence against U.S. personnel and undermine the success of the U.S. mission." Close quote. Sources have described several of these operatives as bragging later that their work had caused the defeat of the Americans, and Bin Ladin and his senior associates touted the subsequent withdrawal of U.S. forces from Somalia in March of '94 as a victory for the mujahidin and a demonstration that the Americans could be forced to retreat.

Two additional attacks in Saudi Arabia took place in '95 -- in 1995 and 1996, for which the evidence of Bin Ladin's involvement is much more ambiguous. On November 13, 1995, a car bomb exploded in Riyadh outside an office of the U.S.-trained Saudi Arabia National Guard. Five Americans and two officials from India were killed. Saudi authorities quickly arrested four suspects, whom they quickly convicted and executed. The Saudis televised confessions of three perpetrators, indicating that their actions had been influenced by Bin Ladin, but there was no charge that Bin Ladin was directly involved. Later, March 1997 CNN interview, Bin Ladin denied responsibility for the attack, but he said he was sorry he had not been a participant.

By the time of this interview, U.S. intelligence had learned that a year and a half before the bombing took place at the Saudi National Guard facility, al Qaeda members and members of other aligned groups had decided to attack U.S. targets in Saudi Arabia, and they directed a team to ship explosives there. Now this shipment was a case study in the collaboration that was

going on then. The -- Bin Ladin supplied the money for purchasing the explosives. The Sudanese Ministry of Defense served as a conduit for bringing them into Sudan. They were stored briefly in the warehouse of one of Bin Ladin's business facilities, then transported on a Bin Ladin company truck under the cover of Ministry of Defense invoice papers, moved to a warehouse provided by the Ministry of Defense at a port on the Red Sea, and then transferred on a Bin Ladin-owned boat to Islamic Army operatives in Yemen, and from there they were moved by land to the eastern part of Saudi Arabia.

So Bin Ladin and his organization's attack -- role in this attack remains unclear, but the attack was consistent with the described purpose of the shipment of those explosives.

On June 26th, 1996, an explosion ripped through a building in Khobar Towers, an apartment complex housing U.S. Air Force personnel in Dhahran, Saudi Arabia. Nineteen Americans were killed; 372 were injured. Subsequent investigation concluded that the attack was carried out by a Saudi Shi'a Hezbollah group with assistance from Iran. Intelligence obtained shortly after the bombing, however, also supported suspicions of Bin Ladin's involvement. There were reports in the months preceding the attack that he was seeking to facilitate another shipment of explosives to Saudi Arabia, and on the day of the attack he was congratulated by other members of the Islamic Army.

This remains uncertain, but one thing we need to point out is that because of the historical animosity between the Shi'a and Sunni factions -- Islamic factions, the confirmation of the Hezbollah role led many to conclude Bin Ladin's Sunni-populated group would not have been involved. Later intelligence, however, showed a far greater potential for collaboration between Hezbollah and al Qaeda than many had previously thought.

A few years before the attack, Bin Ladin's representatives and Iranian officials had discussed putting aside these differences to cooperate against a common enemy. A small group of al Qaeda operatives subsequently traveled to Iran, and another group went to Hezbollah training camps in Lebanon for training in explosives and intelligence. And Bin Ladin is reported to have showed particular interest at this time in the Hezbollah truck-bombing tactics used in Lebanon in 1983 that had killed 241 U.S. Marines. So in sum, we have seen now strong but indirect evidence that Bin Ladin's organization did in fact play some as yet unknown role in the Khobar attack.

Bin Ladin also explored possible cooperation with Iraq during his time in Sudan, despite his opposition to Hussein's secular regime. Bin Ladin had in fact at one time sponsored anti-Saddam Islamists in Iraqi Kurdistan. The Sudanese, who wanted to protect their ties with Iraq, reportedly persuaded Bin Ladin to cease his support for the anti-Saddam groups and arrange for meetings between Iraq and al Qaeda. A senior Iraqi intelligence officer reportedly made three visits to Sudan and finally met with Bin Ladin in 1994. At that time, Bin Ladin is said to have requested space to establish training camps, assistance in procuring weapons, but Iraq apparently never responded. There have been reports that contacts between Iraq and al Qaeda also occurred after Bin Ladin returned to Afghanistan, but they do not appear to have resulted in a collaborative relationship. And two senior Bin Ladin associates have adamantly denied any ties existed between al Qaeda and Iraq, and so far we have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.

Now whether Bin Ladin and his organization had roles in the 1993 attack on the World Trade Center and on the thwarted Manila plot to blow up a dozen U.S. commercial aircraft in 1995 remains a matter of substantial uncertainty. Ramzi Yousef, the head -- lead operative in both plots, trained in camps in Afghanistan that were funded by Bin Ladin and used to train many al Qaeda operatives. They also trained operatives from other groups at this camp. Whether Yousef was then or later became a member of al Qaeda remains a matter of debate, but he was at a minimum part of a loose network of Sunni extremists/Islamists who, like Bin Ladin, began to focus their rage on the United States.

Khalid Sheikh Mohammed, who provided some funding for Yousef in the 1993 World Trade Center attack and was his operational partner in the Manila plot, later did join al Qaeda and masterminded the 9/11 attack.

He was not, however, at the time of the Manila plot, a member of al Qaeda.

A number of other individuals connected to these plots, or to some of the plotters, and participated in them, either were then or later became associates of Bin Ladin. But we have no conclusive evidence that at the time of these plots any of them was operating under Bin Ladin's instructions. But what is clear is that these plots were major benchmarks in the evolving Islamist threat to the United States, and they foreshadowed later attacks that were indisputably carried out by al Qaeda

under Bin Ladin's direction. Like the later attacks, they were aimed at demolishing symbols of American power and killing enormous numbers of Americans. Like Bin Ladin, Yousef was willing to employ any means to achieve these ends, and he contemplated the use of non-conventional weapons. In one of Bin Ladin's television interviews later, he characterized Ramzi Yousef as a, quote, "symbol and teacher," unquote, that would drive Muslims suffering from U.S. policy to, quote, "transfer the battle into the United States." Close quote.

In May, 1996, Bin Ladin left Sudan and moved back to Afghanistan. His departure resulted from a combination of pressures from the United States, other Western governments, and Egypt, Saudi Arabia and Libya, all three of which faced indigenous terrorist groups supported by Bin Ladin. Pressure on Sudan intensified in April 1996 when the United Nations sanctioned Sudan for harboring individuals from the group that had attempted to assassinate Egyptian President Mubarak in June of '95.

At the time of Bin Ladin's move to Afghanistan, the U.S. intelligence community had uncovered many details of his financial and business structures and their use to support terrorist groups. Somewhat later, was when he was back in Afghanistan, that new sources disclosed the nature of his organizational structure, his commitment to attacking the United States, and the extent of his organization's involvement in attacks against the United States that had already been carried out.

He had some changing fortunes in Afghanistan. His departure from Sudan was a setback for him. The Saudi government had already frozen his assets three years earlier, and the Sudanese government expropriated all of his assets there after he left Sudan. The financial stresses that he was undergoing then strained relations with some of his associates who used the move back to Afghanistan as an occasion to break off from al Qaeda.

There were, nonetheless, some benefits from the move. The Sudanese, in an effort to reduce external pressures, had sought to keep Bin Ladin under control and had prohibited him from making public diatribes. Afghanistan's lack of a central government gave him greater latitude to promote his own agenda. Moreover, al Qaeda had never really left the Afghanistan region.

Even when it was headquartered in Sudan, it had used Pakistan and Afghanistan as a regional base and training center

supporting Islamic insurgencies in places like Tajikistan, Kashmir and Chechnya.

In August of 1996, Bin Ladin made public his war against the United States. In a, quote, "declaration of holy war on the Americans occupying the country of the two sacred places," close quote, Mecca and Medina in Saudi Arabia, Bin Ladin called on Muslims worldwide to put aside their differences and join in deadly attacks against United States forces to compel their withdrawal from Saudi Arabia. This was a declaration we knew then that he had been making for about four years privately.

A month later the Taliban and Afghan factions, supported by Pakistan, seized control of Kabul, the capital of Afghanistan. Bin Ladin began cementing his ties with the Taliban and they soon forged a close alliance. Taliban paid a great price for this in the form of outside pressure, isolation, U.N. sanctions and, after 9/11, the destruction of the regime. But prior to 9/11, the Taliban also benefited from the relationship with Bin Ladin. Bin Ladin provided significant financial support to the Taliban and hundreds, if not thousands, of fighters to support the Taliban in its ongoing war with other factions in northern Afghanistan.

From al Qaeda's perspective, the alliance provided a sanctuary in which to train and indoctrinate recruits, import weapons, forge ties with other jihad groups and leaders, and plan terrorist operations. Al Qaeda fighters could travel freely within the country, enter and exit without visas or any immigration procedures, and enjoy the use of official Afghan Ministry of Defense license plates. Al Qaeda used the Afghan state-owned Ariana Airlines to courier money into the country.

There were also ideological ties with the Taliban. Both Taliban and Bin Ladin espoused the vision of a pure Islamic state. Bin Ladin reportedly swore an oath of loyalty to Taliban leader Mullah Omar. Relations between Bin Ladin and Taliban leadership were sometimes tense, and some Taliban leaders opposed the al Qaeda presence, but in the end, Mullah Omar never broke with Bin Ladin and al Qaeda.

Similarly, Pakistan did not break with the Taliban until after 9/11, although it was well aware the Taliban was harboring Bin Ladin. The Taliban's ability to provide Bin Ladin a haven in the face of international pressure and U.N. sanctions was significantly facilitated by Pakistan's support. Pakistan benefited from the Taliban-al Qaeda relationship as Bin Ladin's

camps trained and equipped fighters for Pakistan's ongoing struggle with India over Kashmir.

In early 1998, Bin Ladin was in the early stages of what would become a merger of his al Qaeda with another major terrorist group, the Egyptian Islamic Jihad. And on February 23rd, 1998, Bin Ladin and the leader of this Egyptian group, Ayman Zawahiri, who is today his deputy, number two, published another fatwa that announced a, quote, "ruling to kill Americans and their allies," close quote.

This was also signed by the heads of three other groups, but their signatures were more for a show of unity than substance.

And unlike earlier statements, this fatwa explicitly instructed followers to kill civilians and military. The decree said that this ruling was, quote, "an individual duty for every Muslim who can do it in any country in which it is possible to do it," close quote.

And there were new attacks on the United States that followed shortly thereafter. August 7th, 1998, nearly simultaneous truck bombs ravaged the U.S. embassies in East African capitals of Nairobi, Kenya, and Dar es Salaam, Tanzania. The Nairobi embassy was destroyed. Two hundred and 13 people were killed, including 12 Americans, and about 5,000 were injured. In Dar es Salaam, 11 more were killed, none Americans, and 85 injured.

U.S. intelligence learned a few months later that the targeting of the U.S. embassy in Nairobi began in late 1993. It was one of more than a dozen potential U.S. targets analyzed by a team residing in the same Nairobi cell that was used to provide assistance to the Somalis. In January of 1994, al Qaeda leaders concluded that the U.S. embassy in Nairobi would be an easy target.

Preparations for the attack, the actual implementation of the attack, did not begin in earnest until late spring of 1998, and the bombs were only assembled a few days before the attacks. The night before the embassy bombing, all -- by that time, all al Qaeda members, except the suicide squads and a few people assigned to clean up the evidence trail, had left East Africa. Bin Ladin and the al Qaeda leaders in Afghanistan had also left for the countryside, in the expectation of U.S. retaliation.

We need to point out the attacks on these embassies in East Africa demonstrated a new operational form for al Qaeda. They

were planned, directed and executed by al Qaeda under the direct supervision of Bin Ladin and his chief aides. And this would be seen again.

On October 12th, 2000, an explosives-Ladin boat tore through the side of the USS *Cole*, anchored in Aden. Seventeen members of the *Cole* crew were killed and another 39 wounded.

In the course of the ensuing investigation, the U.S. learned that an earlier attempt to attack a U.S. warship had been made in January of that year, aimed at the USS *The Sullivans*, but had failed because the boat was overloaded with explosives. The boat was salvaged, a new martyr crew was selected, and the attack successfully carried out 10 months later.

The operational commander of this attack, a person named Nashiri, had previously assisted one of the African embassy bombers. He had arrived in Yemen in late 1999 to supervise the purchase of the boat used in the attack and direct the casing and execution of the attacks.

He was assisted by an al Qaeda member close to Bin Ladin -- went by the name of Khallad, or Tawfiq Attash.

Khallad was the person who purchased the explosives used in the attack and Khallad had also been identified as connected to the East Africa bombings. This attack followed the operational pattern shown in the East African bombings in that it was directed by al Qaeda operatives using equipment and explosives purchased by al Qaeda funds and carried out by members of al Qaeda willing to be martyrs for the cause.

By mid-November 2000, U.S. investigators were aware of the roles of Nashiri and Khallad and aware that they were senior al Qaeda operatives. The one point that could not be ascertained at the time was whether they had carried out that attack under direct orders from Bin Ladin himself. This would not be confirmed until Nashiri and Khallad were captured in November of 2002 and April 2003 respectively.

At the same time, two disrupted millennium plots demonstrated that Bin Ladin remained willing to provide support to attacks initiated by independent actors. Neither intended millennium attack was a traditional al Qaeda operation; rather, both were planned and orchestrated by independent extremist groups which received training and assistance from al Qaeda figures.

One was a plot to destroy hotels and tourist sites in Amman, Jordan; it was planned and carried out by a Palestinian radical and his partner, an American citizen, who sought to kill Americans there. The other was the attempted bombing of the Los Angeles International Airport. It was orchestrated by a person named Ressam, who conceived and prepared for the attack on his own. He commented after his arrest that he had offered to let Bin Ladin take credit for the attack in return for providing Ressam future funding. Both Ressam and the Jordanian cell took what they needed from al Qaeda associated camps and personnel but did not follow the traditional al Qaeda top-down planning and approval model.

Let me quick look at some terrorist training camps. Many of the operatives in the African Embassy and Cole attacks attended training camps in Afghanistan, as did all 19 of the 9/11 hijackers. There was a mutually reinforcing relationship between the camps and terrorist operations. The camps provided the operatives for the terrorist attacks; successful attacks boosted camp recruitment and attendance.

The quality of training provided at al Qaeda and other jihadist camps was apparently quite good. There was coordination with regard to curriculum, emphasis on ideological and religious indoctrination, and instruction that underscored that the United States and Israel were evil and that the rulers of Arab countries were illegitimate.

The camps created a climate in which trainees and other personnel were free to think creatively about ways to commit mass murder. According to a senior al Qaeda associate, various ideas were floated by mujahidin in Afghanistan, such as taking over a launcher and forcing Russian scientists to fire a nuclear missile at the United States, mounting mustard gas or cyanide attacks against Jewish areas in Iran, dispensing poison gas into the air conditioning system of a targeted building, and last by not least, hijacking an aircraft and crashing it into an airport terminal or nearby city.

These camps were able to operate only because of the worldwide network of recruiters, travel facilitators and document forgers who vetted would-be trainees and helped them get in and out of Afghanistan.

There are strong indications that elements of both the Pakistani and Iranian governments frequently turned a blind eye to this transit through their respective countries.

We can conservatively say that thousands of men, perhaps as many as 20,000, trained in Bin Ladin-supported camps in Afghanistan between his May 1996 return and September 11th, 2001. And of those, only a small percentage went on to receive the advanced terrorist training.

MR. ZELIKOW: We should stress that -- we should stress that -- we should stress -- (technical difficulties) -- We should stress that what we know now is different from what we may have known at the time. Some of what we have described was known at the time. Some of it was only known much later, as we've been explaining in the course of this statement.

Let me turn to the funding of al Qaeda and Afghanistan. After establishing itself in Afghanistan, al Qaeda relied on well-placed financial facilitators and diversions of funds from Islamic charities. The financial facilitators raised money from witting and unwitting donors, primarily in the Gulf countries and particularly in Saudi Arabia. The facilitators also appeared to rely heavily on certain imams at mosques, also primarily in the Gulf countries, who were willing to divert mandatory charitable contributions known as *zakat*.

Al Qaeda also collected money from employees of corrupted charities. Operatives either penetrated specific foreign branch offices of large international charities, particularly those with lax external oversight and ineffective internal controls, or they controlled entire smaller charities, including access to their bank accounts.

There is no convincing evidence that any government financially supported al Qaeda before 9/11, other than limited support provided by the Taliban after Bin Ladin first arrived in Afghanistan. Some governments may have turned a blind eye to al Qaeda's fundraising activities. Saudi Arabia has long been considered the primary source of al Qaeda funding, but we found no evidence that the Saudi government as an institution or senior officials within the Saudi government funded al Qaeda.

Still, al Qaeda found fertile fundraising ground in the kingdom, where extreme religious views are common and charitable giving is essential to the culture and until recently subject to very limited oversight.

The United States has never been a primary source of al Qaeda funding, although some funds raised in the United States likely made their way to al Qaeda.

No persuasive evidence exists that al Qaeda relied on the drug trade as an important source of revenue or funded itself through trafficking in diamonds from African states engaged in civil wars.

After raising money, al Qaeda frequently moved its money by *hawala*, an informal and ancient trust-based system for transferring funds. Al Qaeda also used couriers as a secure, albeit slower, way to move funds.

Bin Ladin relied on the established *hawala* networks operating in Pakistan, the United Arab Emirates and throughout the Middle East to transfer funds efficiently. *Hawaladars* associated with al Qaeda may have used banks to move and store money, as did various al Qaeda fundraisers and operatives outside of Afghanistan, but there is little evidence that Bin Ladin or his core al Qaeda members used banks during this period.

Al Qaeda's money was distributed as quickly as it was raised. What was made was spent. The CIA estimates that al Qaeda spent \$30 million annually, including paying for terrorist operations, maintaining terrorist training camps, paying salaries to jihadists, contributing to the Taliban, funding fighters in Afghanistan and sporadically contributing to related terrorist organizations.

The largest expense was payments to the Taliban, which totaled an estimated 10 (million dollars) to \$20 million per year. Actual terrorist operations were relatively cheap. Although there is evidence that al Qaeda experienced funding shortfalls as part of the cyclical fundraising process, with more money coming during the holy month of Ramadan, we're not aware of any evidence indicating that terrorist acts were interrupted as a result.

Al Qaeda today. Since the September 11th attacks and the defeat of the Taliban, al Qaeda's funding has decreased significantly. The arrests or deaths of several important financial facilitators has decreased the amount of money al Qaeda has raised and increased the cost and difficulty of raising and moving that money. Some entirely corrupt charities are now out of business with many of their principals killed or captured, although some charities may still be providing support to al Qaeda. Moreover, it appears that the al Qaeda attacks within Saudi Arabia in May and November in 2003 have reduced, perhaps drastically, al Qaeda's ability to raise funds from Saudi sources. Both an increase in Saudi enforcement and a more

negative perception of al Qaeda by potential donors have cut its income. At the same time al Qaeda's expenditures have decreased as well, largely because they no longer provide substantial funding for the Taliban or runs a network of training camps in Afghanistan. Despite the apparent reduction in overall funding, it remains relatively easy for al Qaeda to find the relatively small sums required to fund terrorist operations.

Prior to 9/11, al Qaeda was a centralized organization which used Afghanistan as a war room to strategize, plan attacks and dispatch operatives worldwide. Bin Ladin approved all al Qaeda operations, often selecting the target and the operatives.

After al Qaeda lost Afghanistan after 9/11, it fundamentally changed. The organization is far more decentralized. Bin Ladin's seclusion forced operational commanders and cell leaders to assume greater authority. They are now making the command decisions previously made by him. Bin Ladin continues to inspire many of the operatives he trained and dispersed, as well as smaller Islamic extremist groups and individual fighters who share his ideology. As a result, al Qaeda today is more a loose collection of regional networks with a greatly weakened central organization. It pushes these networks to carry out attacks and assists them by providing guidance, funding and training in skills such as bomb making or urban combat.

Al Qaeda remains intensely interested in conducting chemical, biological, radiological or nuclear attacks.

In 1994, al Qaeda operatives attempted to purchase uranium for one-and-a-half million dollars. The uranium proved to be fake. Though this attempt failed, al Qaeda continues to pursue its strategic objective of obtaining a nuclear weapon. Likewise, it remains interested in using a radiological dispersal device, or dirty bomb; a conventional explosive designed to spread radioactive material. Documents found in al Qaeda facilities contain accurate information on the usage and impact of such weapons.

Al Qaeda had an ambitious biological weapons program, and was making advances in its ability to produce anthrax prior to September 11th. According to Director of Central Intelligence George Tenet, al Qaeda's ability to conduct an anthrax attack is one of the most immediate threats the United States is likely to face. Similarly, al Qaeda may seek to conduct a chemical attack by using widely available industrial chemicals, or by attacking a chemical plant or a shipment of hazardous materials.

The intelligence community expects that the trend toward attacks intended to cause ever-higher casualties will continue. Al Qaeda and other extremist groups will likely continue to exploit leaks of national security information in the media, open-source information on techniques such as mixing explosives, and advances in electronics. It may modify traditional tactics in order to prevent detection or interdiction by counterterrorist forces. Regardless of the tactic, al Qaeda is actively striving to attack the United States and inflict mass casualties.

(Pause while witnesses come forward.)

MR. KEAN: Our first panel today includes Deborah Mary Doran, a special agent for the FBI, and she has pursued al Qaeda worldwide. She is accompanied by Mr. John Pistole, the executive assistant director of the FBI for counterintelligence and counterterrorism. In addition, we have Patrick J. Fitzgerald, U.S. attorney for the Northern District of Illinois, who has prosecuted many of the terrorism cases related to al Qaeda; and "Dr. K" of the Central Intelligence Agency, who has extensively tracked and analyzed the global terrorist threat to the U.S., particularly al Qaeda.

Would you please rise and raise your right hands.

(Witnesses sworn.)

Please be seated.

"Dr. K" is also being accompanied -- these people need to be accompanied -- by Mr. Ted Davis of the CIA.

Ms. Doran, would you please begin?

MS. DORAN: Good morning. My name is Debbie Doran, and since 1996 I've been a special agent of the FBI assigned to the New York Division Counterterrorism Division, where I have focused on Usama Bin Ladin and al Qaeda investigations.

As a street agent, I'm removed from the policy and administrative decision-making processes that have defined the scope and conduct of the FBI's investigation into al Qaeda, both historically and currently, and therefore, cannot speak to those issues. What I can speak to is how we, at the street agent level, pursued al Qaeda, and some of what we have learned.

Let me begin by telling you that I am proud to be an agent of the FBI, and I am particularly proud of the work done by the Counterterrorism Division in New York. I have been privileged and honored to work with and learn from my colleagues in the FBI, as well as those in other government agencies.

Prior to 9/11, it was primarily the New York office, together with the United States Attorney's Office in the Southern District of New York, supported by dedicated analysts at FBI headquarters, and in conjunction with our colleagues at CTC, that constituted the majority of the United State government's institutional knowledge about al Qaeda and the threat it posed to the United States. The dedication and sacrifices made in this cause by these people is incalculable. I hope today that we who sit before you can do justice to their efforts, which since 9/11 have been supplemented with literally thousands of additional people in both civilian and military capacities. Clearly this is indicative of the responsibility with which we were charged prior to 9/11.

The FBI is and has been an integral part of the United States intelligence community working to prevent acts of terrorism. Most emphatically, the FBI is not new to countering terrorism against United States' interests, whether here or abroad. Included in the FBI's mission has always been the proactive identification and disruption of potential terrorism threats. Our first Joint Terrorism Task Force was formed in New York over 20 years ago, and we have long understood that a successful prosecution after an attack is only second best.

The FBI is extremely effective in putting together both criminal and intelligence cases all built upon information obtained through detailed and thorough investigations that are factually substantiated and corroborated. The fundamental objective of our investigations, both criminal and intelligence, is to reach the highest level of truth about that which we investigate. It is our training under the rule of law that has led to the FBI's successes in such cases. FBI investigators seek to pursue all leads to their logical end and to follow these leads wherever they may take us.

While leads can undoubtedly be developed in the wake of terrorist attacks, the real goal is to develop them through proactive investigation so as to be able to disrupt potential attacks before they occur. In numerous instances, our investigations have disrupted planned attacks against the United

States and have contributed to the disruption of planned attacks abroad.

Beyond merely disrupting specific plots, intelligence generated has significantly contributed to the identification of al Qaeda's leadership, its organizational structure, methods, training, finances, geographical region intent.

The early development of operational sources and cooperators, dogged pursuit of leads and the factual substantiation of information all exemplify the ways that we were proactive in the fight against terrorism long before 9/11. Through the use of sources, the FBI identified the first seeds of Islamically-justified terrorism in the U.S. in the late 1980s. Through these investigations in the early 1990s, the name Usama Bin Ladin first surfaced. Initially he was identified as an organizer and financier of military training camps in Afghanistan. The fact that his name first surfaced through FBI-New York investigations were the reasons that his name -- the UBL investigation was assigned to the FBI's New York office.

This early era yielded yet another important name, Khalid Sheikh Mohammed. All of these investigations contributed greatly to the FBI's then new but growing knowledge of UBL and his network.

The FBI's intelligence investigation into Usama Bin Ladin was opened in February of '96, and the criminal investigation was opened in September of '96. Perhaps the most significant factor in the progress of these investigations from our perspective came with the arrival of an al Qaeda defector, Jamal al Fadl, nicknamed "Junior." Junior had offered his information to a number of different countries before being brought in by the CIA in '96. Subsequently, the CIA allowed him to meet with the FBI. In December '96, Junior was established as an FBI-cooperating witness against al Qaeda. Information developed by Junior spurred a continuing effort to target and apprehend al Qaeda associates wherever they might be found, including those willing to act as informants. Junior was only one of a series of cooperators developed by the FBI. Like him, they continue to be de-briefed to this day, and continue to provide the FBI with new and relevant information. Through the sources, the FBI gained valuable insights into al Qaeda.

Utilizing sources like Junior and others, Usama Bin Ladin was identified as the head of al Qaeda. Information provided by the sources also allowed for the identification of his top

lieutenants and the structure of the al Qaeda organization. Al Qaeda can be likened to that of the organization of a corporation headed by a CEO, with a number of subsidiaries, the directors of which all sit upon the corporate board. In al Qaeda's case, UBL is the CEO, and his board of directors is called the majlis al shura, or consultative council, which forms the core of the group's command and control structure. This council discussed and approved the major undertakings, including the terrorist operations of al Qaeda. Each member of the majlis al-shura headed a committee, and each committee had its own responsibilities and specific purposes, such as those for information, propaganda, Islamic law, finance and military operations.

Through these sources the FBI also gained a more comprehensive picture of the training camps, methods, trade craft and intent of al Qaeda. Throughout the '90s, thousands of men were recruited to come and fight on behalf of the Taliban against the Northern Alliance in order to establish an Islamic state in Afghanistan. Those who came were sent to basic training camps. Those who excelled were approached about the possibility of joining the larger jihad against the United States and its allies. Those who accepted that offer were sent on for advanced training, and sometimes for specialized training, such as in explosives.

It also became clear the UBL was more than simply a financier. Rather, he was the spiritual leader of a virulently anti-Western interpretation of Islam, who was adored by those who followed him.

By early '96, and continuing to today, the FBI and CIA have been working together in the targeting of Usama Bin Ladin and al Qaeda. The FBI has contributed significantly to this joint effort, and continues to examine al Qaeda's presence across the United States and around the globe.

Long before 9/11, FBI agents opened up a number of UBL-related investigations in the United States, and briefed countless foreign law enforcement and intelligence agencies about Usama Bin Ladin and al Qaeda. Eventually the amount of factually-substantiated information developed with such that in June '98 Usama Bin Ladin was indicted in the Southern District of New York under seal. This was a significant legal tool to have in hand in the event an opportunity to capture Bin Ladin arose. This indictment was unsealed and superseded after the attacks on the U.S. embassies in East Africa in August of '98.

This commission has been provided unprecedented access to FBI personnel, FBI information and records in order to inform yourselves about our role in counterterrorism methods, past and present. The fact that this commission was able to draft the statement it has for this panel is in of itself a small testament to the work done by this dedicated band of public servants, including those in the FBI in the years prior to 9/11.

On behalf of the United States Attorney for the Northern District of Illinois, Patrick Fitzgerald, and executive assistant director of the FBI, John Pistole, we thank the Commission for inviting us to these proceedings and providing the opportunity in some small way to contribute to history. We understand the responsibility with which you have been charged, and will do our best to answer your questions.

MR. KEAN: Thank you, Ms. Doran.

Mr. Fitzgerald?

MR. FITZGERALD: Thank you. Good morning. In light of the comprehensive statement of the Commission statement and Agent Doran, I would just like to emphasize three points.

The first point is that I think we sometimes fail to appreciate how well trained the al Qaeda network is and how they go about their intelligence gathering. And I think a couple of examples illustrate the point. Many of us might think of terrorists as some sort of -- almost like a street gang -- not that street gangs aren't very dangerous. But I think we have to appreciate that many of the people in the al Qaeda network have very sophisticated educations. When you see Bin Ladin on the videotapes next to Ayman al Zawahiri, we forget that the man sitting next to him is a medical surgeon. Many of the people in the al Qaeda network are doctors, lawyers, advanced military officials from foreign countries who have great experience.

The second thing we forget is how well trained they are. They had formal training over in Afghanistan, and had it for years, when they trained people in surveillance techniques, countersurveillance techniques, assassinations, kidnapping, bomb-building -- all sort of religious indoctrination, and talking how to use ciphers and codes. And so we look at people who studying this very, very carefully.

What we saw in the embassy bombing case is that they used explicitly a cell structure. We found documents seized from an

al Qaeda-located residence that showed that they followed a cell structure that had a surveillance cell, an intelligence-gathering cell that would gather information. They would then go to the headquarters cell by their methodology and get approval for an operation. They would then use a logistics cell to help carry out the operation, and then an execution cell would come in and do the job.

We heard that same technique when we interviewed one of the bombers who was caught who described the four cells and we saw it in place. In that particular case, the man who was part of the intelligence cell that did the surveillance was a U.S. citizen named Khalid Mohammed who had 17 years experience in the Egyptian military prior to that. He went and joined the U.S. Army for three years, was in the United States, helped train some of the people who later carried out the World Trade Center bombing, went back to Afghanistan and helped train a lot of the top leadership of al Qaeda, Egyptian Islamic Jihad in these various techniques. Then he went as a U.S. citizen and surveyed a dozen targets in Nairobi in December 1993. The headquarters cell was then Bin Ladin and others sitting in Khartoum in Sudan. They actually looked at files and photographs and approved the operation. The surveillance itself was first done in December 1993 -- five years before the attack, which shows the level of patience and planning that we don't expect from a non-nation-state.

The logistics cell was carried out by people who were in Kenya for years. Some were fishermen, some were in the gemstone business, and a critical person was a U.S. citizen running a charity in Kenya. And one of the things I think we sometimes don't appreciate is that when we deal with criminals in the United States, when we see a front organization, it's usually a pretty thin front. I remember a mob case in New York where someone went into a cafe to order a cup of coffee, and they said, "We don't serve coffee here" -- and it was pretty obvious that the cafe wasn't a cafe.

But the concern you have is with al Qaeda, when they operate a charity they actually believe in the charity work. Their ideology is such that they equate helping the poor and downtrodden, which is a good thing, with killing the people that they hate, including civilians. Some people actually do lots of charity work. So if someone went to inspect the charity, they would see records, they would see orphans being treated, they would see medicine being shipped. And that's what gave it great, great cover.

And, finally, they used an execution cell where they brought people who were trained in Afghanistan, who had fought with the Taliban, and brought them in at the last minute and told them what to do.

So I think when we think about the nature of the threat posed by al Qaeda, we have to recognize that we're dealing with very intelligent people, very well trained and very patient.

And the other thing we need to do is recognize that they recognize who we are and what our strengths and weaknesses are. And one of the things they plan and train to do is to exploit our weaknesses. They know the immigration system. They know it's better to have U.S. citizenship or Western citizenship. They know it's important to have a passport and a good cover story. And that's how they get into our country. And the other thing they appreciate is what they can learn from the media in terms of gathering information, both publicized or leaked, that shows how we go about doing our business. And they know how to manipulate the media, both in terms of propaganda and in terrorizing our population. So it's a very serious problem. We all obviously know that from the tragic lesson of September 11th. And I'll be happy to answer any questions.

MR. KEAN: Thank you very much, Mr. Fitzgerald.

"Dr. K?"

"DR. K": Good morning. I want to thank the Commission for the opportunity to discuss the nature of the enemy that carried out the September 11th attacks.

The Commission staff's statement that was read this morning paints an accurate picture of al Qaeda's history and evolution, and how this organization came to pose such a serious threat to the United States.

What I would like to do over the next few minutes is to provide some context for the Staff Statement, by examining the role that Usama Bin Ladin and al Qaeda played in the broader Sunni jihadist movement.

Bin Ladin, to be sure, is the key part of that movement, but the movement goes beyond him and al Qaeda. And just as their place in it and the role that they play have evolved, our understanding has also evolved. That understanding helped to shape our response to the attack that took place on 9/11,

because we knew about the people and the organization, as well as the role and importance of the Afghan sanctuary. As we continue to learn about the enemy, that additional knowledge will help to shape how we respond in the future.

It is also critically important to understand the role Bin Ladin and his organization play in the broader jihadist movement so we can better understand the nature of the future threats and how to deal with them. The story that's told in the Staff Statement describes a very deliberate, patient adversary driven by an utopian ideology, possessing a comprehensive strategy -- an enemy that is independent, an enemy that is disciplined. Keep in mind, however, that in the early days of al Qaeda it was just one part of the emerging global jihadist movement. The mujahidin, who had fought the Soviet Union in Afghanistan returned home and brought with them the terrorist skills they had learned in the fight against the Soviets, the belief that they could beat anyone if they were willing to die for their cause, and contacts with other individuals and terrorist groups that had been forged in Afghanistan. That confidence and capability was directed at those who were perceived to be a threat to their vision of Islam, whether it was their own government, the United States or Israel.

Several factors allowed al Qaeda to emerge out of this environment as the preeminent organization and serve in many ways as the ideological and practical force unifying these individuals and groups.

First of all, Bin Ladin and his followers possessed a utopian ideology based on a vision of an old notion of a single caliphate. This vision, while extreme, resonated among many Muslims, and was attractive because it was built on a foundation of deeply ingrained cultural and religious norms and sought to redress deeply-felt historical wrongs.

Muslims who felt victimized by their governments had some claim to being victims of colonialism or felt their societies drifting into corruption could identify with Bin Ladin and his vision.

Al Qaeda and others cultivated an image of Bin Ladin as the voice for this vision. He was portrayed as the pious son of a pious but wealthy man who shunned the comforts of home and spent his wealth and risked his life for others. Bin Ladin himself increased his credibility by laying out his program and sticking to it. He said what he meant, and he meant what he said. This

allowed the group to operate anywhere, and attract support and members everywhere.

All of this would have come to nothing without a comprehensive strategy. But al Qaeda had that too. Al Qaeda was created to serve as the base or foundation for a new global movement, what one former member has called an Islamic army -- that's army with a small "a."

When you look at al Qaeda's internal documents, you can see that they thought through what this would take. They knew they would need to build relations with groups in every part of the world, and build the conditions for Islamic militant groups to arise where none then existed.

Al Qaeda encouraged, supported and inspired the terrorist activities of others, all while planning its own operations. Although some al Qaeda members may have been involved in several early attacks in the 1990s against U.S. interests, the East Africa bombings in August of '98 are the first attacks that were exclusively al Qaeda operations.

As al Qaeda grew and evolved, it not only conducted operations that were centrally planned; it also approved operations initiated by members dispersed in other countries, and it continued to support and inspire other associated or independent groups to attack as well.

We see more of these semi-autonomous operations today -- not because al Qaeda is weak -- even though it has been weakened -- but because al Qaeda succeeded in building the capacity of other groups and individuals in the broader network.

Al Qaeda put a premium on its ability to operate as an independent organization -- independent from states as well as from donors and other groups. This is an integral part of its operating directive. Al Qaeda sought independence in every facet of its work -- organization, strategy, funding and supplies. It sought to dictate the terms of its relations with states, rather than the other way around. Al Qaeda's relationship with states was symbiotic, especially with those states that granted it safe haven. And this left al Qaeda free to pursue its own strategy in its own time. Rather than give up this flexibility, Bin Ladin defied states, including the Taliban when it directed him not to launch attacks.

In general, the Taliban offered al Qaeda a safe environment to do its thing, including building up its own funding network within the larger global network, so that they would never be dependent upon any one source of funds or territory; building its own network of sympathetic imams to provide religious direction and legitimacy; building their own training camps and weapons factories; and operated their own recruitment network. All of this required patience and discipline --

MR. KEAN: "Dr. K", if you could start to wrap up your statement.

"DR. K": I will -- in one second, please -- which al Qaeda showed from the first. Bin Ladin built his organization methodically, gradually, as a dissident organization within the global network. He patiently created ties to other extremists around the world, and laid the seeds for a more effective worldwide jihadist movement.

And, finally, patience is ultimately significant for our understanding of the nature of the threat posed today by Bin Ladin and like-minded extremists. Al Qaeda, to be sure, is the vanguard of the global Sunni jihadist struggle against the United States. It has by no means been defeated. And, though weakened, it continues to patiently plan its next attacks. It may strike next week, next month or next year, but it will strike.

And, finally, last point: Even after Bin Ladin and al Qaeda are defeated, the global jihadist movement will continue to exist. That movement may again produce another Bin Ladin or al Qaeda as long as they are individuals who are willing to use violence to redress perceived wrongs.

Thank you, and I'll be happy to answer any questions.

MR. KEAN: Our questioning today will be led by Senator Kerrey followed by Governor Thompson. Senator Kerrey?

MR. KERREY: Well, first of all, "Dr. K", let me also provide some context perhaps for the entire panel. All through the readings and the witnesses and the contact that I've had with this story, I oftentimes find myself asking myself what was going on in my life at the time that various things we are now looking at were going on.

Specifically, I was campaigning for the United States Senate for the first time in 1988 when al Qaeda was being formed, and the dominant issue, national security issue in that campaign, I remember it very well, which was: Should we build and deploy the MX missile system? And it wasn't even a year into my first term when the absolutely unimaginable began to happen, which is the East Bloc nations began to be liberated -- the Berlin Wall came down in the fall of 1989, and by '91 the Soviet Union was over. The Cold War had ended much more rapidly than anybody had predicted.

And one of the observations that's been made externally to this commission that I think is correct is that in a very real way we were so busy celebrating that victory that we failed to pay attention to a number of problems that were going to occur as a consequence of the Cold War's end. We got into the Balkans immediately. And one of the ones that we missed was al Qaeda and the rise of their capacity as a consequence of the Cold War struggle inside Afghanistan that ended in 1989, and we -- I think history shows rather painfully we abandoned Afghanistan and took no interest in it all the way through the 1990s. And that one I remember as well, because there happened to be a good gentleman from Nebraska with a great deal of interest in Afghanistan, and he was encouraging me to seek some USAID funding -- some very, very small amounts of USAID funding that we were simply unable to get even the smallest amounts of funding to try to do something inside Afghanistan, because the Cold War was over, the Soviet Union was gone, and they were no longer important to us.

Let me ask you if there's any disagreement with the Staff Statement that was presented. I heard "Dr. K" said it was a good Staff Statement. And if there's any comment about that statement I'd like to hear it -- any disagreement, any fundamental disagreement with the Staff Statement as it was prepared?

MR. FITZGERALD: I fundamentally agree.

MR. KERREY: Well, let me also note that our staff director, Philip Zelikow, made a comment that was not in the Staff Statement referencing that to be clear some of this stuff we learned later. But the thing that concerns me the most is that an awful lot of this was known at critical times and not delivered to key policymakers. I mean, for example, the whole connection between al Qaeda and the battle for Mogadishu on October 3rd and 4th, 1993, that connection is enormous. And we've heard from President Clinton and from President Bush's

representatives that one of the problems dealing with Bin Ladin was that the American people wouldn't give us permission to do what we had to do to end the sanctuary in Afghanistan until after September 11th. But I find in the open statements that could have been made in 1997, could have been made in 1999, could have been made in 2001 -- a very compelling case -- and I think the American people would have embraced much more aggressive action against Bin Ladin.

Let me ask Mr. Fitzgerald, you, a couple of questions in that regard. You say in your statement -- and I wish you had read your statement, because it's an excellent statement, that we knew that al Qaeda were expert forgers -- that they could produce quality visa stamps and other documents. You made that comment in that statement. When did we know that?

MR. FITZGERALD: We certainly knew that in 1998. I can tell you that in the indictment we filed publicly in the fall of 1998, we laid out the al Qaeda structure. If you look at my statement, it's a much -- it's a digested version of what we put in the public indictment. And in fact in that same indictment that was filed in the fall of 1998 that was public and later tried in 2001, we made clear that we believed al Qaeda was responsible for the attacks on the American forces in Somalia. So the extent that there was any concern that that wasn't in the public domain, we put it in a court document and tried it. I don't think it got a lot of attention in the media, but it wasn't something that was hidden.

MR. KERREY: Well, we found though that the public statements to the contrary by federal agencies that all 19 individuals came through on forged documents. Does it cause you some concern that since we knew it in 1998 that neither INS nor consular officers -- there no strategic plan on our part. We heard "Dr. K" describe al Qaeda with a strategic plan, and we appear not to have a strategic plan to deal with these kinds of vulnerabilities, knowing that they were capable of producing forged visas and passports, knowing that Bin Ladin by 1992 had identified the United States of America as the enemy that he was going to go after. Do you not think that that information should have been delivered to the INS and our consular office so they could begin to develop some sort of defensive mechanism to make sure that we had the capacity to identify forged document?

MR. FITZGERALD: I don't know what was delivered in what form to the immigration officials. I can tell you that that was not a hidden secret. I mean, it was in open court. We had testimony to

it in open court. It was in indictments. I don't think anyone was under a misimpression that there were people around the world who didn't have access to counterfeit documents. We prosecuted people on passport charges related to the first World Trade Center bombing. I recognize that you're in a difficult position when you -- one of those agencies that had to ferret out what's been obtained by fraud and what's counterfeit, what's been altered, when there's been a photo substitution. But I'm not aware of anyone withholding information from anyone about the fact that that capability was there and that had been acted upon.

MR. KERREY: Well, let me ask "Dr. K" -- I think you were in -
- how long were you in the CTC?

"DR. K": I've been in seven-and-a-half years.

MR. KERREY: We've been told that there was a comprehensive analysis of UBL that was done in January 1997.

"DR. K": Correct.

MR. KERREY: Were you part of that analysis?

"DR. K": Yes, I was. I oversaw the completion of the project, correct.

MR. KERREY: Were you disturbed that the results of that analysis were not disseminated, particularly since the National Intelligence Estimate was not updated by 1997? We were still presuming, those of us who were being delivered information, we were still being told and presumed that Usama Bin Ladin was financing terrorism, that he was not the head of al Qaeda. We didn't even have the information that Ms. Doran talked about with Fadl, with Junior. We didn't have that information either. Do you think it was a mistake not to disseminate the comprehensive analysis that was done in 1997?

"DR. K": I think it was -- it would have been better had we been able to get out as much of that story as possible, as quickly as possible. We were unable to. The project that's mentioned at the time it was completed -- and completed means essentially it was in draft -- it was not in the form that was suitable for outside consumption, and needed to be prepared in such a fashion that it would be manageable, easily digested, and understood by the policymakers.

MR. KERREY: Well, I'd like at some point to pursue that, because the stuff that were given -- we were being given was I think too easy to digest. And we were -- we had reached the wrong conclusions based upon the information that we were -- that was being delivered to us.

Let me give you one of them that we've heard over and over and over from federal people all -- again from President Clinton through President Bush -- we were focused on over there, not here. That was -- we heard that FAA administrators to National Security Council. We were focused over there, not here. But Wadih el Hage and Ali Mohamed were arrested in the United States -- members of al Qaeda 1998. Do you think there was any basis for policymakers to be reaching the conclusion that we didn't have anything to fear from al Qaeda inside the United States, that we should focus our attention overseas, not inside the United States? Mr. Fitzgerald, don't you think the arrest of those two individuals indicates that they had great capacity to get inside and penetrate the United States, and that we might have vulnerabilities here, again given the public statements that Bin Ladin was making as early as '96 about wanting to attack the United States?

MR. FITZGERALD: I think it was clear -- and public -- from 1996 forward that war had been declared upon the American military; and from February '98 that Bin Ladin had declared war upon the American civilians anywhere in the world. And I think the arrest of Mr. el Hage was public in September '98, and the arrest of Ali Mohamed became public shortly thereafter. And much of what, for example, Mr. al Fadl, known as "Junior" -- his identity was kept secret until the trial, and we are very proud it didn't leak -- but the information he gave, describing how al Qaeda operated and the various committees -- the fatwah committee, the military affairs committee, the media committee -- all that was laid out in very, very much detail in the indictment, and many of the instruments and pleadings of that court. So it was public. Only his name was withheld.

MR. KERREY: Well, you said something that I think is very important, which is that we were relying upon secret information, and the better information was the public information. In fact, the president, the very famous August 6th presidential daily briefing -- it would have been better if you had gone and briefed him and delivered the public information that you had about the trial -- because there was more content in there, it was more clear from the trial who Usama Bin Ladin was, what he intended to do, then the briefing that the CIA

prepared for the president, trying to tell him the same thing. So the open-source information was more reliable than the secret information.

MR. FITZGERALD: I think it's fair to say that there's a lot in open source that wasn't reported widely, even by the media. I've always been confused by why people don't pay attention to what becomes public. I think it's not exclusive, but --

MR. KERREY: Well, I mean the reason is that we get -- we get I think a false presumption oftentimes. We presume that the best source of information on national security comes from classified sources. In this case I think it turned out to be incorrect. I don't think we were given a clear enough picture of who Usama Bin Ladin was and what his intents were. I mean, can you describe what -- actually, I have got one very specific question. It came from the record of the trial that I'd like to ask you, of the embassy bombing, that the United States at the time that we were -- in the trial documents now -- this is not me getting any secret information -- that we were intercepting a telephone conversation of an al Qaeda operative in Nairobi, which by the way I think does a little damage to this idea that, gee, this was a very hard target and we couldn't penetrate it at all. We were penetrating. We were intercepting an al Qaeda operative's telephone conversations in the summer of 1996 and the fall of 1997. Do you remember what insights were gained from that intercept?

MR. FITZGERALD: To be perfectly honest, I do remember what we gained from those interceptions, and I think what people thought -- we didn't know as much as we did when we did at the trial, because you have conversations like any wiretap where people talk cryptically, they harrumph, they refer to this guy, they refer to that guy, that place over there. It took us years to go back and look at those wiretaps, particularly with the benefit of witnesses, to figure out what was going on, know the hindsight and piece together what was being said. But there was that wiretap which we later used in court when we thought -- I'll be honest -- prior to the August 1998 embassy bombings, it was clear to us that there was an al Qaeda support logistics cell in Kenya. If someone had told me a day before the embassy bombings that al Qaeda would actually attack in Kenya the American Embassy, which for all practical purposes would shut down their ability to operate there, I would have told them that didn't make sense, because it was important for them to be able to move people. So there were efforts made. There was a search done. The place where that telephone was being operated -- in

August 1997 -- which yielded great intelligence information that was put to good use.

MR. KERREY: As well as documents. I think the FBI -- and again from the trial documents, didn't the FBI and the CIA go into the residence and get additional documents out of the residence?

MR. FITZGERALD: Yes. But I think the one thing that the trial might distort is that the trial was in 2001, and what we've put in from the wiretap and the documents and pieced together was a result of three years of work of agents -- such as Agent Doran and the agents seated behind me -- so that there was good information coming off that wiretap and that search, but we knew a lot more with three years of studying it that was then put in the public record at the trial.

MR. KERREY: Well, I mean -- I mean, I say it again: the public record of the trial of 2001 brought to my attention at least things were happening in 1998 that would have been a lot more useful to get in 1998. And I just for myself put together what we knew, what the president could have told the American people in 1997 based upon what we knew. There was a briefing of the Congress and the American people -- here's what we know about Bin Ladin and al Qaeda in February 1997. Here's what we know in February 1999. Here's what we know in February of 2001. And most of the information would come from open-source documents, because it would have to be delivered in a public fashion. And I think it obliterates this idea that we had to wait until 9/11 to be able to knock down sanctuaries, to be able to go to the world and get public opinion on our side as well that we are dealing with somebody who is not trying to attack the French, not trying to attack the Germans -- not trying to attack anybody but Americans, and had been very successful, dating all the way back to 1992. We heard in the Staff Statement something again I think we have to understand what was available at the time. But I would say 70 percent of it was available in February of '97; 90 percent was available in 1999; and 100 percent was available in February of 2001.

So I turn to "Dr. K" and Ted Davis here -- you're there now. I mean, what do we need to do to make certain that we get this open-source information to us so that policymakers are not just -- are not heavily reliant upon classified information to a point that they are not able to get from open sources the very things that they may need in order to respond?

"DR. K": If I could just make one comment, I think -- and I'll go back to your original question to me about that comprehensive report on Bin Ladin. That was only one piece of production that we in the Counterterrorist Center were producing on Bin Ladin. We, as I think the Commission has seen from the record of production from the message -- I think -- about the threat posed by Bin Ladin -- was out there to the policymakers, based on both clandestine and overt sources. We did extensive analysis of the fatwahs that came out publicly. And that information was provided to policymakers. And again that's -- what happens after that is somebody else's responsibility.

MR. KERREY: Well, I just -- I'm done here, but I think it was an enormous mistake not to update the NIE and to presume that, Well, gosh, we knew what was going on. I think it was a huge mistake. As far as I'm concerned, that's the gene code that determines how we judge what threats are out there, and it should have been updated in '96, '97 and '98, and it was an enormous mistake that it wasn't.

MR. KEAN: Governor Thompson?

MR. THOMPSON: A prefatory question directed to all three members of the panel, if I might. From the beginning of our history as a nation, whenever the nation has been the subject of attack or the subject of threat or engaged in actual warfare, we have faced enemy forces from states, across fixed battle lines, in the United States or in other parts of the world, and we have protected ourselves.

Now we have an enemy, as I understand it, that can operate in any part of the world, which draws support of one kind or another from hundreds of thousands, perhaps even millions, of people, willing to die and willing to be very patient and conduct operations, perhaps for the rest of history.

We, at the same time, have a country that is big, open, free, and in many respects unguardable, unprotectable. And our interests abroad are so far-flung that the same might be said of those facilities and forces as well.

How in the world do we ever expect to win this war? And if the war is not winnable in the traditional sense, how do we contain or check-mate this enemy? Because I think, when this is all over, that's still the fundamental question. And I'd appreciate the views of all three of you on that.

MR. DAVIS: Governor, I think you raise a very interesting point. And I would add just one more --

MR. THOMPSON: The red button has to be up.

MR. DAVIS: Yes, sir. I would just add one more element to what you described, and that is that al Qaeda is a very innovative, creative organization. It is constantly refining its tactics to circumvent the security precautions that we put in place. And so it is constantly evolving. It is very agile tactically.

MR. THOMPSON: President Clinton described them to us as entrepreneurial.

MR. DAVIS: I think that's probably an excellent description. And it gets back to an issue that I think Senator Kerrey raised, which is, as we gain greater understanding about al Qaeda's tactics and specific plots and we try to illuminate the networks that are behind them so that we can take them down, which is ultimately the only way we can be sure we stop attacks, it is very important to take that information that is gained in clandestine channels and to, as rapidly as possible, downgrade it so that it is disseminable to law enforcement, non-traditional intelligence customers, people who can take it and act on it in order to secure the country. And that is a major focus of CTC and the intelligence community, you know, now, day in and day out, to take classified information and push it to first-line defenders, both here and overseas.

"DR. K": If I understand the question correctly, you're sort of getting at how do we combat this broader jihadist movement.

MR. THOMPSON: Right.

"DR. K": There are two points I think I'd like to make. First of all, there is a segment of the Muslim community that support Bin Ladin, adhere to his vision, believe in what he stands for, who also believe that they have an individual duty to the Muslim community to pursue violent jihad. So those folks, I'm not sure there's much we can do to combat that type of sentiment, that type of belief. In other words, I don't think we can bring them down from whatever cliff they're standing on with those beliefs.

I think what we ought to do is -- I think there's better chance for success by focusing on those folks who have not made that transformation, who have not -- who believe that there

might be other ways to serve their communities, to improve their positions, to achieve their objectives, but not through violence.

And I think what would be useful for the United States is to work with governments in the Arab part of the world, Muslim governments, to find ways for those segments of the population to find alternative means of channeling their sentiments through constructive, non-violent activities.

What those might be, I don't know. But I think that's the type of approach we need to pursue. By doing that, we would reduce, I think, the pool of potential recruits of future terrorists.

MR. THOMPSON: But what's happening in Iraq today, doesn't that give you pause about how non-violent Muslims will respond to the presence in their midst of people willing to fight and die and kill them when Iraqi insurgents can blow up oil facilities at will, blow up electricity at will, car bomb at will, attack contractors and U.S. troops at will? What does that say about the ability of al Qaeda-like organizations to inflict damage within the Muslim community at large?

"DR. K": Well, if I were in their position, I would be concerned by what I've seen going on around me in a country like Iraq. I don't know what I would say.

MR. THOMPSON: Pat?

MR. FITZGERALD: Good morning, Governor. And I think the sad answer is that I think we all recognize there's no silver bullet. There's no single organizational fix that's going to -- where we could all walk out and say that we're now 100 percent safe.

So I think we have to look at the short term and the long term, recognizing that the short term itself is a long process, one people surveil five years ahead of time or think about plans half a decade before they carry them out. The short term is a number of years.

And there we have to focus on making sure we do the best job to gather intelligence on what is being planned, by getting human source intelligence, working with our allies, but also recognizing the fundamental problem we have at our borders. Every time someone shows up at our border, even if they have a

legitimate document, immigration people are asked to call upon to decide whether this person is coming here legitimately to try to make their life better or whether they're coming here to kill us.

We can't keep drugs out of the country, despite all our efforts; we still get drugs coming in here. And the contraband that people are bringing is their minds. They've decided they want to kill us and they're willing to die to do it, and we don't have a magic formula that stops them at the border and says -- this person goes to an x-ray machine and we figured out why they're really coming here. We can't turn everyone away. We want to make sure that we don't turn away the good people coming to our shores. We want to keep the bad people out.

And so we've got to deal with that vexing problem that I just don't know what the answer is, that we'd have someone making a decision in two minutes at a border as to what to do. We have to look at that issue. We have to gather information about what people are doing about operations they're planning, work with human sources, work with other countries.

The long-term solution is to win their hearts and minds. But we're not going to win the hearts and minds of the people who are already sworn to kill us. They're lost to us. They want to kill us.

What we have to do is win the hearts and minds of people who could be allies and work with us. We want to win the hearts and minds of people before they go over to al Qaeda's ideology. We want to win the hearts and minds of people who may be in the community who may see something that may alert to them and trust us enough to bring the information forward. But it's not easy and it's going to take a long time.

MR. THOMPSON: Debbie.

MS. DORAN: Pat touched on some of the themes I was thinking about in response to your question. But in many ways what we need to do at the FBI street-agent level is to continue what we've always done, and that is to pursue all the information that we do get and pursue that information to its logical end, to corroborate what we get or wash out what washes out, to continue to develop sources, human sources, whether we can penetrate them into groups or whether they're people who are our eyes and ears.

And that includes members of the public, to continue to be a presence in our respective cities and towns, to be out there, to give someone pause if maybe they're thinking of doing something against us but they see a car that looks like a federal car drive by or they know that agents have been out in the neighborhood, that they might think twice; and then to continue to ensure that the information that we do develop is passed up and passed out.

The sad reality for us is that we have to be 100 percent on the ball, no mistakes, and they only have to get by once. And that's the war we're up against.

MR. THOMPSON: In our hearings and in the commentary of press and public officials, there is a quick and ready assumption sometimes that al Qaeda may be still fighting the last war, trying to replicate September 11th in some analogous fashion; that New York City may be a special target to the exclusion of the rest of the country, that we need to guard our airlines, that the goal of al Qaeda is to aim for mass casualties.

Are you concerned that, within this context, law enforcement, the press, the public and the policymakers are overlooking other avenues of attack which may bring as devastating or even more devastating results to the United States that would be fundamentally much easier?

Just for example, if 10 al Qaeda operatives went into 10 different supermarkets across the country at the same time in 10 large cities, or even five large cities and five small towns, and walked over to the produce counter where food is open and uncovered and unprotected and managed to insert poisons on the food, and with the result that people in those 10 communities died all at the same time and then they took public credit for this, you wouldn't have mass casualties but you'd have mass terror, because people would assume that nothing in the food supply outside of a can or a bottle was safe. And the enormous disruption to the American economy that would result would be staggering.

Are we contemplating the possibilities of attack like this? What are we doing to prevent them? And do you think there's a preoccupation with what al Qaeda has done in the past or a preoccupation with things that are like what al Qaeda has done in the past, to the detriment of thinking as creatively as these people can think?

MR. DAVIS: Sir, I think we have to think on both levels. Certainly I think the attorney general and Director Mueller and Secretary Ridge have outlined that America still does face a very serious threat of spectacular attack from al Qaeda in the coming months, that it's Bin Ladin and the few resources he may still have at his disposal in South Asia that he is focusing on a spectacular attack here in the U.S.

But I think, as we've seen in other places around the world, as we harden certain targets, al Qaeda is willing to move down the food chain to go after softer targets. I think it's very important -- one of the understandings I think we have come to is that when al Qaeda and Bin Ladin look at America, they're looking for targets that will be instantly recognizable in the Muslim world. And that is why you saw fascination with the Capitol and the World Trade Center and the Pentagon. And I think that's an enduring fascination on their part when it comes to spectacular attacks.

But I think you also correctly point out that there are a number of other ways to create spectacular events. And I think that's why we remain so concerned about al Qaeda's fascination with CBRN weapons, because those types of weapons, if used, no matter what the casualty count, could produce the ripple effects that would be spectacular.

MR. THOMPSON: Well, see, it seems to me that the World Trade Towers, in one sense -- and this is not a pun -- was a two-fer. It provided a spectacular, recognizable example to the Muslim community worldwide, but it also brought together American fears of a shared experience that may now be dangerous, like flying in an airplane. Right?

So wouldn't al Qaeda logically try to think about things that bind Americans together so that, unlike perhaps what happened in New York, where the rest of the country felt a great tragic loss for the people of New York but didn't feel exactly a current physical danger because New York was here and the rest of the country was here, and the effects clearly wore off after time, but if there was a common experience that Americans share, like buying food at a store, that was made to appear to be unsafe, you'd create worse panic in the country than you would with a physical attack in one or two locations? Am I correct about that?

MR. DAVIS: Yes, sir. And I believe there was an individual indicted just the other day, or publicly discussed by the attorney general, who was looking at shopping malls.

MR. THOMPSON: Right.

MR. DAVIS: So I think you're absolutely correct in terms of, again, being innovative and adapting their tactics to hit us in new ways.

MR. THOMPSON: Why do you suppose it is that we have not been attacked since September 11th in the U.S.? Any ideas? Is this beyond public discussion? If so, just tell me and I'll go to another question.

MR. DAVIS: No, sir. I mean, it's a question we ask ourselves constantly. I think that when it comes to Bin Ladin and the plot that he's contemplating, al Qaeda still comes down on "How can we do something spectacular like 9/11?" And they are going to be patient and they're going to wait until they believe they can be successful before they conduct that attack.

MR. THOMPSON: Without talking about details, have we prevented any attacks within the United States since 9/11?

MR. DAVIS: Yes, sir. I think we've probably prevented a few aviation attacks against both the East and West Coasts. That doesn't mean that we totally stopped that particular threat. There are operatives involved in those plots that we still cannot account for. And it is only safe to assume that they are still out there. They are still thinking about ways to conduct those attacks or that they might move on to some other al Qaeda plot against the homeland.

MR. THOMPSON: Thank you.

MR. KEAN: I've just got a couple of very brief questions. Do you believe there are al Qaeda cells operating now in this country?

MR. PISTOLE: Governor, I'd be willing to address that. There are clearly individuals who are currently under investigation by the FBI, the joint terrorist task forces, in the United States who we have great concern about, some of whom may be considered operatives.

There are a much greater number of those who are facilitators in some respects, fund-raisers, recruiters, who we also assess as being potential operatives. But it's a question of when they cross that line, the details of which I think we've discussed in closed session with staff and would be glad to provide more information on that.

MR. KEAN: I wasn't interested in classified information; just if you believed that there were cells operating in this country.

MR. PISTOLE: Absolutely.

MR. KEAN: The rest of you?

MS. DORAN: Yeah. Through the investigations that we have done prior to 9/11, it was clear to us, at least traditionally, that any al Qaeda affiliates based in the United States, resident here, whether citizens or not, tended to be people who were looked to by the organization perhaps as a logistics assistant and not for operational purposes.

There was a fear that any U.S.-based al Qaeda affiliate would already have been discovered by security, by the FBI, by CIA, and that to involve them in any operational plans would breach the operational security of whatever planned operation they might have.

And, in fact, after 9/11, when the photographs of the 19 hijackers were shown to one of these al Qaeda members, he said, "See, I knew I wouldn't recognize any of them, because they would never send anyone over here who would know me." So the threat is going to come from the outside, most likely.

MR. KEAN: Mr. Fitzgerald.

MR. FITZGERALD: I would also assume there are cells here until -- and I don't know how you would ever prove otherwise. And I think the danger we have is we obviously -- as Mr. Pistole said, you identify who you suspect might be a cell or who you might know to be a cell. But we have to recognize that there are things that -- we can't assume that we know everything, and so I think we always have to operate on the assumption that there could be people out there that we don't know about.

MR. KEAN: You would agree, Dr. K?

"DR. K": Yes, although I don't have a lot of intelligence to back that up with.

MR. KEAN: All right, if --

MR. PISTOLE: Governor, if I could just add to that --

MR. KEAN: Yeah.

MR. PISTOLE: -- the issue of whether there are al Qaeda sleeper cells, if you will, here --

MR. KEAN: Yeah.

MR. PISTOLE: -- and the issue of hardened targets, which Ted mentioned. I think the fact that last Friday at the National Cathedral, if there's not a better target in the United States or worldwide for al Qaeda to hit, last Friday for the service, where a number of you were present, world leaders, obviously U.S. government leaders, the fact that al Qaeda did not attempt anything, to our knowledge, I think is indicative, one, of the fact that when you harden targets, al Qaeda will go elsewhere and that there is a result of hardening targets that we have seen, at least from information that we have obtained post-9/11.

The other aspect is it may indicate a diminished capacity within the United States for al Qaeda to hit substantially hardened targets, but that's something that we're still assessing.

MR. KEAN: Would you suspect that there will be a major attack within the next year or two, just from your information and your work and your knowledge of this organization and its capabilities?

MR. PISTOLE: We are currently dealing with threat information that pertains to the next several months or the end of the year, if you will, based on several streams of reporting that the attorney general referred to in a press conference where he had the "Be on the Lookout" notices for the seven individuals. So we are clearly looking at that closely. There is indication that al Qaeda wants to hit the U.S. hard, as the attorney general mentioned, in the next several months. And we are taking a number of steps to address that.

MR. KEAN: Just really one final question for you all. We're charged with trying to make recommendations to make the country

safer. Would each of you have one recommendation that we should pursue, that we could make in our report, since you're out there in the field really doing the work, probably know better than anybody else? What could we recommend that would make your job easier and America safer?

MR. FITZGERALD: Since you asked -- I was going to bite my tongue, but I would strongly urge you to think very, very long and hard before you think about the MI-5 option. And my concern is if you create another division in government, I'd be worrying about tearing down a wall and then digging a moat, because if there's a wall is gone that the FBI can share information but then the information is now put in a different agency, people have to decide what's intelligence versus what's evidence when it's information. I'd be very concerned that we would think we're making things better but would actually be making things worse and putting it back to the way it was.

MR. KEAN: Okay, that's a recommendation you don't want us to make. What recommendation would you like us to make? (Laughter.) Or anybody?

MS. DORAN: Drawing on ideas presented by Senator Kerrey or touched on, it might do well to consider the intelligence community as an integrated body of a number of different agencies, and then in times of crisis or times of need for information, to consider the experts in those organizations, regardless of where they come from. Go to your best source.

MR. KEAN: Okay. And "Dr. K"?

"DR. K": The only recommendation that I would make is one which -- and a purely parochial interest here, --but it's one where we continue to strengthen our intelligence agencies, to enable them to do the job that they are supposed to do, both from an analytical perspective and in terms of the CIA, as well as an operational perspective, that we have enough people and enough resources. I think that's what we need.

MR. FITZGERALD: I will make an affirmative recommendation. If I were to be an immigration inspector at the border, the one thing I'd like to know is if someone has been to a training camp. I don't know if we still ask the question whether or not anyone's ever been a member of the communist party when they immigrate to our shores, but that threat is gone. And why not ask people, when they come to our country to be visitors, whether they've been to a military training camp and whether

they've been to one in Afghanistan. Now, it wouldn't be disqualifying. They could explain why they went there, and we could make an informed decision whether to let them in. But if they identify themselves, we could decide to give them more attention and better, closer scrutiny as to when they went, and who they went with. And if they should come in and lie, which is perfectly understandable that they might lie about that, then that would give us a reason to throw them out of the country. If we could prove that in fact this person came in under false pretenses, we can get rid of them. But that, to me, might be one of the most important questions we'd want to know about someone coming into our country, so why not put it on the form?

MR. KEAN: Secretary Lehman.

MR. LEHMAN: Thank you. Mr. Fitzgerald, since you raised the third rail of MI-5 -- (laughter) -- I'd like to ask you a related question to that. Actually, "Dr. K" and Mr. Fitzgerald, Ms. Doran, the reason you're here, of course, is because our staff thinks that you, among all the professionals in the intelligence community, understand al Qaeda better than anyone else.

We have been grappling with the issue that has been raised to us by two presidents that they were unable to get a clear answer from FBI as to who did the *Cole* operation, really, definitively, until the summer, almost 10 months later. When did each of you conclude, after the October bombing of the *Cole*, that al Qaeda did it? "Dr. K"?

"DR. K": Well, if you first ask -- approach it from the perspective of personal suspicions, I don't think there were many analysts at the time who doubted that al Qaeda was responsible. And I think we were operating at the time there were two -- two concepts we had to deal with. One, responsibility in terms of -- you know, when you talk about command and control, who ordered it, who directed it. And the other, which may or may not be related, was who carried it out, who did it, I mean, in terms of actually launched the boat, planted and timed the bombs, and bombed the ship. And the message clearly that we relayed to the policymakers about a -- within the first month after the *Cole* bombing was that individuals with varying degrees of association with al Qaeda carried out the bombing. I think you heard that from Director Tenet, and that's exactly the message. What we couldn't say, from an intelligence perspective, was who ordered the bombing, who directed the bombing. That, we did not have the information.

And that, as you -- as the Staff Statement accurately tells, it wasn't -- we didn't have the smoking gun, so to speak, until two years later.

MR. LEHMAN: Mr. Fitzpatrick (sic).

MR. FITZGERALD: Yes. Well, let me tell you how right we can be and how wrong we can be. The moment I heard about the August '98 bombing in Kenya and Tanzania simultaneously, when I heard it on the radio, I said, "Bin Ladin." When I saw the Cole bombing, and I saw that he had issued a video beforehand, as I believe, with the Yemeni dagger in his belt, I thought Bin Ladin. On the other hand, when -- when we had the Murrow Federal Building go up in Oklahoma City, while we're on trial with the blind sheikh in New York, I think many people thought the blind sheikh, we never thought Timothy McVeigh. So, was the initial reaction to the Cole bombing certainly that Bin Ladin did it? Absolutely. Just like on September 11th, there was no doubt in my mind.

But that's what you think, and then there's what you can prove. I know that the people, my colleagues in New York who worked the Cole bombing case, when they -- when they knew they could prove it, they charged it. But, an instant reaction that you think he's behind it because of the whole circumstances, what his MO is, because of the Yemeni dagger in his belt, because of his speech. But you recognize that you could be mistaken. The first World Trade Center bombing, they first looked at Bosnians and Serbs as to whether they carried it out. So you want to temper your instant reaction that -- I know the answer because you recognize that you can be dead right or you can be dead wrong.

MR. LEHMAN: And by November 25th, after the Khalad material, was there any doubt in your mind who did it? You, personally, I'm asking.

MR. FITZGERALD: I wasn't involved in that case -- November 25th -- that date doesn't mean anything to me. I was involved and getting ready for the trial and someone else was working on it, so I can't fix in my mind what that material meant to me. So I can't give you a good answer to that.

MR. LEHMAN: Ms. Doran?

MS. DORAN: First off, as Pat mentioned, when it happened, when the Cole was attacked, I think all of us -- our first

reaction was, yes, this has got to be al Qaeda. And the deployment of FBI investigators to Yemen reflects our belief it was al Qaeda in that normally Washington field officers had responsible -- extraterritorial responsibilities to respond to anything happening in areas such as Yemen. But in this instance, the investigators were sent to the New York office, which was already the office of origin for the al Qaeda investigation. They were the first teams sent immediately after the attack. And my understanding from my colleagues in New York who worked the case was that by sometime in November, early November, their investigations had led to the point where they believed they could show that it was al Qaeda.

MR. LEHMAN: But that's the very heart of the issue we have been trying to get at. What is wrong with our intelligence community, that the President of the United States was not given a definitive answer on "who dunnit" so that a retaliation decision could be made until August, 10 months later? Now, there are two contending schools of thought that emerge from our witnesses. First, we found no witness that was involved that was not sure it was al Qaeda by the end of November. And so there are some that say they didn't want to box in the White House, whichever president was in charge -- they didn't want to back him into a corner by forcing him to have to retaliate, so they kept the hedge on it.

Those who don't like that political answer say no, that it's a classic case of FBI and their obsession with making their criminal case. They had 300 agents and prosecutors building a case to prosecute, and they did not and could not until they reached the evidentiary standards of a trial; take that work preliminary finding or until the summer. Mr. Fitzgerald, which theory do you buy?

MR. FITZGERALD: Well, maybe we should look back at what the question is -- if we're looking to see whether or not if someone decided whether it made sense to launch any sort of strike. We already conclusively established that al Qaeda had bombed the embassies in August of 1998. As part of that charge we'd already laid out the attack in Somalia. So by 1998, before the *Cole* ever happened, we already had established and had committed to it, and there was proof beyond any reasonable doubt that al Qaeda has already attacked America. And so I don't know why if we focus properly as we should, and as the team that investigated and then prosecuted that case, to decide when you want to file a court charge that attributes the *Cole* bombing to someone -- as being something that carried out operationally -- that's a

different question. And whatever policymakers had to decide about how we deal with this threat, we'd already established that al Qaeda had attacked Americans and attacked our embassies two years before the *Cole* ever happened.

MR. LEHMAN: But both presidents told us that FBI would not tell them, for sure, that al Qaeda did it.

MR. FITZGERALD: I wasn't part of the *Cole* investigation proper, and I wasn't part of what the FBI said when they said, so I can't give an intelligent answer as to why they said things or what people thought.

MR. LEHMAN: Ms. Doran?

MS. DORAN: All I can say is I know the investigators were doing their job and putting together the case, and they were to pass that information up, and the things you are talking about happened at a much higher level than where I am.

MR. LEHMAN: Mr. Pistole, would you like to help us which level the buck stopped? (Laughter.)

MR. PISTOLE: Yes, Secretary. Be glad to attempt to, Mr. Secretary. Obviously, the distinction between the criminal justice standard for proof beyond a reasonable doubt is different from the intelligence community standard of whether somebody was responsible for a particular act and the standard of proof in a courtroom is not what is requisite -- is not the requisite item for whether some type of retaliatory strike is made. The issue was whether the information was made aware to the law enforcement intelligence community, and that clearly was the case. What the decision-makers did with that information, which I think is the gist of your question, was something that decided within the National Security Council and --

MR. LEHMAN: That's an important statement that we have not heard. It is your position that the White House was told that al Qaeda "dunnit." Quite apart from evidentiary --

MR. PISTOLE: No. No, I didn't say that, Mr. Secretary. What I said was that -- and what I'm trying to convey is that the information that was available through the law enforcement community and particularly the FBI as to the standard of proof and the items of proof that will be used in any charging had already been outlined, as Pat mentioned, for the '98 embassy bombing. The intelligence community was aware of that

information as well as the information that had been obtained, both overseas and domestically, on the *Cole* bombing in terms of Nashiri's involvement, Khalad's involvement -- that information was where? I don't know who, specifically, was briefed on what day -- if that's your question, I don't have that information.

MR. LEHMAN: Thank you. My time's up, but it's a good little illustration of the MI-5 debate. Thanks.

MR. KEAN: Commissioner Ben-Veniste.

MR. BEN-VENISTE: I may want to follow up on Commissioner Lehman's questions in a moment, but first I want to ask a question looking into the current moment. We have heard from various sources that following our invasion of Iraq, recruitment for al Qaeda has increased substantially, such that al Qaeda is recruiting new members faster than we can kill the old ones, and I'd like to hear from Dr. K, picking up on the observations made by Mr. Fitzgerald and Special Agent Doran on the issue of hearts and minds -- where we are in that respect.

"DR. K": If I may, I'm going to pass the buck here to Mr. Davis.

MR. DAVIS: Sir, I think we have to look at it in terms of the al Qaeda leadership that we're focused on in South Asia, and are they able to actively recruit new members, bring them into a place where they can train and get them, indoctrinate them, and then deploy and direct them in operations.

MR. BEN-VENISTE: Well, let's stop with the first part of that -- recruiting. Is it correct that there has been an infusion of willing recruits?

MR. DAVIS: I believe that, as Dr. K talked about, the international jihad, there has certainly been an upsurge in radicalism and individuals willing to join that international jihad.

MR. BEN-VENISTE: Can you quantify it?

MR. DAVIS: No, sir. But we do see the evidence of increased individuals coming into Iraq, but it would be hard to say if that's the absolute limit of it.

MR. BEN-VENISTE: And that's just Iraq. What about the rest of the world?

MR. DAVIS: I think that you see, in terms of cells being taken down, for example, in Europe -- that, again, there is an uptick in the number of individuals willing to volunteer for jihad. I think that is separate from the organization that existed in Afghanistan in terms of its ability to bring tens of thousands of recruits into a secure location, train them, vet them, and bring the best and the brightest into an organization called al Qaeda and then deploy and direct them. That is a very difficult task for al Qaeda to do today.

MR. BEN-VENISTE: Now, with respect to Commissioner Lehman's questions about the *Cole* bombing -- something that interests me, as well, and tying it to other information, which we now have about what was going on in Afghanistan in the summer of 2001 -- we now know, as a result, the debriefings from KSM and others, that in the summer there was a dispute between Mullah Omar and Usama Bin Ladin about the external terrorist activity of al Qaeda, and that Omar was trying to put the brakes on Usama Bin Ladin? And obviously he didn't succeed, witnessing the terrible events of September 11; however, has there been an analysis made as to whether, if the United States had followed through on the warning which was made during the Clinton administration to the Taliban, that unless they curtail or dislodge al Qaeda, that the United States would hold the Taliban responsible for activities of Bin Ladin and al Qaeda against the United States or its interests?

And so, putting together the question of whether if the intelligence community had been more robust or accurate in communicating its conclusions about the responsibility of al Qaeda for the *Cole* bombing, and if that had been communicated without this preliminary assessment and other qualifications which we know had been communicated to both administrations, is there not a realistic possibility that, had there been a strike against the Taliban, holding it responsible for al Qaeda's actions against the *Cole*, that the plot might have been disrupted? That Bin Ladin might have been given the assessment, in no uncertain terms, by the leaders of the Taliban that you can do no more against the United States operating from Afghanistan?

MR. FITZGERALD: Well, let me point this out again --

MR. BEN-VENISTE: Well, actually, I directed it to Dr. K, since this is --

MR. FITZGERALD: I'm glad to pass it. (Laughter.)

MR. BEN-VENISTE: -- this is more, I think, up the CIA's alley. But I'd be pleased to hear from you, Pat.

"DR. K": Well, first of all, I don't think any such assessment was ever done, at least nothing that I'm aware of, and I can only speculate as to what might have been the consequences. I suppose what the Taliban response might -- would have been would have depended, to some degree, on exactly the nature of what the U.S. did. And, again, I don't know what that might have been. But we also need to -- I think we need to keep in mind that the Taliban and Bin Ladin had a relationship going, and the Taliban was very much under the spell of al Qaeda and Bin Ladin at the time. It was really to put up with international condemnation sanctions, you know, despite telling the cause of its support for international terrorism at the time. And -- I mean -- if you look at even after 9/11, after we did, indeed, threaten retribution on the Taliban if they didn't turn over Bin Ladin, I think, you know, they were willing to suffer destruction rather than hand over Bin Ladin. So on the basis of that, I can only speculate that not much would have changed the Taliban support.

MR. BEN-VENISTE: Do you not credit Khalid Sheikh -- last question -- Khalid Sheikh Mohammed's statement that both Mullah Omar and the Pakistanis were putting pressure on Usama Bin Ladin -- not after the *Cole* -- probably recognizing his responsibility for the planning of the *Cole*.

"DR. K": It's true that they were putting pressure on, and it's also true that Bin Ladin defied them, and they did nothing.

MR. BEN-VENISTE: My question was -- had we responded robustly with an attack against Taliban interests, that they would have gotten the message -- no more toleration for Usama Bin Ladin?

"DR. K": It's certainly possible, but it's -- we just will never know, I suppose.

MR. BEN-VENISTE: Thank you, Mr. Chairman.

MR. KEAN: Vice-Chairman Hamilton?

MR. HAMILTON: Thank you very much, Mr. Chairman. I'm interested in al Qaeda today in the United States, and I'm particularly interested in what we know about their capabilities today. I accept their intent; I accept the fact they're pursuing various weapons and all the rest, but what do we really know

today about the capabilities -- not the intent, the capabilities of al Qaeda today to attack?

MR. PISTOLE: The short answer --

MR. HAMILTON: In the United States.

MR. PISTOLE: Yes, the short answer is we know very little about their capability to attack. We know much more about their intent and know very little about the capability.

MR. HAMILTON: Do we know anything about their funding in the United States?

MR. PISTOLE: Yes. We have a number of ongoing investigations as well as some that have resulted in criminal prosecution of individuals who have been fundraisers here in the U.S. who are supporting al Qaeda overseas. What we don't have is necessarily fundraising, which is supporting al Qaeda here in the U.S. But we do have a number of individuals who have been in the public in terms of operatives who KSM has tasked with -- casing, for example, the Brooklyn Bridge.

MR. HAMILTON: Do we know anything about their recruitment in the United States?

MR. PISTOLE: Yes.

MR. HAMILTON: They clearly have an active campaign of recruitment, is that fair?

MR. PISTOLE: Yes. That's correct.

MR. HAMILTON: Do we know anything about their command and control in the United States -- system? Can we identify a leader or leaders of al Qaeda in the United States?

MR. PISTOLE: We have limited information on that.

MR. HAMILTON: So, to sum up, then, we have almost no information with regard to their capabilities in the United States; we know a little bit about their funding in the United States today; we know a little bit about their leadership today in the United States; we know very little, if anything, about their command and control. Do I sum it up correctly?

MR. PISTOLE: That's fairly accurate. We know, I would say, a little bit more than what you have said but without going into more detail, it's hard to describe.

MR. HAMILTON: Any other comments from the other panelists? Okay, thank you.

MR. KEAN: Commissioner Roemer?

MR. ROEMER: Thank you, Mr. Chairman. I want to thank the panelists for their time here. I know, Mr. Fitzgerald, you're busy on a case of great importance to the country and to policymakers looking for a source of a leak. Is there anything you want to tell us here this morning? (Laughter.) No? I won't push the swearing in on you.

It is absolutely staggering to me, the twisted cost/benefit ratio of what al Qaeda pulled off on September 11th and what happened to the United States. They had 19 suicide hijackers; we lost 3,000 people; we're still mourning their deaths. It cost them slightly more than \$400,000. Estimates indicate that it is probably going to cost us well over \$100 billion. They continue to float and spread, like mercury across a mirror, all over the world. We have many of our resources, intelligence, military resources going to two places -- Iraq and Afghanistan. We need to take this enemy on and defeat this enemy.

"Dr. K", we've put your boss in the hot seat a couple of times, asking him some tough questions about accountability. I want to ask you some of those questions. You were at the CTC at a very critical time during the last seven years; one, when we had an opportunity to get some of these terrorists in Kuala Lumpur and Bangkok, and we didn't get them. I want to ask you specifically about two myths that have been out there in terms of my take on this. One, that we didn't have enough knowledge about a domestic attack; that we didn't think it was likely; and, two, that al Qaeda had compartmentalized this information and held it very, very close.

In our Staff Statement 16, we say the following, and I want you to comment on it, "Dr. K" -- "According to KSM, he was widely known within al Qaeda to be planning some kind of an operation against the United States. Many were even aware that he had been preparing operatives to go to the United States as reported by a CIA source in June of 2001." Operatives to the United States in June -- this is KSM -- top of the rendition list for the United States, sending people to the United States.

You were at CTC. Did you get that information that KSM was sending operatives to the United States for a possible domestic attack?

"DR. K": Not that I recall.

MR. ROEMER: Not that you recall? So you are -- your title is -- and I'm trying to understand it -- is the chief of the Strategic Terrorism Assessments Alternative Analysis Group, Office of Terrorism Analysis at the DCI Counterterrorism Center at CTC.

"DR. K": Correct.

MR. ROEMER: So CTC -- the chief here does not receive any type of information in June -- a cable or information coming in?

"DR. K": First of all, I'm not the chief of CTC,

MR. ROEMER: Okay.

"DR. K": I'm one unit within --

MR. ROEMER: Chief of Strategic Terrorism Assessments Alternative and Analysis Group, okay?

"DR. K": And I can't comment on what other people within the Center might have received, but I, myself, did not.

MR. ROEMER: So there's -- you did not receive any kind of a cable or warning or message or anything else talking about KSM, possibly sending in operatives to the United States?

"DR. K": That's correct.

MR. ROEMER: And you're categorically saying you don't remember it, you don't recall it, or you didn't see it?

"DR. K": I don't recall ever receiving such information.

MR. ROEMER: Well, we'll get more into this, maybe, with Mr. Davis on the next panel, as we drill down here a little bit more into what the CIA did know, and maybe what should have been shared in different departments there.

Let me ask you a question about human intelligence -- Mr. Tenet said to us, about a month ago, that we needed to rebuild

human intelligence. I think he's absolutely right. He said it will take us five more years. We don't have five minutes, five days. We need to do it now. Mr. Fitzgerald has pointed out in his statement very eloquently about a man by the name of Ali Mohammed, who helped train the top leadership for al Qaeda on all kinds of security code, cipher, surveillance. He comes to the United States and applies for jobs as an FBI translator and a defense contractor. Now, they seek to penetrate us. We have not done a very good job penetrating them. Mr. Fitzgerald, and then Ms. Doran and "Dr. K" -- how do we rebuild this human intelligence that we vitally need in this country with diversity and language skills and capabilities so we are going after them and getting them?

MR. FITZGERALD: That's not my area of expertise, but I'll tell you, the hard part is -- we need it badly, but the hard part for "Dr. K" and his folks is we have to watch out that the people who go to apply for the jobs as translators and don't walk in the door to be human sources aren't working for al Qaeda. One of the classic intelligence techniques is to people that come in and pretend to work for you and gather information and feed it back, and we've seen indications that al Qaeda will do that. So the hard part, for us, is to make sure we build up our human source capability, but we have to choose our human sources very wisely so that they gather for us; that they don't walk in and, by our questions, learn from us what we're interested in, what we know, and what we don't know, and that's the real challenge that faces us.

MR. ROEMER: Thank you. Dr. K?

"DR. K": I don't have much to say. I trust what the director said implicitly in terms of his assessment of how long it would take, and I also believe that there is a program on the way to accomplish that within the timeframe that he's talked about. I, myself, am not privy to what that program entails, but I know it's underway.

MR. ROEMER: If I could, Ms. Doran.

MS. DORAN: At my level, it's a fundamental --

MR. ROEMER: -- it may be more important at your level.

MS. DORAN: It's a fundamental part of our job -- myself and my colleagues -- we all try to develop sources, we all have sources, and most of those are targeted in the United States.

But there are those that we work with jointly with our partners in CIA, and send overseas or work with overseas, to continue to vet the information that they do have and to tap them for the information we need.

MR. ROEMER: And, really, to put you on the spot, do you have the kind of career track and incentives and capabilities within FBI to have more people like you come in there and spend a career doing this?

MS. DORAN: I suppose there is always room for improvement -- (laughter) -- but, so far so good.

MR. ROEMER: That's why we ask you, too. Thank you. Thank you, Mr. Chairman.

MR. KEAN: Commissioner Fielding.

MR. FIELDING: Thank you, Mr. Chairman. For the panel, I really have very specific questions about a specific subject. One of the hazy questions that surrounds Usama Bin Ladin and al Qaeda is really its relationship, if any, with Iraq and with Saddam Hussein. We've often heard that Usama Bin Ladin would not have been a natural ally, for religious reasons, for the composition and nature of Saddam Hussein's regime. And our staff recorder you just heard basically says there is no credible evidence of any cooperation between the two. However, there seems to be some initiative that there may have been and, Mr. Fitzgerald, I'm delighted you're here, because of this first question, really, I want to ask specifically to you because it relates to the indictment that -- of Usama Bin Ladin. In the spring of 1998 -- can you hear me?

MR. FITZGERALD: Yes.

MR. FIELDING: This is before the U.S. bombings in East Africa, and the administration indicted Usama Bin Ladin, and the indictment, which was unsealed a few months later -- well, let me read the indictment that the --

UNIDENTIFIED: Can't hear you.

MR. FIELDING: Excuse me?

UNIDENTIFIED: Can't hear you.

(Off mike cross talk.)

MR. FIELDING: Is that better? I'm sorry. The indictment reads, "Al Qaeda reached an understanding with the government of Iraq that al Qaeda would not work against that government and that on particular projects, specifically including weapons development, al Qaeda would work cooperatively with the government of Iraq." So my question to you is what evidence was that indictment based upon and what was this understanding that's referenced in it?

MR. FITZGERALD: And the question of a relationship between Iraq and al Qaeda is an interesting one. I don't have information post-2001 when I got involved in a trial, and I don't have information post-September 11th. I can tell you what led to that inclusion in that sealed indictment in May, and then when we superseded, which meant we brought in the charges in the fall -- we dropped that language. We understood there was a very, very intimate relationship between al Qaeda and the Sudan. They work hand in hand. We understood there was a working relationship with Iran and Hezbollah, and they shared training. We also understood that there had been antipathy between al Qaeda and Saddam Hussein because Saddam Hussein was not viewed as being religious.

We did understand from people including al Fadl, and my recollection is that he would have described this, most likely, in public at the trial that we had, but I can't tell you that for sure, that was a few years ago, that, at a certain point, they decided that they wouldn't work against each other, and we believed a fellow in al Qaeda named Mondu Saleem and Abu Hajar, the Iraqi, tried to reach a sort of understanding where they wouldn't work against each other -- sort of the enemy of -- enemy is my friend, and that there were indications that within Sudan when al Qaeda was there, which al Qaeda left in the summer of '96 -- or spring '96 -- there were efforts to work on joint -- acquiring weapons. Clearly, al Qaeda worked with the Sudan in getting those weapons, and the National Defense Force there and the Intelligence Service -- there were indications that al Fadl had heard from others that Iran was involved, and he also had heard that Iraq was involved.

The clearest account was from al Fadl as a Sudanese was that he dealt directly with the Sudanese Intelligence Service, so we had firsthand knowledge of that. We corroborated the relationship with Iran to a lesser extent but to a solid extent, and then we had information from al Fadl, who we believed was truthful, learning from others that there also was efforts to try to work with Iraq. That was the basis for what we put in

that indictment. Clearly, we put Sudan in the first order at that time as being a part of al Qaeda. We understood a relationship with Iran, but Iraq, we understood, went from a position where they were working against each other, to standing down against each other, and we understood they were going to explore the possibility of working on weapons together. That's my piece of what I know. I don't represent to know everything else, so I can't tell you what we learned since then, but there was that relationship that went from -- not from opposing each other to not opposing each other to possibly working with each other.

MR. FIELDING: Thank you. That's very helpful. Not unrelated - later, in 1999, the Congressional Research Service published a report on the psychology of terrorism. I don't know if any of you are familiar with that report -- but it's a 178-page document -- but there was a passage about possible al Qaeda attack on Washington, D.C., and it said that "could take several forms." And it had various scenarios. One of the scenarios is rather chilling, because it is -- and I'm quoting again -- "Suicide bombers belonging to al Qaeda's Martyrdom Battalion could crash-land an aircraft packed with high explosives into the Pentagon, the headquarters of CIA, or the White House." Another passage in that same report says, "If Iraq's Saddam Hussein decides to use terrorists to attack the continental United States, he would likely turn to Bin Ladin's al Qaeda. Al Qaeda is among the Islamic groups recruiting increasingly skilled professionals including Iraqi chemical groups, weapons experts, and others capable of helping to develop weapons of mass destruction. Al Qaeda poses the most serious terrorist threat to U.S. security interests and for al Qaeda's well-trained terrorists are engaged in a terrorist jihad against U.S. interests worldwide."

Now, I would appreciate brief comments -- and we're really very short on time -- of the panel as to -- is there validity to that report and, secondarily, in your view, in addition what you have helped us with, Mr. Fitzgerald, is there any evidence or any indicia of cooperation and support on the side issue of whether it's Iraq?

MR. DAVIS: Sir, I think the Staff Statement -- we are in full agreement with the Staff Statement in terms of the Iraq-al Qaeda relationship at this time. It is an issue that we aggressively pursue in tracking down all new leads to try and deepen our understanding of what that relationship might have been, but I

think the Staff Statement did an excellent job of representing what our current understanding of the relationship is.

MR. FIELDING: Of what your current understanding is?

MR. DAVIS: Yes, sir, but every day we are tracking down new leads that come out on this topic aggressively.

MR. FIELDING: Mr. Pistole?

MR. PISTOLE: I agree with the Staff Statement, also. There is substantial information about a new threat, but in relating back to the reports that you referenced, that information has been out there. I don't recall when I first became aware of that or when the FBI -- can even speak on behalf of when somebody became aware of that information. But, clearly, we've been aware of al Qaeda's interest in targeting specific areas as was carried out on 9/11. The issue of where we go from here is better described in a closed setting, which I'd be glad to provide at any time.

MR. FIELDING: Thank you, we would appreciate that. Anyone else have any comments? Thank you, Mr. Chairman.

MR. KEAN: Commissioner Gorelick?

MS. GORELICK: Thank you, Mr. Chairman. Our Staff Statement concludes about al Qaeda now that it's a loose confederation of regional networks with greatly weakened central organization. And so my question for the panel is this -- does that mean that it is less capable of harming us or is it more a multi-headed snake that is, in fact, more potent?

MR. PISTOLE: The one thing that I would have added to the Staff Statement, because it is true, al Qaeda is a much more decentralized organization today. But Bin Ladin, Zawahiri, and the al Qaeda leadership that remains is in South Asia. It is actively pooling whatever resources it has left at its disposal and, in a very centralized and methodical way, we believe that it is plotting an attack and moving an attack forward using what capabilities it has left to attack the homeland in the next few months.

So that you face threats from multiple sources and multiple directions. I think the challenge with the more decentralized al Qaeda is that it's probably a more clandestine, smaller threat. It's more difficult to find, and that's probably -- as we deal

with al Qaeda as a centralized organization -- that's the challenge that we face in the future.

MS. GORELICK: So it both has -- just to summarize -- it both has some remnants, if you will, some potent remnants of its leadership maintaining some level of centralized control and planning, and it also has a dispersed set of activities that may be more difficult to attack, is that what you're saying?

MR. PISTOLE: That present a new challenge for all of us as we try to disrupt it.

MS. GORELICK: Would anyone else like to comment on that? Because it goes to the vice chairman's question about capabilities today. We've heard a lot about how we have systematically attacked and imprisoned and killed the leaders, and that is all to the good, in many respects, but it does pose the question of whether the less centralized al Qaeda that we're left with is, more or less, harmful to us, and my worry is that it's more harmful, and I guess if there are other people that would like to comment, I'd be appreciative of your comments.

MR. FITZGERALD: I agree with the notion that our success against the leadership is a two-edged sword. I mean, al Qaeda is like a cancer that's metastasized and spread, and it's terrible, and when they have central leadership, they are more effective at controlling operations and certainly doing the spectacular, so you don't want them to do it. But when they do have central leadership, my assumption is it provides law enforcement, intelligence, and the national security people a better opportunity than if you make an inroad, you can know what's going on and have a better shot at preventing it. When they spread out and to the extent they're much more loosely connected and may do some freelancing, it just makes everyone's job a lot harder. So it's a positive thing that the leadership has been decimated in many respects, but it shouldn't give us great comfort in the sense that we still have a -- just a different danger that may be more far-flung, in some respects.

MS. GORELICK: Thank you. I'd like to follow up on the question posed by Commissioner Thompson in which members of the panel essentially said, you have to look at this enemy in two parts. You've got the hardcore, and I think Dr. K, you basically said, look, they are hardcore, and the only way to go at them is straight at them. And then there is the broader community of support, and there it is a battle for the hearts and minds. And I want to probe that a little bit, and I have a two-part

question. One is, do we think there is in the Muslim world, in the Arab world, broader public support for Bin Ladin personally, for al Qaeda generally. And two, if the answer to that is yes, how does that hurt us? What is the impact of that broader support? Why should we be worried about it? Could you start with that, "Dr. K"?

"DR. K": First of all, I think it's important to emphasize that what Bin Ladin represents only reflects an extremist minority of the Muslim community. So, we're not talking about the Muslim world as a whole, in general, that adheres to and supports his beliefs, his philosophies, his vision.

MS. GORELICK: But, could I just interrupt for a moment, but as I understand it, there is considerable and broad support for him and for al Qaeda, or approval. Maybe I'm not using the right terminology from your point of view, but could you expand on your answer a little more?

"DR. K": I think it varies by country. In those countries which have a much more stricter interpretation of Islam, countries like Saudi Arabia, Pakistan, for example, his popularity, his appeal, is probably stronger. We don't have, obviously, good numbers here which we can judge. We're sort of working on the basis of anecdotal evidence. In those countries which have more moderate interpretations and implementation of Islam in the countries, Morocco, Turkey, for example, the level of support is probably much less. And whether it's growing or not, I think, is very difficult to gauge.

And, yes, I think there is a -- even amongst the more moderate elements which I alluded to earlier, I think you will find sympathy for what he stands for, and what he's trying to do. Maybe not his tactics, but certainly for his vision of unifying all Muslims under one caliphate, I think you probably have a great deal of support for that vision -- less support for his tactics, and certainly even less support for his indiscriminate attacks on civilians.

MS. GORELICK: Did you want to answer the part of the question about the impact of that support? Should we worry if Bin Ladin and al Qaeda support in the Muslim world is growing?

"DR. K": Well, I think definitely we should worry if that support is growing because it means that we, the United States, as well as our allies, will face a greater potential pool of recruits out there, of terrorist recruits, and it means that

even if Bin Ladin and al Qaeda were to disappear tomorrow, that you still have enough remnants out there in terms of affiliated, like-minded, we use the term like-minded, groups, or individuals who will carry on the banner because they believe in what he stood for.

MS. GORELICK: Thank you.

MR. KEAN: Our last questioner will be Senator Gorton.

MR. GORTON: Mr. Fitzgerald, I think we on the Commission and all Americans owe you a great debt of gratitude for your ability to deal within the law and the Constitution with terrorists after they have been captured and charged with all of the due process of the law.

I would like to add to that admiration my admiration for the profound nature of your written statement here today on motivations and on causes. It's one of the best written statements I've seen during the entire life of this commission. But very close to the beginning of that statement, you make the following observation: "First and foremost, al Qaeda is driven by its ideology, which fundamentally opposes our way of life and our system of laws, with no room for negotiation or accommodation. The belief in martyrdom or glorious death and violent jihad that qualifies one for paradise pervades al Qaeda members' thinking." And the very next sentence, you manage to connect that, directly or indirectly, with a 14th century Islam scholar.

My question to you is, is in your view that ideology fundamentally religiously driven, however perverted those religious ideas may be?

MR. FITZGERALD: I would agree with that. It's driven by religion, but a warped version of Islam. There are a billion Muslims in the world who don't buy into that.

MR. GORTON: Exactly. And then, its view of history, of economy, of politics all stems from that what we could say perverted point of view?

MR. FITZGERALD: Yes, when we first talked to the fellow, Junior al Fadl, who was the al Qaeda defector, when he first sat down and talked to us, he at one point said, "You know, you really don't have horns on your heads." And that's what they've been brain-washed in the camps to think. They thought we were

all evil, and they've been brain-washed into this ideology. So, that's the mind-set they're coming from.

MR. GORTON: And that particular ideology, when you deal with people with no room for negotiation or accommodation, is peculiarly different and difficult for Westerners from a completely different culture. And is it your view that in many respects, when we get to those basic causes, it's only going to be met by other Muslims who profoundly disagree with it and feel that it is damaging to them and to the balance of their culture?

MR. FITZGERALD: I think, as I think Commissioner Gorelick mentioned, we need to win the hearts and minds of the other people, so that they will stand up and call these people to account, they will aid us in the fight against terrorism, and to the extent that we need to take military action, that countries will allow us to use their countries as bases of support, or not oppose us, because we need to win over the people to our side who are not in that extremist camp.

MR. GORTON: Mr. Pistole, do you and the FBI agree with those general statements that Mr. Fitzgerald has set out?

MR. PISTOLE: Yes, Senator. We view this as a generational issue that is worldwide, that is something that is not a short-term fix, and it may even be tantamount to a 100-year war. This is something that goes on and on until these hearts and minds, as have been mentioned, can be changed, so we don't have young men and women brought up to learn to hate Americans, Jews, anybody who is not conforming to their ideology.

MR. GORTON: Mr. Davis and Dr. K?

"DR. K": I definitely agree with that portrayal, I think there is really no accommodation with what Bin Ladin represents. Even -- I mean, you can go to the extreme of saying, the United States were to eliminate its support for Israel, get out of the Middle East, and stop exporting all our goods and culture to that part of the world, and would that make a difference? Well, I don't know, but I just don't think there's any accommodation here.

MR. GORTON: Thank you, Mr. Chairman.

MR. KEAN: Thank you very much.

That completes the questioning. I want to thank the panel members very much for your service and for your help this morning to the panel, thank you very, very much.

I will now ask our staff to take their seats for another staff report.

END.

**PANEL II OF THE TWELFTH PUBLIC HEARING OF THE NATIONAL
COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES,
CHAired BY: THOMAS KEAN, CHAIRMAN
SUBJECT: STAFF STATEMENT #16**

NTSB CONFERENCE CENTER, L'ENFANT PLAZA, WASHINGTON, D.C.
11:39 A.M. EDT, WEDNESDAY, JUNE 16, 2004

MR. KEAN: We're now going to hear our staff's statement on the 9/11 plot.

Mr. Zelikow?

MR. PHILIP ZELIKOW: Members of the Commission, your staff is prepared to report its preliminary findings regarding the conspiracy that produced the September 11th terrorist attacks against the United States. We remain ready to revise our understanding of this subject as our work continues.

Dietrich Snell, Raj De, Hyon Kim, Michael Jacobson, John Tamm, Marco Cordero, John Roth, Douglas Greenburg and Serena Wille did most of the investigative work reflected in this statement. We are fortunate to have had access to the fruits of a massive investigative effort by the Federal Bureau of Investigation, and other law enforcement agencies, as well as intelligence collection and analysis from the Central Intelligence Agency, the National Security Agency, the State Department, and the Department of Defense. Much of the account in this statement reflects assertions reportedly made by various 9/11 conspirators, and captured al Qaeda members while under interrogation.

We have sought to corroborate this material as much as possible. Some of this material has been inconsistent. We have had to make judgment calls, based on the weight and credibility of the evidence. Our information on statements contributed to such individuals comes from written reporting, we have not had direct access to any of them.

Plot overview, origins of the 9/11 attacks. The idea for the September 11th attacks appears to have originated with a veteran jihadist named Khalid Sheik Mohammed, or KSM. A Kuwaiti, from the Balochistan region of Pakistan, KSM grew up in a religious family, and claims to have joined the Muslim Brotherhood at the age of 16.

After attending college in the United States he went to Afghanistan to participate in the anti-Soviet jihad. Following the war, he helped run a non-governmental organization in Pakistan assisting the Afghan mujahadeen. KSM first came to the attention of U.S. authorities as a result of the terrorist activity of his nephew, Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing. KSM provided a small amount of funding for that attack.

The following year he joined Yousef in the Philippines to plan what would become known as the Bojinka operation, the intended bombing of 12 U.S. commercial jets over the Pacific in a 2-day period. That plot unraveled, however, when the Philippine authorities discovered Yousef's bomb making equipment in Manila in January 1995. During the course of 1995, Yousef and two of his co-conspirators in the Bojinka plot were arrested overseas and were brought to the United States for trial, but KSM managed to elude capture, following his January 1996 indictment for his role in the plot.

By the middle of 1996, according to his account, KSM was back in Afghanistan. He had met Usama Bin Ladin there in the 1980s. Now, in mid-1996, KSM sought to renew that acquaintance, at a point when Bin Ladin had just moved to Afghanistan from the Sudan, had a meeting with Bin Ladin and Mohamed Atef, al Qaeda's chief of operations. KSM presented simple ideas for attacks against the United States. One of the operations he pitched, according to KSM, was a scaled up version of what would become the attacks of September 11th. Bin Ladin listened, but did not yet commit himself.

Bin Ladin approves the plan, according to KSM the 1998 East Africa embassy bombings demonstrated to him that Bin Ladin was willing to attack the United States. In early 1999, Bin Ladin summoned KSM to Kandahar to tell him that his proposal to use aircraft as weapons now had al Qaeda's full support. KSM met again with Bin Ladin and Atta in Kandahar in the spring of 1999, to develop an initial list of targets. The list included the White House, and the Pentagon, which Bin Ladin wanted, the U.S. Capitol, and the World Trade Center, a target favored by KSM.

Bin Ladin quickly provided KSM with four potential suicide operatives, Nawaf al Hazmi, Khalid al Mihdhar, Walid Muhammad Salih bin Attash, also known as Khallad, and Abu Bara al Taizi. Hazmi and Mihdhar were both Saudi nationals, although Mihdhar was actually of Yemeni origin, and experienced mujahadeen, having fought in Bosnia together.

They were so eager to participate in attacks against the United States, that they already held U.S. visas. Khallad and Abu Bara, being Yemeni nationals, would have trouble getting U.S. visas, compared to Saudis. Therefore, KSM decided to split the operation into two parts, Hazmi and Mihdhar would go to the United States. And the Yemeni operatives would go to Southeast Asia, to carry out a smaller version of the Bojinka plot. In the fall of 1999, training for the attacks began, Hazmi, Mihdhar, Khallad, and Abu Bara participated in an elite training course at the Mes Aynak camp in Afghanistan. Afterward KSM taught three of these operatives basic English words and phrases, showed them how to read a phone book, make travel reservations, use the Internet, and encode communications. They also used flight simulator computer games, and analyzed airline schedules to figure out flights that would be in the air at the same time.

Kuala Lumpur. Following the training all four operatives for the operation traveled to Kuala Lumpur Malaysia. Khallad and Abu Bara were directed to study airport security, and conduct surveillance on U.S. carriers, and Hazmi and Mihdhar were to switch passports in Kuala Lumpur before going on to the United States. Khallad, who traveled to Kuala Lumpur ahead of Hazmi and Mihdhar attended a prosthesis clinic in Kuala Lumpur for his leg, his missing one. He then flew to Hong Kong aboard a U.S. airliner, and was able to carry a box cutter, concealed in his toiletries bag, onto the flight. He returned to Kuala Lumpur, where Hazmi and Mihdhar arrived, during the first week in January 2000.

The al Qaeda operatives were hosted in Kuala Lumpur by Jemaah Islamiyah members, Hambali and Yazid Sufaat, among others. When Khallad headed next to a meeting in Bangkok, Hazmi and Mihdhar decided to join him to enhance their cover as tourists. Khallad has his meetings in Bangkok and returned to Kandahar. Khallad and Abu Bara would not take part in a planes operation. In the spring of 2000 Bin Ladin cancelled the Southeast Asia part of the operation, because it was too difficult to coordinate with the U.S. part. Hazmi and Mihdhar spent a few days in Bangkok, and then headed for Los Angeles, where they would become the

first 9/11 operatives to enter the United States on January 15th, 2000.

I'd now like to turn to Dieter Snell, who, by the way, was one of the federal prosecutors who prosecuted Ramzi Yousef in the Southern District of New York.

Dieter?

MR. SNELL: Four students in Hamburg. While KSM was deploying his initial operatives for the 9/11 attacks to Kuala Lumpur, a group of four Western educated men, who would prove ideal for the attacks, were making their way to the al Qaeda camps in Afghanistan. The four were: Mohammed Atta, Marwan al Shehhi, Ziad Jarrah, and Ramzi Binalshibh. Atta, Shehhi, and Jarrah would become pilots for the 9/11 attacks, while Binalshibh would act as a key coordinator for the plot. Atta, the oldest of the group, was born in Egypt in 1968, and moved to Germany to study in 1992, after graduating from Cairo University. Shehhi was from the United Arab Emirates, the UAE, and entered Germany in 1996 through a UAE military scholarship program. Jarrah was from a wealthy family in Lebanon and went to Germany after high school to study at the University of Greifswald. Finally, Binalshibh, a Yemeni, arrived in Germany in 1995. Atta and Binalshibh were the first of the four to meet, at a mosque in Hamburg in 1995. In 1998, Atta and Binalshibh moved into a Hamburg apartment with Shehhi who had been studying in Bonn. After several months the trio moved to 54 Marienstrasse, also in Hamburg. How Shehhi came to know Atta and Binalshibh is not clear. It is also unknown just how and when Jarrah, who was living in Greifswald, first encountered the group. We do know that he moved to Hamburg in late 1997.

By the time Atta, Shehhi, and Binalshibh were living together in Hamburg, they and Jarrah were well known among Muslims in Hamburg. And with a few other like-minded students were holding extremely anti-American discussions. Atta, the leader of the group denounced what he described as a global Jewish movement centered in New York City, which he claimed controlled the financial world and the media.

As time passed, the group became more extreme and secretive. According to Binalshibh, by some time in 1999, the four had decided to act on their beliefs, and to pursue jihad against the Russians in Chechnya. As Binalshibh is the only one of the four still alive, he is the primary source for an explanation of how the Hamburg group was recruited into the 9/11 plot. Binalshibh

claims that during 1999, he and Shehhi had a chance meeting with an individual to whom they expressed an interest in joining in the fighting in Chechnya. They were referred to another individual named Mohamedou Ould Slahi, an al Qaeda member living in Germany. He advised them that it was difficult to get to Chechnya, and that they should go to Afghanistan first. Following Slahi's advice, between November and December of 1999, Atta, Jarrah, Shehhi, and Binalshibh went to Afghanistan, traveling separately.

When Binalshibh reached the camps in Kandahar, he found that Atta and Jarrah had already pledged *bayat*, or allegiance to Bin Ladin, and that Shehhi had already left for the UAE to prepare for the anti-U.S. mission the group had been assigned. Binalshibh followed suit, pledging *bayat* to Bin Ladin in a private meeting. Binalshibh, Atta, and Jarrah met with Bin Ladin's deputy Mohammed Atef, who directed them to return to Germany and enroll in flight training.

Atta was chosen as the emir, or leader of the mission. He met with Bin Ladin to discuss the targets, the World Trade Center, which represented the United States economy, the Pentagon, a symbol of the U.S. military, and the U.S. Capitol, the perceived source of U.S. policy in support of Israel. The White House was also on the list, as Bin Ladin considered it a political symbol, and wanted to attack it, as well.

KSM and Binalshibh have both stated that in early 2000 Shehhi, Atta, and Binalshibh met with KSM in Karachi, for training that included learning about life in the United States, and how to read airline schedules.

By early March of 2000 all four new al Qaeda recruits were back in Germany. They began researching flight schools in Europe, but quickly found the training in the United States would be cheaper and faster. Atta, Shehhi, and Jarrah obtained U.S. visas, but Binalshibh, the sole Yemeni in the group was rejected repeatedly. In the spring of 2000, Atta, Shehhi, and Jarrah prepared to travel to the United States to begin flight training. Binalshibh would remain behind and help coordinate the operation, serving as the link between KSM and Atta.

While the Hamburg operatives were just joining the 9/11 plot, Nawaf al Hazmi and Khalid al Mihdhar were already living in the United States, having arrived in Los Angeles on January 15th, 2000. It has not been established where they stayed during the first two weeks after their arrival. They appear to have

frequented the King Fahd Mosque in Culver City, possibly staying in an apartment nearby. Much remains unknown about their activities and associates while in Los Angeles, and our investigation of this period of the conspiracy is continuing.

KSM contends that he directed the two to settle in San Diego after learning from a phone book about language and flight schools there. Recognizing that neither Hazmi nor Mihdhar spoke English or was familiar with Western culture, KSM instructed these operatives to seek help from the local Muslim community. As of February 1st, 2000, Hazmi and Mihdhar were still in Los Angeles, however. That day, the two al Qaeda operatives met a Saudi named Omar al Bayoumi. Bayoumi told them that he lived in San Diego and could help them if they decided to move there. Within a few days, Hazmi and Mihdhar traveled to San Diego. They found Bayoumi at the Islamic Center and took him up on his offer to help them find an apartment. On February 5th, Hazmi and Mihdhar moved into a unit they rented in Bayoumi's apartment complex in San Diego. While it is clear that Bayoumi helped them settle in San Diego, we have not uncovered evidence that he did so knowing that they were terrorists, or that he believed in violent extremism.

Hazmi and Mihdhar also received assistance from various other individuals in the Muslim community in San Diego. Several of their new friends were foreign students in their early 20s who worshipped at the Rabat Mosque in La Mesa. One of them, an illegal immigrant named Mohdar Abdullah, became particularly close to Hazmi and Mihdhar and helped them obtain driver's licenses and enroll in schools. When interviewed by the FBI after 9/11, Abdullah denied knowing about the operatives' terrorist plans. Before his recent deportation to Yemen, however, Abdullah allegedly made various claims to individuals incarcerated with him about having advance knowledge of the operatives' 9/11 mission, going so far as to tell one inmate that he had received instructions to pick up the operatives in Los Angeles at the Airport, and had driven them from Los Angeles to San Diego. Abdullah and others in his circle appear to have held extremist sympathies.

While in San Diego, Hazmi and Mihdhar also established a relationship with Anwar Aulaqi, an imam at the Rabat Mosque. Aulaqi reappears in our story later. Another San Diego resident rented Hazmi and Mihdhar a room in his house. An apparently law-abiding citizen with close contacts among local police and FBI personnel, the operatives' house-mate saw nothing in their

behavior to arouse suspicion. Nor did his law enforcement contacts ask him for information about his tenants.

Hazmi and Mihdhar were supposed to learn English and then enroll in flight schools, but they made only cursory attempts at both. Mihdhar paid for an English class that Hazmi took for about a month. The two al Qaeda operatives also took a few short flying lessons. According to their flight instructors, they were interested in learning to fly jets and did not realize that they had to start training on small planes. In June 2000, Mihdhar abruptly returned to his family in Yemen, apparently without permission. KSM was very displeased and wanted to remove him from the operation, but Bin Ladin interceded, and Mihdhar remained part of the plot.

On the East Coast, in May and June 2000, the three operatives from Hamburg who had succeeded in obtaining visas began arriving in the United States. Marwan al Shehhi arrived first, on May 29th, 2000, at Newark Airport in New Jersey. Mohamed Atta arrived there five days later, on June 3th. He and Shehhi had not yet decided where they would train. They directed inquiries to flight schools in New Hampshire and New Jersey, and after spending about a month in New York City, visited the Airman Flight School in Norman, Oklahoma, where Zacarias Moussaoui would enroll the following February. For some reason, Atta and Shehhi decided not to enroll there. Instead, they went to Venice, Florida, where Ziad Jarrah had already started his training at Florida Flight Training Center, having arrived in the United States on June 27th. Atta and Shehhi enrolled in a different school, Huffman Aviation, and began training almost daily.

In mid-August, Atta and Shehhi both passed the private pilot airman test. Their instructors described Atta and Shehhi as aggressive and rude, and in a hurry to complete their training.

Meanwhile, Jarrah obtained his single-engine private pilot certificate in early August 2000. In October, Jarrah went on the first of five foreign trips he would take during his time in the United States. He returned to Germany to visit his girlfriend, Aysel Senguen, the daughter of Turkish immigrants, whom Jarrah had met in 1996, and married in a 1999 Islamic ceremony not recognized under German law.

By this point, in the fall of 2000, three 9/11 pilots were progressing in their training. It was clear, though, that the first two assigned to the operation, Hazmi and Mihdhar, would

not learn to fly aircraft. It proved unnecessary to scale back the operation, however, because a young Saudi with special credentials arrived in an al Qaeda camp in Afghanistan. Hani Hanjour had studied in the United States intermittently since 1991, and had undergone enough flight training in Arizona to obtain his commercial pilot certificate in April 1999. His friends there included individuals with ties to Islamic extremism. Reportedly a devout Muslim all his life, Hanjour worked for a relief agency in Afghanistan in the 1980s. By 2000, he was back in Afghanistan where he was identified among al Qaeda recruits at the al Faruq camp as a trained pilot and who should be sent to KSM for inclusion in the plot.

After receiving several days of training from KSM in Karachi, Hanjour returned to Saudi Arabia on June 20th, 2000. There he obtained a U.S. visa, a student visa, on September 25th, before traveling to the UAE to receive funds for the operation from KSM's nephew, a conspirator named Ali Abdul Aziz Ali. On December 8th, 2000, Hanjour traveled to San Diego to join Nawaf al Hazmi, who had been alone since Mihdhar's departure six months earlier.

Once Hanjour arrived in San Diego and joined Hazmi, the two quickly relocated to Arizona, where Hanjour spent most of his previous time in the United States. On December 12th, 2000, they were settling in Mesa, Arizona, and Hanjour was ready to brush up on his flight training. By early 2001, he was using a Boeing 737 simulator. Because his performance struck his flight instructors as sub-standard, they discouraged Hanjour from continuing, but he persisted.

He and Hazmi then left the Southwest at the end of March, driving across the country in Hazmi's car. There is some evidence indicating that Hanjour may have returned to Arizona in June of 2001 to obtain additional flight training with some of his associates in the area.

Back in Florida, the Hamburg pilots -- Atta, Shehhi, and Jarrah -- continued to train. By the end of 2000, they also were starting to train on jet aircraft simulators. Around the beginning of the new year, all three of them left the United States on various foreign trips. Jarrah took the second and third of his five foreign trips, visiting Germany and Beirut to see his girlfriend and family, respectively. On one trip, Jarrah's girlfriend returned with him to the United States and stayed with him in Florida for 10 days, even observing one of Jarrah's training sessions at flight school. While Jarrah took

these personal trips, Atta traveled to Germany for an early January 2001 meeting with Ramzi Binalshibh. Atta reported that the pilots had completed their training and were awaiting further instruction from al Qaeda. After the meeting, Atta returned to Florida and Binalshibh headed to Afghanistan to brief the al Qaeda leadership. As soon as Atta returned to Florida, Shehhi took his foreign trip, an unexplained eight-day sojourn to Casablanca.

After Atta and Shehhi returned to Florida, they moved on to the Atlanta area, where they pursued some additional training. The two rented a small plane with a flight instructor and may have visited a flight school in Decatur, Georgia. By February 19th, Atta and Shehhi were on the move again, traveling to Virginia Beach, Virginia. Here is a shot of Atta on February 20th, withdrawing \$4,000 from his account at a SunTrust branch in Virginia Beach. A bit later, Jarrah spent time in Georgia as well, staying in Decatur in mid-March. At the end of March, he left again for Germany to visit his girlfriend.

At about this time, Hanjour and Hazmi were driving from Arizona toward the East Coast. After being stopped for speeding in Oklahoma on April 1st, they finally arrived in Northern Virginia. At the Dar al Hijra mosque in Falls Church, they met a Jordanian man named Eyad al Rababah, possibly through Anwar Aulaqi, the imam whom they had known in San Diego and who, in the interim, also had moved east in early 2001. With Rababah's help, Hanjour and Hazmi were able to find a room in an apartment in Alexandria, Virginia. When they expressed interest in the greater New York area, Rababah suggested they accompany him to Connecticut, where he was in the process of moving. On May 8th, the group -- which by now included al Qaeda operatives Ahmad al Ghamdi and Majed Moqed -- traveled to Fairfield, Connecticut. The next day, Rababah took them to Paterson, New Jersey to have dinner and see the area. Soon thereafter, they moved into an apartment in Paterson. At this time, we have insufficient basis to conclude that Rababah knew the operatives were terrorists when he assisted them. As for Aulaqi, there is reporting that he has extremist ties, and the circumstances surrounding his relationship with the hijackers remain suspicious. However, we have not uncovered evidence that he associated with the hijackers knowing that they were terrorists.

While Hanjour and Hazmi were settling in New Jersey, Atta and Shehhi were returning to southern Florida. We have examined the allegation that Atta met with an Iraqi intelligence officer in Prague on April 9th. Based on the evidence available --

including investigation by Czech and U.S. authorities plus detainee reporting -- we do not believe that such a meeting occurred. The FBI's investigation places him in Virginia as of April 4th, as evidenced by this bank surveillance camera shot of Atta withdrawing \$8,000 from his account.

Atta was back in Florida by April 11th, if not before. Indeed, investigation has established that, on April 6th, 9th, 10th and 11th, Atta's cellular telephone was used numerous times to call Florida phone numbers from cell sites within Florida. We have seen no evidence that Atta ventured overseas again or re-entered the United States before July, when he traveled to Spain and back under his true name. Shehhi, on the other hand, visited Cairo between April 18th and May 2nd. We do not know the reason for this excursion.

While the pilots trained in the United States, Bin Ladin and al Qaeda leaders in Afghanistan started selecting the muscle hijackers -- those operatives who would storm the cockpit and control the passengers on the four hijacked planes. The term "muscle hijacker" appears in the interrogation reports of 9/11 conspirators KSM and Binalshibh, and has been widely used to refer to the non-pilot hijackers. The so-called muscle hijackers actually were not physically imposing, as the majority of them were between 5'5" and 5'7" in height, and slender in build. In addition to Hazmi and Mihdhar, the first pair to enter the United States, there were 13 other muscle hijackers, all but one from Saudi Arabia. They were Satam al Suqami; Wail and Waleed al Shehri, two brothers; Abdul Aziz al Omari; Fayez Banihammad, from the UAE; Ahmed al Ghamdi; Hamza al Ghamdi; Mohand al Shehri; Saeed al Ghamdi; Ahmad al Haznawi; Ahmed al Nami; Majed Moqed; and Salem al Hazmi, the brother of Nawaf al Hazmi. The muscle hijackers were between 20 and 28 years of age and had differing backgrounds. Many were unemployed and lacked higher education, while a few had begun university studies. Although some were known to attend prayer services regularly, others reportedly had even consumed alcohol and abused drugs. It has not been determined exactly how each of them was recruited into al Qaeda, but most of them apparently were swayed to join the jihad in Chechnya by contacts at local universities and mosques in Saudi Arabia.

By late 1999 and early 2000, the young men who would become the muscle hijackers began to break off contact with their families and pursue jihad. They made their way to the camps in Afghanistan, where they volunteered to be suicide operatives for al Qaeda. After being picked by Bin Ladin himself for what would

become the 9/11 operation, most of them returned to Saudi Arabia to obtain U.S. visas. They then returned to Afghanistan for special training on how to conduct hijackings, disarm marshals, and handle explosives and knives. Next KSM sent them to the UAE, where his nephew Ali Abdul Aziz Ali, and another al Qaeda member, Mustafa al Hawsawi, would help them buy plane tickets to the United States.

In late April 2001, the muscle hijackers started arriving in the United States, specifically in Florida, Washington, D.C., and New York. They traveled mostly in pairs and were assisted upon arrival by Atta and Shehhi in Florida or Hazmi and Hanjour in D.C. and New York. The final pair, Salem al Hazmi and Abdul Aziz al Omari, arrived New York on June 29th, and likely were picked up the following day by Salem's brother Nawaf, as evidenced by Nawaf's minor traffic accident while heading east on the George Washington Bridge.

Finally, on July 4th, Khalid al Mihdhar, who had abandoned Nawaf al Hazmi back in San Diego 13 months earlier, re-entered the United States. Mihdhar promptly joined the group in Paterson, New Jersey.

In addition to assisting the newly-arrived muscle hijackers, the pilots busied themselves during the summer of 2001 with cross-country surveillance flights and additional flight training. Shehhi took the first cross-country flight, from New York to San Francisco and on to Las Vegas on May 24th. Jarrah was next, traveling from Baltimore to Los Angeles and on to Las Vegas on June 7th. Then, on June 28, Atta flew from Boston to San Francisco and on to Las Vegas. Each flew first class, in the same type of aircraft he would pilot on September 11th.

In addition to the test flights, some of the operatives obtained additional training. In early June, Jarrah sought to fly the Hudson Corridor, a low altitude hallway along the Hudson River that passed several New York landmarks, including the World Trade Center. Hanjour made the same request at a flight school in New Jersey. The 9/11 operatives were now split between two locations: southern Florida and Paterson, New Jersey. Atta had to coordinate the two groups, especially with Nawaf al Hazmi, who was considered Atta's second-in-command for the entire operation. Their first in-person meeting probably took place in June, when Hazmi flew round-trip between Newark and Miami.

The next step for Atta was a mid-July status meeting with Binalshibh at a small resort town in Spain. According to Binalshibh, the two discussed the progress of the plot, and Atta disclosed that he would still need about five or six weeks before he would be able to provide the date for the attacks. Atta also reported that he, Shehhi and Jarrah had been able to carry box cutters onto their test flights; they had determined that the best time to storm the cockpit would be about 10 to 15 minutes after takeoff, when they noticed that cockpit doors were typically opened for the first time. Atta also said that the conspirators planned to crash their planes into the ground if they could not strike their targets. Atta himself planned to crash his aircraft into the streets of New York if he could not hit the World Trade Center.

After the meeting, Binalshibh left to report the progress to the al Qaeda leadership in Afghanistan, and Atta returned to Florida on July 19th. In early August, Atta spent a day waiting at the Orlando airport for one additional muscle hijacker intended for the operation, Mohamed al Kahtani. As noted in Staff Statement Number One, Kahtani was turned away by U.S. immigration officials and failed to join the operation.

On August 13th, another in-person meeting of key players in the plot apparently took place, as Atta, Nawaf al Hazmi, and Hanjour gathered one last time in Las Vegas. Two days later, the FBI learned about the strange behavior of Zacarias Moussaoui, who was now training on flight simulators in Minneapolis.

In addition to their last test flights and Las Vegas trips, the conspirators had other final preparations to make. Some of the pilots took practice flights on small rented aircraft, and the muscle hijackers trained at gyms. The operatives also purchased a variety of small knives that they may have used during the attacks. While we can't know for sure, some of the knives the terrorists bought may have been these, which were recovered from the Flight 93 crash site.

On August 22nd, Jarrah attempted to buy four global positioning system, or GPS units, from a pilot shop in Miami. Only one unit was available, and Jarrah purchased it along with three aeronautical charts. Just over two weeks before the attacks, the conspirators purchased their flight tickets. Between August 26th and September 5th, they bought tickets on the Internet, by phone and in person. Once the ticket purchases were made, the conspirators returned excess funds to al Qaeda. During the first week in September, they made a series of wire

transfers to Mustafa al Hawsawi in the UAE, totaling about \$26,000. Nawaf al Hazmi attempted to send Hawsawi the debit card for Mihdhar's bank account, which still contained approximately \$10,000. The package containing the card would be intercepted after the FBI found the express mail receipt for it in Hazmi's car at Dulles Airport on 9/11.

The last step was to travel to the departure points for the attacks. The operatives for American Airlines Flight 77, which would depart from Dulles and crash into the Pentagon, gathered in Laurel, Maryland, about 20 miles from Washington, D.C. The Flight 77 team stayed at a motel in Laurel during the first week of September, and spent time working out at a nearby gym. On the final night before the attacks, they stayed at a hotel in Herndon, Virginia, close to Dulles Airport. Further north, the operatives for United Airlines Flight 93, which would depart from Newark and crash in Stony Creek Township, Pennsylvania, gathered in Newark. Just after midnight on September 9th, Jarrah received this speeding ticket as he headed north through Maryland along Interstate 95, towards his team's staging point in New Jersey.

Atta continued to coordinate the teams until the very end. On September 7th, he flew from Fort Lauderdale to Baltimore, presumably to meet with the Flight 77 team in Laurel, Maryland. On September 9th, he flew from Baltimore to Boston. By this time, Marwan al Shehhi and his team for Flight 175 had arrived in Boston, and Atta was seen with Shehhi at his hotel. The next day, Atta picked up Abdul Aziz al Omari, one of the Flight 11 muscle hijackers, from his Boston hotel and drove to Portland, Maine.

For reasons that remain unknown, Atta and Omari took a commuter flight to Boston during the early morning hours of September 11th to connect to Flight 11. As shown here, they cleared security at the airport in Portland and boarded the flight that would allow them to join the rest of their team at Logan Airport.

The Portland detour almost prevented Atta and Omari from making Flight 11 out of Boston. In fact, the luggage they checked in Portland failed to make it onto the plane. Seized after the September 11th crashes, Atta and Omari's luggage turned out to contain a number of telling items, including correspondence from the university Atta attended in Egypt, Omari's international driver's license and passport, a video cassette for a Boeing 757 flight simulator, and this folding

knife and pepper spray, presumably extra weapons the two conspirators decided they didn't need.

On the morning of September 11th, after years of planning and many months of intensive preparation, all four terrorist teams were in place to execute the attacks of the next day.

MR. ZELIKOW: Financing of the 9/11 plot. We estimate that the 9/11 attacks cost somewhere between \$400,000 and \$500,000 to execute. The operatives spent over \$270,000 in the United States. And the costs associated with Zacarias Moussaoui, who is discussed at greater length below, were at least \$50,000.

Additional expenses included travel to obtain passports and visas, travel to the United States, expenses incurred by the plot leader and facilitators outside the United States, and expenses incurred by the people selected to be hijackers but who ultimately did not participate.

For many of these expenses, we have only fragmentary evidence and/or unconfirmed detainee reports and can make only a rough estimate of costs. Our \$400,000 to \$500,000 estimate does not include the cost of running the camps in Afghanistan, where the hijackers were recruited and trained, or the cost of that training.

We have found no evidence that the Hamburg group received funds from al Qaeda before late 1999. They apparently supported themselves before joining the conspiracy. Thereafter, according to KSM, they each received \$5,000 to pay for their return to Germany from Afghanistan plus funds for travel from Germany to the United States. KSM, Binalshibh and plot facilitator Mustafa al Hawsawi each received money, perhaps \$10,000, to cover their living expenses while they fulfilled their roles in the plot.

In the United States, the operatives' primary expenses consisted of flight training, living expenses, room, board and meals, vehicles, insurance, et cetera, and travel, casing flights, meetings, and the flights on 9/11. All told, about \$300,000 was deposited into the 19 hijackers' bank accounts in the United States.

They received funds in the United States through a variety of unexceptional means. Approximately \$130,000 arrived via a series of wire transfers from Ali Abdul Aziz Ali, who sent approximately \$120,000 from Dubai, and Binalshibh, who sent just over \$10,000 from Germany.

Shown here is the receipt for the largest wire transfer sent to the conspirators in the United States, \$70,000 that Ali wired Marwan al Shehhi on September 17th, 2000, just when Shehhi, Atta and Jarrah were in the middle of their flight training.

In addition to receiving funds by wire, the operatives brought significant amounts of cash and travelers' checks with them into the United States, the largest amount coming with 13 muscle hijackers who began arriving in April 2001.

Finally, several of the operatives relied on accounts in overseas financial institutions, which they accessed in the United States with ATM and credit cards.

The conspiracy made extensive use of banks in the United States, both branches of major international banks and smaller regional banks. All of the operatives opened accounts in their own names, using passports and other identification documents. There is no evidence that they ever used false Social Security numbers to open any bank accounts.

Their transactions were unremarkable and essentially invisible amidst the billions of dollars flowing around the world every day. No credible evidence exists that the operatives received substantial funding from any person in the United States.

Specifically, there is no evidence that Mihdhar and Hazmi received funding from Saudi citizens Omar al Bayoumi and Osama Bassnan or that Saudi Princess Haifa al Faisal provided any funds to the conspiracy, either directly or indirectly.

To date, the U.S. government has not been able to determine the origin of the money used for the 9/11 attacks. Compelling evidence traces the bulk of the funds directly back to KSM. But from where KSM obtained the money remains unknown at this time.

Ultimately, the question is of little practical significance. Al Qaeda had many avenues of funding and a pre-9/11 annual budget estimated at \$30 million. If a particular source of funds had dried up, al Qaeda could have easily found enough money to fund an attack that cost \$400,000 to \$500,000 over the course of nearly two years.

MR. SNELL: A closer look at specific aspects of the plot. Given the catastrophic results of the 9/11 attacks, it is

tempting to depict the plot as a set plan executed to near-perfection. This would be a mistake.

The 9/11 conspirators confronted operational difficulties, internal disagreements and even dissenting opinions within the leadership of al Qaeda. In the end, the plot proved sufficiently flexible to adapt and evolve as challenges arose.

Initial changes. As originally envisioned, the 9/11 plot involved even more extensive attacks than those carried out on September 11th. KSM maintains that his initial proposal involved hijacking 10 planes to attack targets on both the East and West Coasts of the United States. He claims that in addition to the targets actually hit on 9/11, these hijacked planes were to be crashed into CIA and FBI headquarters, unidentified nuclear power plants, and the tallest buildings in California and Washington State.

The centerpiece for his original proposal was the tenth plane, which he would have piloted himself. Rather than crashing the plane into a target, he would have killed every adult male passenger, contacted the media from the air, and landed the aircraft at a U.S. airport. He says he then would have made a speech denouncing U.S. policies in the Middle East before releasing all of the women and children passengers.

KSM concedes that this ambitious proposal initially received only lukewarm response from the al Qaeda leadership in view of the proposal's scale and complexity. When Bin Ladin finally approved the operation, he scrapped the idea of using one of the hijacked planes to make a public statement but provided KSM with four operatives, only two of whom ultimately would participate in the 9/11 attacks. Those two operatives, Nawaf al Hazmi and Khalid al Mihdhar, had already acquired U.S. visas in their Saudi passports by the time they were picked up for the operation.

According to KSM, both had obtained visas because they wanted to participate in an operation against the United States, having been inspired by a friend of theirs who was a suicide bomber in the August 1998 attack on the U.S. embassy in Kenya.

It soon became clear to KSM that the other two operatives, Khallad bin Attash and Abu Bara al Taizi, both of whom had Yemeni, not Saudi, documentation, would not be able to obtain U.S. visas. Khallad, in fact, had already been turned down in

April 1999 at about the same time that Hazmi and Mihdhar acquired their U.S. visas in Saudi Arabia.

Although he recognized that Yemeni operatives would not be able to travel to the United States as readily as Saudis like Hazmi and Mihdhar, KSM wanted Khallad and Abu Bara to take part in the operation. Accordingly, by mid-1999, KSM made his first major adjustment, splitting the plot into two parts so that Yemeni operatives could participate without having to obtain U.S. visas.

He focused in particular on Southeast Asia because he believed it would be easier for Yemenis to travel there than to the United States. The first part of the operation would remain as originally planned. Operatives including Hazmi and Mihdhar would hijack commercial flights and crash them into U.S. targets.

The second part, however, would now involve using Yemeni operatives in a modified version of the Bojinka plot. Operatives would hijack U.S. commercial flights across Pacific routes from Southeast Asia and explode them in mid-air instead of crashing them into particular targets.

An alternate scenario, according to KSM, involved flying planes into U.S. targets in Japan, Singapore or Korea. All planes in the United States and in Southeast Asia, however, were to be crashed or exploded more or less simultaneously to maximize the psychological impact of these attacks.

Khallad has admitted casing a flight between Bangkok and Hong Kong in early January 2000 in preparation for the revised operation. According to his account, he reported the results of his mission to Bin Ladin and KSM. By April or May 2000, however, Bin Ladin had decided to cancel the Southeast Asia part of the planes' operation because he believed it would be too difficult to synchronize the hijacking and crashing of the flights on opposite sides of the globe.

Deprived of the opportunity to become a suicide operative, Khallad was redeployed, first helping KSM communicate with Hazmi in California and later assisting in the *Cole* bombing, much as Binalshibh was assigned to assist the Hamburg pilots after failing to obtain a visa himself.

Hazmi and Mihdhar were particularly ill-prepared to stage an operation in the United States. Neither had significant exposure

to western culture. Hazmi barely spoke English and Mihdhar spoke none. Given this background, KSM had real concerns about whether they would be able to fulfill their mission. In fact, he maintains that the only reason the two operatives were included in the 9/11 plot was their prior acquisition of visas and Bin Ladin's personal interest in having them participate.

Unlike the other 9/11 hijackers, who were instructed to avoid associating with others in the local Muslim community, Hazmi and Mihdhar received specific permission from KSM to seek assistance at mosques when they first arrived in the United States.

According to KSM, he also directed them to enroll in English-language classes as soon as possible so that they would begin flight training right away. As KSM tells it, Hazmi and Mihdhar attempted to enroll in three language schools upon arriving in Los Angeles but failed to attend classes at any of them.

Once they moved to San Diego, Hazmi enrolled in English classes. And a little later, both of them took some flight training but they failed to make progress in either area. According to their flight instructors, Hazmi and Mihdhar said they wanted to learn how to control an aircraft in flight but took no interest in takeoffs or landings.

One Arabic-speaking flight instructor has recalled that the two were keen on learning to fly large jets, particularly Boeing aircraft. When the instructor informed them that, like all students, they would have to begin training on single-engine aircraft before learning to fly jets, they expressed such disappointment that the instructor thought they were either joking or dreaming.

KSM says now that he was surprised by the failure of Hazmi and Mihdhar to become pilots. This failure, however, had little impact on the plot. The setback occurred early enough to permit further adjustments. Al Qaeda's discovery of new operatives, men with English-language skills, higher education, exposure to the West, and, in the case of Hani Hanjour, prior flight training, soon remedied the problem.

In addition to the reassignment of operatives, the plot saw a variety of potential suicide hijackers who never participated in the attacks. These al Qaeda members either backed out of their assignment, had trouble acquiring the necessary travel documentation, or were removed from the operation by al Qaeda leadership.

According to KSM, al Qaeda intended to use 25 or 26 hijackers for the 9/11 plot, as opposed to the 19 who actually participated. Even as late as the summer of 2001, KSM wanted to send as many operatives as possible to the United States in order to increase the chances for successful attacks, contemplating as many as seven or more hijackers per flight.

We have identified at least nine candidate hijackers slated to be part of the 9/11 attacks at one time or another. Ali Abd al Rahman al Faqasi al Gamdi and and Zuhair al Thubaiti were both removed from the operation by al Qaeda leadership.

Khalid Saeed Ahmad al Zahrani and Saeed Abdullah Saeed al Ghamdi were both discussed in Staff Statement number one. They failed to acquire U.S. visas.

Saeed al Baluchi and Qutaybah al Najdi both backed out after Najdi was stopped and briefly questioned by airport security officials in Bahrain.

Saud al Rashid and Mushabib al Hamlan apparently withdrew under pressure from their families in Saudi Arabia.

And, as discussed in Staff Statement number one, Mohamed al Kahtani was denied entry by U.S. officials at the airport in Orlando on August 4th, 2001.

For the most part, these operatives appear to have been selected by Bin Ladin in Afghanistan and assigned to KSM in much the same manner as the others. All nine were Saudi nationals. A tenth individual, a Tunisian named Abderraouf Jdey, may have been a candidate to participate in the 9/11 attack or he may have been a candidate to participate in the later attack. He withdrew, and we will discuss him later in connection with plans involving Moussaoui. None of these potential hijackers succeeded in joining the 19.

Internal disagreement among the 9/11 plotters may have posed the greatest potential vulnerability for the plot. It appears that during the summer of 2001, friction developed between Atta and Jarrah, two of the three Hamburg pilots, and that Jarrah may even have considered dropping out of the operation. What is more, it appears as if KSM may have been preparing another al Qaeda operative, Zacarias Moussaoui, to take Jarrah's place.

Jarrah was different from the other Hamburg pilots, Atta and Shehhi. Given his background and personality, Jarrah seemed a

relatively unlikely candidate to become an al Qaeda suicide operative. From an affluent family, he studied at private Christian schools in Lebanon before deciding to study abroad in Germany. He knew the best nightclubs and discos in Beirut and partied with fellow students in Germany, even drinking beer, a clear taboo for any religious Muslim.

His serious involvement with his girlfriend, Aysel Senguen, and close family ties resulted in almost daily phone conversations with them while he was in the United States. He took five overseas trips within a 10-month span before September 11th.

Jarrah also appears to have projected a friendly, engaging personality while in the United States. Here he is, hair frosted, proudly displaying the pilot certificate he received during his flight training in Florida. Yet this is the same person who only a year earlier had journeyed from Hamburg to Afghanistan and pledged to become one of Bin Ladin's suicide operatives.

Both KSM and Binalshibh had reported that Atta and Jarrah clashed over the extent of Jarrah's autonomy and involvement in planning the operation. Binalshibh believes the dispute stemmed, at least in part, from Jarrah's frequent visits to and contact with his girlfriend and his family. Further, unlike Atta and Shehhi, who had attended flight school together, Jarrah spent much of his time in the United States alone. Binalshibh was supposed to have trained with Jarrah but failed to obtain a U.S. visa. As a result, according to Binalshibh, Jarrah felt isolated and excluded from decision-making. Binalshibh claims he had to mediate between Atta and Jarrah.

Jarrah's final trip to see his girlfriend, from July 25th to August 5th, 2001, is of particular interest. In contrast to his prior trips, this time Senguen bought him a one-way ticket to Germany. Moreover, it appears that Atta drove him to the airport in Miami, another unusual circumstance, suggesting that something may have been amiss.

Finally, according to Binalshibh, who met Jarrah at the airport in Dusseldorf, Jarrah said he needed to see Senguen right away. When he had time to meet with Binalshibh a few days later, the two of them had an emotional conversation during which Binalshibh encouraged Jarrah to see the plan through.

Perhaps the most significant evidence that Jarrah was reconsidering his participation in the 9/11 plot resides in the communications that took place between KSM and Binalshibh in mid-July 2001. During the spring and summer of 2001, KSM had a number of conversations that appear to have concerned the 9/11 plot. Both KSM and Binalshibh confirm discussing the plot during their mid-July conversation, which occurred just a few days before Jarrah embarked on his last trip to Germany.

At this point, Binalshibh had just returned from his meeting with Atta in Spain and was now reporting to KSM on the status of the plot. Concerned that Jarrah might drop out of the operation, KSM emphasized to Binalshibh the importance of ensuring peace between Jarrah and Atta.

In the course of discussing this concern and the potential delay of the plot, moreover, KSM instructed Binalshibh to send the, "skirts" to "Sally," a coded reference instructing Binalshibh to send funds to Zacarias Moussaoui. Atta and Jarrah were referred to as an "unhappy couple." KSM warned that if Jarrah, "asks for a divorce, it is going to cost a lot of money."

There is good reason to believe that KSM wanted money sent to Moussaoui to prepare him as a potential substitute pilot in the event Jarrah dropped out. Moussaoui attended al Qaeda training camps in Afghanistan. Sent to Malaysia in September 2000 by Bin Ladin and KSM to obtain pilot training, Moussaoui told terrorist associates there about his plans to crash a plane into the White House.

He came to the United States in February 2001, armed with the fruits of Atta's flight research, and started taking flight lessons at the Airman Flight School in Norman, Oklahoma, but stopped that training by early June. Shortly after, he received \$14,000 from Binalshibh in early August, however, and Moussaoui rushed into an intensive flight simulator course at Pan Am International Flight Academy in Eagan, Minnesota.

At about this time, he also purchased two knives and inquired of two GPS manufacturers whether their units could be converted for aeronautical use, actions that closely resembled those of the 9/11 hijackers during their final preparations for the attacks.

Moussaoui's August 16th, 2001 arrest ended his simulator training and may have prevented him from joining the 9/11

operation. The reports of the interrogations of Binalshibh and KSM regarding Moussaoui are not entirely consistent. According to Binalshibh, he understood that KSM was instructing him to send the money to Moussaoui in July 2001 as part of the 9/11 plot.

Moreover, recounting a post-9/11 discussion he had with KSM in Kandahar, Binalshibh says KSM referred to Moussaoui as if he had been part of the 9/11 plot, noting that Moussaoui was arrested because he was not sufficiently discreet and that this had been the exception to Bin Ladin's strong overall record of choosing the right operatives for the plot.

KSM, on the other hand, denies that Moussaoui was ever intended to be part of the 9/11 operation and was slated instead to participate in a so-called second wave of attacks on the West Coast after September 11th. KSM also claims that Moussaoui never had any contact with Atta in the United States, and we have seen nothing to the contrary.

Notably, however, KSM also claims that by the summer of 2001, he was too busy with the 9/11 plot to plan a second wave of attacks. Moreover, he admits that only three potential pilots were recruited for the second wave -- Moussaoui, Abderraouf Jdey, also known as Faruq al Tunisi, a Canadian passport holder, and Zaini Zakaria, also known as Mussa.

By the summer of 2001, both Jdey and Zaini already had backed out of the operation. The case of Jdey holds particular interest, as some evidence indicates that he may have been selected for the planes operation at the same time as the Hamburg group.

In any event, Moussaoui's arrest did not cause the plot any difficulty. Jarrah returned to the United States on August 5th and, as subsequent events would demonstrate, clearly was resolved to complete the operation.

MR. ZELIKOW: Timing and targets. The conspirators' selection of both the date and the targets for the attacks provides another opportunity to examine the plot from within. Although Atta enjoyed wide discretion as tactical commander, Bin Ladin had strong opinions regarding both issues.

The date of the attacks apparently was not chosen much more than three weeks before September 11th. According to Binalshibh, when he met with Atta in Spain in mid-July, Atta could do no

more than estimate that he would still need five to six weeks before he could pick a date. Then, in a mid-August phone call to Binalshibh, Atta conveyed the date for the attacks, which Binalshibh dutifully passed up his chain of command in a message personally delivered to Afghanistan by Hamburg associate Zakariya Essabar in late August.

Bin Ladin had been pressuring KSM for months to advance the attack date. According to KSM, Bin Ladin had even asked that the attacks occur as early as mid-2000, after Israeli opposition party leader Ariel Sharon caused an outcry in the Middle East by visiting a sensitive and contested holy site in Jerusalem sacred to both Muslims and Jews. Although Bin Ladin recognized that Atta and the other pilots had only just arrived in the United States to begin their flight training, the al Qaeda leader wanted to punish the United States for supporting Israel. He allegedly told KSM it would be sufficient simply to down the planes and not hit specific targets. KSM withstood this pressure, arguing that the operation would not be successful unless the pilots were fully trained and the hijacking teams were larger.

In 2001, Bin Ladin apparently pressured KSM twice more for an earlier date. According to KSM, Bin Ladin first requested a date of May 12th, 2001, the seven-month anniversary of the *Cole* bombing. Then, when Bin Ladin learned from the media that Sharon would be visiting the White House in June or July 2001, he attempted once more to accelerate the operation. In both instances, KSM insisted that the hijacker teams were not yet ready.

Other al Qaeda detainees also confirm that the 9/11 attacks were delayed during the summer of 2001, despite Bin Ladin's wishes. According to one operative, Khalid al Mihdhar disclosed that attacks had been delayed from May until July, and later from July until September. According to another al Qaeda member in Kandahar that summer, a general warning, much like the alert issued in the camps two weeks before the *Cole* bombing and ten days before the eventual 9/11 attacks, was issued in July or early-August of 2001. As a result of this warning, many al Qaeda members dispersed with their families, internal security was increased, and Bin Ladin dropped out of sight for about 30 days until the alert was cancelled.

KSM claims he did not inform Atta or the other conspirators that Bin Ladin wanted to advance the date because he knew they would move forward when they were ready. Atta was very busy

organizing the late arriving operatives, coordinating the flight teams, and finalizing the targets. In fact, target selection appears to have influenced the timing of the attacks. As revealed by an Atta-Binalshibh communication at this time, recovered later from a computer captured with KSM, Atta selected a date after the first week of September so that the United States Congress would be in session.

According to KSM, the U.S. Capitol was indeed on the preliminary target list he had initially developed with Bin Ladin and Atef in the spring of 1999. That preliminary list also included the White House, the Pentagon, and the World Trade Center. KSM claimed that while everyone agreed on the Capitol, he wanted to hit the World Trade Center whereas Bin Ladin favored the Pentagon and the White House. Binalshibh confirms that Bin Ladin preferred the White House over the Capitol, a preference he made sure to convey to Atta when they met in Spain in the summer of 2001. Atta responded that he believed the White House posed too difficult a target, but that he was waiting for Hani Hanjour and Nawaf al Hazmi to assess its feasibility.

On July 20, Hanjour, likely accompanied by Hazmi, rented a plane and took a practice flight from Fairfield, New Jersey, to Gaithersburg, Maryland, a route that would have allowed them to fly near Washington, D.C. When Binalshibh pressed Atta to retain the White House as a target during one of their communications in early August, Atta agreed but said he would hold the Capitol in reserve as an alternate target, in case the White House proved impossible. Based on another exchange between Atta and Binalshibh, as late as September 9, two days before the attacks, the conspirators may still have been uncertain about which Washington target they would strike.

Dissent among al Qaeda Leaders. The attitude of the al Qaeda leadership toward the 9/11 plot represents one last area for insight. As Atta made his final preparations during the summer of 2001, dissent emerged among al Qaeda leaders in Afghanistan over whether to proceed with the attack. Although access to details of the plot was carefully guarded, word started to spread during the summer of 2001 that an attack against the United States was imminent. According to KSM, he was widely known within al Qaeda to be planning some kind of operation against the United States. Many were even aware that he had been preparing operatives to go to the United States, as reported by a CIA source in June 2001. Moreover, that summer Bin Ladin made several remarks hinting at an upcoming attack, which spawned rumors throughout the jihadist community worldwide. For

instance, KSM claims that, in a speech at the al Faruq training camp in Afghanistan, Bin Ladin specifically urged trainees to pray for the success of an upcoming attack involving 20 martyrs.

With news of an impending attack against the United States gaining wider circulation, a rift developed within al Qaeda's leadership. Although Bin Ladin wanted the operation to proceed as soon as possible, several senior al Qaeda figures thought they should follow the position taken by their Afghan host, Taliban leader Mullah Omar, who opposed attacking the United States. According to one al Qaeda member, when Bin Ladin returned after the general alert in late July, he spoke to his confidants about problems he was having with Omar's unwillingness to allow any further attacks against the United States from Afghanistan.

KSM claims that Omar opposed attacking the United States for ideological reasons but permitted attacks against Jewish targets. KSM denies that Omar's opposition reflected concern about U.S. retaliation, but notes that the Taliban leader was under pressure from the Pakistani government to keep al Qaeda from engaging in operations outside Afghanistan. While some senior al Qaeda officials opposed the 9/11 operation out of deference to Omar, others reportedly expressed concern that the U.S. would respond militarily.

Bin Ladin, on the other hand, reportedly argued that attacks against the United States needed to be carried out immediately to support the insurgency in the Israeli occupied territories and to protest the presence of U.S. military forces in Saudi Arabia. Bin Ladin also thought that an attack against the United States would reap al Qaeda a recruiting and fundraising bonanza. In his thinking, the more al Qaeda did, the more support it would gain. Although he faced opposition from many of his most senior advisers, including Shura council members Shaykh Saeed, Sayf al Adl, and Abu Hafs the Mauritanian, Bin Ladin effectively overruled their objections, and the attacks went forward.

MR. KEAN: Thank you very much. We will now take a break for lunch, we're operating under a tight schedule, so to accommodate the remaining witnesses, I would ask everybody to come back by no later than 1:30. Please take all their bags and briefcases, materials and packages, and whatever else you have with you when you leave for lunch, because otherwise they will disappear.

Thank you very much.

END.

**PANEL III OF THE TWELFTH PUBLIC HEARING OF THE NATIONAL
COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES,
CHAIRD BY: THOMAS KEAN, CHAIRMAN
SUBJECT: OUTLINE OF THE 9/11 PLOT**

**WITNESSES: JACQUELINE MAGUIRE, SPECIAL AGENT, FBI; JAMES N.
FITZGERALD, SUPERVISORY SPECIAL AGENT, FBI; ADAM DRUCKER,
SUPERVISORY SPECIAL AGENT, FBI; RUDY ROUSSEAU, CIA OFFICIAL JOHN
PISTOLE, EXECUTIVE ASSISTANT DIRECTOR, FBI TED DAVIS, CIA AL
QAEDA SPECIALIST**

NTSB CONFERENCE CENTER, L'ENFANT PLAZA, WASHINGTON, D.C.
1:45 P.M. EDT, WEDNESDAY, JUNE 16, 2004

MR. KEAN: We'd like to resume now the hearing, if I could have your attention. Our next panel will continue our investigation into the 9/11 plot. The panel includes Jacqueline Maguire, special agent for the FBI, who was the case agent investigating the hijackers of Flight 77; Mr. James N. Fitzgerald, FBI special agent who was the Flight 11 case agent; and Mr. Adam B. Drucker, another special agent in the FBI who was an expert in the financing of the plot. They'll be accompanied by Mr. John Pistole, executive assistant director of the FBI for counterintelligence and counterterrorism. In addition, the panel includes Mr. Ted Davis, introduced properly before, who is CIA, who has comprehensive knowledge of the intelligence related to the plot, an al Qaeda specialist; he's accompanied by Mr. Rudy Rousseau of the CIA. Please stand and raise your right hand so I can place you under oath. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth? (Witnesses sworn.) Thank you. You may be seated.

Mr. Fitzgerald, are you going to start off?

MR. FITZGERALD: Good afternoon. Chairman Kean, Vice Chairman Hamilton, and members of the Commission, thank you for this opportunity to appear before you and the American people today to discuss the FBI's investigation into the attacks of September 11th, 2001, code-named PENTTBOMB. All of us in the FBI appreciate your efforts to examine the past and make recommendations that will help us meet the challenges of the future.

PENTTBOMB is the largest investigation ever conducted by the FBI. Immediately after the attacks, agents and officers, who virtually every law enforcement agency in the United States, along with dozens of international law enforcement colleagues, mobilized to mount this investigation. The FBI team dedicated to this case consists of agents and officers from the FBI and the New York City Police Department, and previously the Port Authority Police Department and the Bureau of Immigration and Customs Enforcement.

The body of knowledge about the 9/11 plot that has been uncovered reflects tremendous effort and dedication on the part of countless law enforcement agencies and intelligence agencies around the world. On behalf of the entire FBI, I'd like to thank all of our domestic and international partners who cooperated in this investigation in such an extraordinary way. I would like to recognize and thank the families of the victims of the September 11th attacks, who have been extremely patient and helpful throughout the course of this investigation. You've courageously agreed to be interviewed time and again, and you've provided the FBI everything we've asked. It has truly been an honor to have worked with so many gracious, helpful and strong people as we strive to ensure America never wakes up to another September 11th.

In turn, the FBI has tried to keep the families informed of progress in the case and important information relative to victims of 9/11. A website was established which can only be accessed by victims' families, and Director Mueller has invited family members to meet with him on an ongoing basis.

The PENTTBOMB team also meets with families from time to time and attempts to ensure that information about each victim is passed on to their families.

As part of the PENTTBOMB investigation, thousands of FBI agents from every field office were shifted to counterterrorism -- agents, intelligence analysts and linguists worked around the clock to identify co-conspirators, track down leads, translate incoming intelligence, and to ensure information was shared with our partners in law enforcement and intelligence.

Let me try to give you a sense of the scope of this undertaking. So far, over 500,000 leads have been covered, and over 165,000 interviews conducted. The four crash sites constitute the largest crime scene ever processed by the FBI. In New York alone, over 1.8 million tons of debris were processed

of victim identification and investigation leads. The FBI laboratory has received over 6,000 items with requests to conduct everything from fingerprint examination to DNA analysis, to document examination and more.

As you know, the September 11th terrorist attacks were the culmination of years of rhetoric, planning, coordination and action by Usama Bin Ladin and his al Qaeda network against the United States and its allies. We know that they remain committed to future acts of terrorism. Together with our law enforcement and intelligence partners worldwide, the FBI is determined to prevent future attacks. We're also committed to following every lead, collecting every piece of intelligence and every piece of evidence in the investigation into the 9/11 attacks.

As a result of the ongoing PENTTBOMB investigation, the FBI has been able to assist in the disruption of terrorist operations around the world, to identify other al Qaeda operatives worldwide, many of whom have been interviewed and/or arrested, to develop valuable new intelligence which is shared with our intelligence partners, to better understand al Qaeda trade craft and develop new and better working relationships with our law enforcement colleagues overseas. Individually and collectively these efforts are helping us identify additional terrorists, cut off sources of financial support, and prevent future attacks.

Each agent sitting with me today is investigating a specific facet of the PENTTBOMB investigation. In answering your questions, we'll work collaboratively as a panel to have the most knowledgeable person answer the question, in order to give you the most complete answer possible about every aspect of the investigation. On behalf of the panel, I thank the members of the Commission for your dedication and important work you are doing on behalf of the American people.

MR. ROUSSEAU: Governor, good to see you again. We just want to take a minute to commend your staff for a job well done. I want to report to you that they pushed us and they prodded and they've asked literally a thousand questions. They focused in on the weak points of what we knew, and at the end of the day they've made us all better, more knowledge about this event, and we thank them for that. I hope you understand how good their job was. I think the statement reflects the quality of their work, and again we commend them for it. Thank you.

MR. KEAN: I think we know that. It's very, very good to hear it from you. Who is -- no more statements? Well, the questioning then will be led by Commissioner Fielding and Congressman Roemer. Commissioner Fielding.

MR. FIELDING: Thank you, Mr. Chairman. Thank you all for appearing, and thank you for your cooperation with our staff and the Commission as well. Staff statements do show a great deal of detail that has been gleaned about the plot and the plotters. And it also illustrates I think, as you hear it and listen to it, that there are a lot of details that we just haven't yet filled in, and we are striving to. And you are the experts, and the reason we wanted this panel to be put on at the end of our series was because you are the experts, and I am going to take you up on your offer that whoever can best answer a question will answer it. But if anybody thinks that it is an incomplete answer, I hope that you also will fill in that gap too, because what we're really trying to do is fill in the gaps. So I'm going to ask you not philosophical questions so much as discrete questions that have been raised by the staff and by our own discussions of the facts.

But to start off, one of the things that I find interesting, and I find striking, is that Usama Bin Ladin, who is off here or there, and wherever he is, is depicted as being the real architect and really the person in charge of this plot. The decision-making and every detail of this plot, he is the one supposedly approved the plot, its details; he's the one that approved the target, approved who was going to be the pilot, who was going to be the muscle, the target, and the approval of the date even -- although there's maybe a little discussion going on about that.

My first question is: Is this really realistic that he was that much hands-on in charge, or was this perhaps part of a propaganda activity to praise and elevate the mastermind of this plot now that it's turned out to be successful?

MR. FITZGERALD: I think your characterization of him as a hands-on commander very much involved in the details of the plot is accurate based on the reporting that we have available to us. He was involved in everything from the selection of the participants right from day one, approval of the concept of doing this. In fact, not only in this plot but in others he was a bit of a micro-manager. As, for example, in the case of the Cole bombing, the information available to us indicates he wanted to change the bombers at the last minute, and he was

getting an argument from his field commander. So this man is heavily involved -- very much involved in these plots and is central to them. I don't think it's propaganda. I think he's there.

MR. FIELDING: Certainly didn't calculate the weight of the explosives on the prior attempt at the *Sullivans*, did he?

MR. FITZGERALD: No, he didn't.

MR. FIELDING: Anybody else have anything to add? Are you in total agreement on that? Thank you.

The other question that comes up is we're relying so much -- and as you read our staff report there's a great deal of reliance on KSM's information. He gives out extensive information. And it would be logical that he would have access to this. But, again, our concern is that while there's some that can be verified, there are other areas where it certainly could be a source of disinformation for whatever reason. And we would like your candid evaluation on whether there are areas that we should take another hard look at or look at with a little skepticism, as well as your thoughts as to whether -- excuse me, your thoughts as to how adequate were the methods used to verify the information and to test it, the quality of the information he's given us?

MR. ROUSSEAU: Let me characterize it. This is a long answer, and I know others will want to chime in. Our view is distrust, then verify, all of these sources. We have to be very careful any time we're dealing with a human source to ensure that we've checked it and cross-checked the information. We always seek multiple sources -- not only other human sources, but hopefully some documentation or some technical sources. And that's the approach we've used with KSM or with any of the other individuals involved in this, whether they are a controlled asset or a detainee or whatever.

In some cases here we're single-threaded, and we never like to be single-threaded. I mean, for example, the depiction of the process by which KSM got approval to do this plot comes mainly from one source, and we rather not be there. So we understand when we're weak. We seek to get additional corroborating information. We continue to do that. I suspect every day -- or virtually every day -- I'll see something new come across, and I think that's going to continue for some time. There's a lot of documents out there. There are other people to interview. I hope

you have a chance to chat with some of these gentlemen -- sooner rather than later. And that's just going to continue. So you've asked the question that's really at the nub of a lot of what we do as intelligence officers, and what of course you have to do in making your judgments. And it's not easy. Your problem is you've got a report to write. You've got a deadline. We have the luxury of getting to ask some more questions and continuing this process for as long as we need to.

MR. FIELDING: Are there any specific areas where we should be especially cautious?

MR. FITZGERALD: I think the core of the plot -- who proposed it, what it was intended to do, basically who was involved, how it was executed -- those core issues were pretty solid. Correct -- anybody correct me if I'm wrong. I think we're in good shape there. Have some of the peripheral issues -- we'll just have to continue to probe.

MR. FIELDING: Anybody have anything else to add on that? Let me follow up just a little and just be very specific for a minute. One of the things that I'm concerned about is of course -- is denial, if you will, of a second wave, but then the back up -- that whole issue of whether there were back-up people in or out at the time. And I noted that when we were talking this morning we were talking about current threats and that sort of thing. And of course last week or two weeks ago the attorney general listed the be-on-the-look-out-for list, and that included Abu Jdey. And Mr. Jdey had been depicted earlier to us as being around and the Staff Statement specifically said he withdrew -- he was the tenth individual of those that may have been the candidate hijackers. He was the tenth one, and they said that he withdrew, that he may have been a candidate in the 9/11 attack or he may have been a candidate in a later attack -- and there was also some evidence that the staff developed -- I'm sure it's through some of your help -- that he may have been selected for the plane operation -- maybe even at the time the Hamburg group was assembled. And now he shows up after he has withdrawn and kind of disappeared -- he suddenly shows up again on the lookout list. And to the extent you can, I wonder if you would share with us -- is there any information that's relevant to our probe or information that gave rise to him being on that list?

MR. PISTOLE: I could perhaps address that, and then whomever else. In terms of the selection of the seven individuals to be the look-out, the BOLOs, five of them were assessed as having at

one point expressed intent, as they did to commit attacks against the U.S., either had language skills, aviation skills - Jdey had Canadian connections that we're concerned about. He's somebody we don't know where he is, along with El Shukrijumah, Jafar the pilot, Jafar Dayier, other individuals who we are concerned about. And so the idea I believe behind the attorney general director's press conference was to again remind people that we have ongoing threat information. These are individuals that we assess as being a threat to the United States, and if anybody has any information, provide that.

MR. DAVIS: And Congressman Hamilton asked in the morning session about al Qaeda capabilities. And one way to think about capabilities is, for a terrorist organization, is operatives. And there are operatives who we cannot account for who have the skills that John was talking about. And we have threat information that talks about plots where those skills would be useful. And so not only do you have the intent, but you can look out there and say there are capabilities that al Qaeda still has on the loose that they can marry up to these threats. And I think that's what drives our concern on the particular threat that we are facing in the coming months here.

MR. PISTOLE: And if I could just add, since 9/11 we've have a number of situations where we disrupted plots -- for example the Portland 7, the Lackawanna 6, Imam terrorists in Cincinnati, the indictment the other day of Abdi out of Columbus, Ohio -- a number of individuals who we have assessed as having the intent and capacity for carrying out attacks. So there are individuals that we have addressed -- there are continuing investigations ongoing of similarly situated people.

MR. FIELDING: Is there any information about why he withdrew? And that is the phrase that was used, that he withdrew from the plot. Is there any information as to why he withdrew or was withdrawn?

MR. DRUCKER: Let me just say for Jdey he was actually BOLO'd earlier than this most recent BOLO. If you recall back in maybe December of 2001 there were five martyrdom videos found in Afghanistan. Ramzi Binalshibh was among those, as well as Abu Jdey was another one of them. So he was actually on the radar prior to this reporting about being involved in either the first part of 9/11 or this perceived second wave as KSM has referred to it. So I'll put that -- make that clear, that he was actually BOLO'd prior to this most recent BOLO.

As far as why he withdrew, I don't think we have information. It would really come from intelligence sources. All we do know is there is a conflict about whether he was involved in the first operation or this again -- again, this perceived second wave operation which, again, the degree of assessed credibility to that statement is really single-stream reporting. Nothing in our investigation of Moussaoui has uncovered any link to Jdey.

But there was one letter that was found during one raid in Karachi, Pakistan, potentially drafted by KSM, where it does include Jdey referenced as "Farouq al Tunisi," as being part of the first wave. He's mentioned in the same sentence as Khalid al Mihdhar, Wafel el Hazmi (sic), Hani Hanjour, Marwan Shehhi, and saying that he withdrew from that group. so, again, you have to kind of take with a grain of salt the reporting, because there is a conflicting letter that's also out there which clearly puts him in the first wave.

MR. FIELDING: Puts him in the first wave?

MR. PISTOLE: Puts him in the first and potentially only wave.

MR. FIELDING: Right. Thank you.

One of the other mysteries that we keep trying to understand is some action by Mr. Atta. He obviously was very involved in the planning, and yet he did something in a plan that had to have 100 percent success that day in order for the plan to go off -- he did something that didn't many any sense to somebody looking at it. He made his job more difficult from the outside, and that is he went up the night before to Boston, and then he and I guess it was al Omari, then decided to get on a plane in Portland, and then come back that morning to Boston. And, as it turned out, he almost missed the connection. His baggage didn't even make it -- which was helpful to the subsequent investigation. Is there any evidence or any indication of why he did that kind of bootleg that he went out of his way to go to Portland to come back to Boston, and basically put his plan, or at least his participation in the plan, at risk?

MR. FITZGERALD: The FBI doesn't know specifically why Mohamed Atta traveled to Portland, Maine. There is some reporting which indicates that Atta may have traveled to Portland in order to leave a, "smaller footprint" at Logan Airport, so there would be less Middle Eastern males of all about the same age and same size arriving at Logan Airport. He also could have perceived perhaps that security may have been easier for him to get

through. That's speculation. What I can't tell you regarding that is on the day Atta booked his flight for Flight 11, he also booked that flight from Portland. So he had it in his head as far back from August of 2001 that he would travel from a different location, connect in Boston, and then fly on Flight 11. A tremendous amount of investigation has taken place to try to determine if there's something that we've missed -- specifically, cell phone records were looked at to try and determine if Atta traveled outside of Portland, Maine. Did he go there to meet someone? We didn't find any evidence of that. Looking at the cell site locations, the actual tower where the signal bounced off, didn't indicate that Atta traveled outside of Portland. Many other areas inside of Portland, Maine were canvassed, to include the international ferries, the bus lines traveling to Portland, the flight manifests for all flights with service to and from Portland for roughly about the week prior to September 11th. Hospitals were canvassed, local police departments were canvassed. All with negative results. So the best indication we have of why he did what he did is from that detainee reporting indicating that he probably did so to minimize the amount of people who would be arriving at Flight 11 at one time.

MR. FIELDING: I don't mean to -- I'd like to just follow up on that for one second, and I'm mindful of the time; smaller footprint, but did he not have to go through security again at Boston anyway?

MR. FITZGERALD: He did.

MR. FIELDING: So he would have. Anybody else have any other information about that?

And there's just one follow-up that is a loose end again. In Boston, there apparently was at the Park Inn in Newton, Mass., a room that was occupied by two of the hijackers, the other two. And on September 11th, after they had gotten on the airplane, apparently, somebody went to clean that particular room and they were stopped by a man described as a Middle Eastern male, who told the housekeeper that somebody was sleeping in the room. Has there ever been any tracking down of that information?

MR. FITZGERALD: I'm not familiar with that particular reporting regarding that happening in Boston. I do know that when the information was first tracked by the Boston field office, they were unsure of whether or not anyone occupied that specific room, the room concerning Wail and Waleed al Shehri.

MR. FIELDING: Right.

MR. FITZGERALD: The previous day we were, after the fact, of course, aware that al Omari left and then traveled to Portland, Maine with Atta, but not aware of anyone's preventing either cleaning or the FBI from going into any rooms at that time. But we can certainly check on that.

MR. FIELDING: This apparently was on September 11th -- on September 11th that that occurred. And I would appreciate it. And our staff can give you what information we have.

Thank you, Mr. Chairman. I'm sorry my time is up.

MR. KEAN: Congressman Roemer.

MR. ROEMER: Thank you, Mr. Chairman. I, too, want to welcome the distinguished panel we have and salute you and thank you for your good work all the time in this war against jihadists and your time and your helpful testimony today.

Mr. Rousseau, you noted the excellent work in the research of our staff, who I'm very proud to associate myself with, having worked in the Senate and the House and now have this great staff that has done such fine work. They've done such great work.

I'd like to look at some areas where we're still trying, as of today, to figure out what these terrorists did back three years ago. And I'd like to start in an area with respect to the CIA about threat reporting in the summer of 2001. And then I'd like to shift back over to the FBI and talk a little bit about what did Hazmi and Mihdhar do while they were in San Diego and Los Angeles? Who might have supported them? What more can we uncover here as we're trying to wrap this report up?

And we have a very distinguished witness here that can, I think, help us, who's been in charge of the West Coast portion of the PENTTBOMB investigation by the FBI, and then see, as we get down into the weeds a bit with respect to an individual by the name of Fahad al Thumairy, who was an accredited diplomat at the Saudi consulate in LA, whether he had any type of involvement in this episode, starting with the CIA.

Mr. Davis, I'd like to start with you, with this, with the threat reporting. According to this excellent staff report that we've done and the Staff Statement, KSM was widely known within al Qaeda to be planning some kind of an operation against the

United States. The Staff Statement says, "Many were even aware that he'd been preparing operatives to go to the United States, as reported by a CIA source in June of 2001. Moreover, that summer Bin Ladin made several remarks hinting at an upcoming attack which spawned rumors throughout the jihadist community worldwide."

The Joint Inquiry also dealt with this in their declassified report. They said, according to source reporting, KSM had indicated he was, "recruiting persons to travel to the United States and engage in planning terrorist-related activity here. There persons would be expected to establish contact with colleagues already living there."

We understand this information did come from a source to the CIA in June of 2001. Mr. Davis, do you recall, unlike your colleague this morning, this type of information coming to you? Or were you aware of it coming to somebody else in the CIA? And what do we do with that information?

MR. DAVIS: Sir, I joined CTC in October of 2001, and so I'm not in a position to be able to tell you what was done with that information. What I can tell you is I understand that it was disseminated through the normal intelligence channels to all of the normal consumers and customers of that information.

I'm happy to take your question back to talk to people who were more deeply involved with it at the time. But again, I did not join till --

MR. ROEMER: Mr. Rousseau, what was done as a result of that reporting, then? What did the CIA specifically do with that type of threat coming in from KSM, who was at the top of the rendition list, who is widely known to have associated with these terrorists and been involved in different activities, and he's sending people to the United States to do an operation? How would you prioritize that? What happened to this?

MR. ROUSSEAU: The first thing that happened with it was that it was disseminated to the FBI, to other consumers, so that we made folks aware that this threat was out there. Second --

MR. ROEMER: So just as Mr. Tenet is saying we have record spike, we know there's a threat -- his hair, as they've said, is on fire -- you're disseminating this information to the domestic agencies, who should be looking at this threat internally.

MR. ROUSSEAU: Yes. Let me give you a more robust answer, because --

MR. ROEMER: Well, let me just skip quickly to see if we have anybody in the FBI that recalls seeing that. Do we have anybody here that can -- Mr. Pistole, do you have any awareness of this being disseminated to the FBI? Mr. Fitzgerald?

MR. FITZGERALD: No, sir.

MR. ROEMER: Mr. Drucker?

MR. DRUCKER: No, sir.

MR. ROEMER: Ms. Maguire?

MS. MAGUIRE: No, sir.

MR. ROEMER: Were you -- what was your position at the time, in June of 2001?

MS. MAGUIRE: In June of 2001 I was actually graduating from Quantico. (Laughter.)

MR. ROEMER: Well, that's a good reason for not having this information. Mr. Pistole, your position at that time would be what?

MR. PISTOLE: I was an inspector on our inspection staff, so I was not involved in counterterrorism at the time.

MR. ROEMER: Mr. Fitzgerald?

MR. FITZGERALD: Sir, I was assigned to the New York division working organized crime.

MR. ROEMER: So who -- we've got three or four FBI people here. Who would have received this? And how would you -- who'd you send it to, Mr. Rousseau? Where'd it go?

MR. ROUSSEAU: My memory is it went to the Counterterrorism Division -- sorry -- and the National Security Division.

MR. ROEMER: And did you task them back to say, "We sent this to you a week ago or two weeks ago; what happened to it?"

MR. ROUSSEAU: No, I'm not aware -- if we did that, I'm not aware that we did that. I just don't know. I wasn't involved in it at that point either. But we have, of course, looked at that piece. It's an interesting report. And, you know, so the first response was to disseminate.

MR. ROEMER: So this is pretty jarring. Most of the common knowledge at that point was it probably was -- the attack was going to take place probably outside the United States. This pointed to the possibility of KSM doing something inside the United States. You sent it to the FBI. We're not quite sure what happens to it at that point.

MR. ROUSSEAU: That's correct.

MR. ROEMER: Do you go back to the source and query the source as to "Listen, we need to know more about this?" You know, you go one way to the domestic agency; we don't know where it goes. But what happens to the other side to try to find out what KSM is doing?

MR. ROUSSEAU: Correct me if I'm wrong, but my memory is that we did go back to that source and try to get more information. And I think we didn't get a lot. But let me -- now let me make this more robust.

MR. ROEMER: Okay, but slightly more robust, because I've only got 10 minutes and I want --

MR. ROUSSEAU: I know you only have so much time. I understand.

MR. ROEMER: Ms. Maguire is just waiting for me, I'm sure. (Laughter.)

MR. ROUSSEAU: Well, far be it from me to let the FBI off the hook from your questions.

But this was -- remember that you've heard, the whole Commission has heard a number of times that we were hearing -- they call it chatter. But we were getting a lot of reports about impending attacks. This was a piece of that. We were hearing actually, as it turns out now, as we know now, several threads running through that summer.

One thread had to do with Abu Zubaydah and his plans. But another thread we heard from time to time was this rumbling from

the camps that something's going to happen in the United States. And that's a piece of this, and that's one of the reasons why we were very concerned through that summer. It's one of the reasons that underlie some of the finished intelligence reporting and particularly the director's concern.

Now, on balance, because the volume of reporting about foreign attacks was greater -- Abu Zubaydah was chatty or whatever, you know -- you get something of a difference in volume of reporting in the finished intelligence that accompanies that. Nevertheless, there was this deep drum undercurrent of concern based on this kind of reporting that we had to be careful at home. And we reported that also, as you know.

MR. ROEMER: I just think KSM really sticks out as targeting the United States.

MR. ROUSSEAU: It, yes it does--

MR. ROEMER: Ms. Maguire, I'd like to go to LA and San Diego here and talk a little bit about an individual by the name of Mohdar Abdullah. What has your investigation uncovered about the relationship between Mohdar Abdullah and Hazmi and Mihdhar?

MS. MAGUIRE: In the days after September 11th -- I believe it was on September 12th, actually -- a car, a Toyota Corolla, was recovered at Dulles Airport. The car was registered to Nawaf al Hazmi and it had an address in San Diego. The FBI followed up on that address in San Diego, found an individual who was residing there at the time. Through that individual, he brought up the name Mohdar Abdullah as another person in San Diego who had known the hijackers.

Mohdar Abdullah was subsequently interviewed numerous times by the FBI over the course of practically two years. What we found through his interviews, as well as our independent investigation through financial records, phone records, is that he knew the hijackers. He met them at a local mosque in San Diego. It appears that he did assist them, albeit to this day we do not have evidence that that support, that assistance he provided, was witting. Our investigation --

MR. ROEMER: So when you say he helped them, he helped them with translation. He helped them with an apartment. He helped them --

MS. MAGUIRE: Correct. He helped them --

MR. ROEMER: -- with school. He helped them with airline tickets. All these things, he's helping these two hijackers.

MS. MAGUIRE: Right, much like other individuals in the community in San Diego who also reached out to these two people who posed as Saudi Arabian students. They were recently arrived in the United States. They did not speak English very well, if at all. Mohdar Abdullah helped them, you're correct, to exchange some airline tickets; helped them -- he answered their questions regarding obtaining driver's licenses in California. He also made inquiries at flight schools and English language schools for them.

MR. ROEMER: Now, I understand he was detained and in jail. He supposedly brags to some inmates, and the inmates say what to the FBI with respect to what he may have known before the September 11th attacks that complicates this story a bit more on the witting or unwitting relationship and help that he may have provided? What is the claim that they make about Mohdar Abdullah's relationship with the terrorists?

MS. MAGUIRE: Approximately two to three months ago -- I believe it was April/May time frame -- an inmate in a California correctional facility -- it's an INS detention center -- wrote a letter to the Department of Homeland Security alleging that Mohdar Abdullah, while incarcerated, had made comments that he had prior knowledge of the September 11th attacks through Nawaf al Hazmi and Khalid al Mihdhar.

The letter made its way to the Joint Terrorism Task Force in San Diego and they followed up by interviewing the first inmate. The information that he provided was that Mohdar, through conversations in the recreation yard at the correctional facility and in conversations through the ducts, the airways between the cells, is that Mohdar had made comments. He had learned of the attacks from the two hijackers. He knew what they were here to do. He knew that they were here to hijack planes, to crash them into buildings. He didn't know the specifics of that attack.

That inmate also gave the names of other individuals who were incarcerated at the same time, and in particular two individuals that would have known the same statements that Mohdar made.

The FBI interviewed those individuals. One is still in San Diego. One is now in Atlanta, again still incarcerated. These people are all waiting for deportation to take place. The other two interviews, one in Atlanta, did not corroborate the story. He gives the same story that we've learned through interviews with Mohdar as well as through our investigation, that, yes, Mohdar Abdullah assisted the hijackers. He helped them with translation; similar story.

MR. ROEMER: Did your case agent believe, after these interviews, that these testimonies were reliable?

MS. MAGUIRE: The case agent -- could you clarify?

MR. ROEMER: Who interviewed these inmates that were claiming that Mohdar Abdullah had this prior knowledge of the 9/11 event?

MS. MAGUIRE: The FBI agent in San Diego.

MR. ROEMER: And did he believe that this was credible?

MS. MAGUIRE: At the time he believed. But again, he also had to take it from where it was coming, from an individual who's awaiting deportation, who's been incarcerated.

MR. ROEMER: So it gets more complicated then. He's awaiting deportation. He's incarcerated. You're finding these things out in the last few weeks, that he may have been more involved than you thought, that you have some now evidence from people that were in jail saying that he was part of or knew about 9/11.

He gets deported-

MS. MAGUIRE: Correct.

MR. ROEMER: He's out of the country now. Why don't we find a way to keep him in the country so that we can find out a little bit more about the possibility that he is a true participant in the 9/11 events? Why do we let him go?

MS. MAGUIRE: If I could just go back and finish. There was another individual in San Diego who was interviewed, another inmate, who gave another story, different details of that story of what Mohdar had said his prior knowledge was. The details differed quite significantly.

MR. ROEMER: Well, without getting into all this, Mohdar Abdullah also -- isn't there some evidence about his cell phone and his behavior for three weeks leading up to 9/11 that indicate that it's very strange and very peculiar behavior and that something with regard to the FBI evidence is amiss here?

MS. MAGUIRE: His behavior was reported by another individual to the FBI. We have nothing to corroborate other than that one individual's report. His cell phone records -- there was indication that his cell phone was not turned off, but there's no longer any calls after a certain period in August of 2001.

In light of the September 11th attacks, looking at that afterwards, yes, that did look suspicious. And that's why he was detained and investigated.

Just to go back --

MR. ROEMER: Just to say that he's deported then, you decide not to keep him incarcerated, and discover more about this evolving plot, when you deport him, do you hand off this person to the CIA and say, we're letting somebody go that we have a lot of questions about, we're concerned about this individual, here's the pending case, but we've decided to deport him? How do you hand this over to the CIA so that when he goes back to Yemen, we know this guy is not coming back after us?

MS. MAGUIRE: The case is worked in San Diego by the Joint Terrorism Task Force, on which there are representatives from Immigration and Customs Enforcement, as well as representatives from the CIA.

MR. ROEMER: And representatives from the CIA are there back in Yemen?

MS. MAGUIRE: I'm sorry, there's representatives from the CIA on the JT Task in San Diego which is working the case, doing the interviews, and getting the information.

MR. ROEMER: But how do you ensure that, so you can tell me that the CIA knows about Abdullah --

MS. MAGUIRE: Information was coordinated upon his deportation, and information was passed.

MR. ROEMER: Well, I think, I've got three notes here saying my time is expired, so I'm going to move on. I hope that maybe

there's five minutes at the end where I can ask a question about Thumairy and I appreciate again your helpful testimony here today.

MR. KEAN: Senator Kerrey.

MR. KERREY: I'm worried that the beginning of this could end up being a five-minute question, because that's all I've got.

But, Mr. Fitzgerald, you said in your statement something to the effect, as you know UBL planned this years in advance, and you may have heard the Staff Statement 15 that described the nature of that planning earlier, and not just planning earlier, but what Bin Ladin had been doing all the way to the 1990s. And one of the problems that I've got is, basically, just to get to a yes or no question at the end, but one of the problems I've got is that all the stuff we got in that Staff Statement 15, it's not new. It's new now, now that we have 3,000 dead Americans we're bringing to light things that we knew long ago. And I've been making the case unsuccessfully with Clinton and Bush administration officials that we had cause to go after Bin Ladin in Afghanistan much more aggressively than we did. And the answers have been consistent from both Clinton and Bush administration officials, no. Until 9/11 we simply wouldn't have had the American people behind us. And my belief is it's because we didn't tell the American people who Bin Ladin was, and what he was doing.

So, I've prepared three briefings, and I'm just going to give you the first one, which is February 1997, the second one is February '99. You understand by '99, we know that not only has he done the East African embassy bombing, we know he's in the United States, because we arrest two al Qaeda members, one in Texas, one in California who were part of the East African embassy effort. And we heard earlier from your namesake, Mr. Fitzgerald, who said that we knew as well that they were very good at forging visa and passports. Didn't do anything about it, but we knew that they were very good at forging visa and passports.

So, here's what we have in February '97. We have comprehensive analysis done at the Counterterrorism Center, which never saw the light of day, of who Bin Ladin was, and I've got about two pages describing who he is. And we start by saying, we told you in 1995 in our National Intelligence Estimate that he's a financier of terrorism. We have information now that will tell you that he's much more than a financier of

terrorism. Something, by the way, that we didn't get into our heads until, I think, 1999. So, by February of '97, we knew that he was the head of this al Qaeda organization, and could have provided chapter and verse of what he was attempting to do. He had, by February '97, he had already had his first fatwa against the people of the United States of America, describing us as the head of the snake. You heard all the stuff in Staff Statement 15. But here's the punch line in my view, because I think if the American people had heard this, not only would they have said, we've got to do something about this, but Congress would have sprung into action in a much different way than it did.

Let me go through it, I just have five things. We now know Bin Ladin has done these, we have reason to believe that he is responsible for the December 1992 truck bombing attack on two hotels in the Yemen port of Aden, killed two Australians. Didn't kill any American, although it was hotels used by Americans, and that was his target.

Secondly, we know that he sent weapons and trainers to Mogadishu. Now, we can't be certain that he killed those 18 rangers in the battle of Mogadishu on October 3rd and 4th, but he celebrated it afterwards, and he sent trainers down there, and he sent weapons down there. And I guarantee if it was in the United States and he'd done that, we would have brought him to trial. I don't need any more than that. That he wasn't there and didn't direct it is almost irrelevant. I think Americans would have been outraged, and I think they would have said, we've got to go after this guy in some significant way.

Thirdly, we intercepted the Bojinka plot, he was trying to do what, his people were going to attempt to blow up U.S. aircraft, airplanes, he was going to use airplanes as a weapon. In this case, he was going to blow them up. And I think it would have set alarm bells off if the Congress had heard that, I think they would have done some scenario analysis that was never done. One of the things we've criticized the CTC for not doing.

Fourthly, we got a car bomb in Riyadh, Saudi Arabia, again, we don't have absolute evidence that he did it, but he sent explosives there. He indicated he wanted to kill Americans in Saudi Arabia.

Last, Khobar Towers, although we believe, again, we don't have absolute evidence, he said he wanted to kill Americans in Saudi Arabia. It's likely that his explosives were involved in

some way, shape or form. We have all of this, and by '98 we have an awful lot more. By 2001, it's even more.

And I would just say to you, the question is, have you guys got this fixed? I mean, have you got it to a point where you can process all this stuff? As I said earlier, we would have been better off sending Mr. Fitzgerald down to greet the president from Crawford, Texas, on the 6th of August, his details and his information was a lot more coherent and persuasive and understandable than what the CIA delivered in the form of their August 6 PDB.

I don't understand why this information wasn't delivered more clearly, and I'm worried that failing to acknowledge that it wasn't delivered clear enough, failing to acknowledge that a mistake was made here, we might still be doing the same thing, and delivering excellent testimony, and excellent men, I probably should be saying this to George Tenet and his number two, who, by the way, when I asked him this said, the National Intelligence Estimate isn't a very good place to put information about terrorism, which is a ridiculous statement to make. So my time is up. I have no time left for you to answer anything that I've said. I announced I was going to do a five-minute question, because frankly, I don't see the people before me the people that I would hold responsible for this. And I don't think it's fair of me to bore in on you, and ask you why you didn't do it, especially somebody who was getting out of Quantico as this whole thing was coming to a conclusion.

I believe that we missed a tremendous opportunity very early in this game, to inform the Congress, and inform the American people who Bin Ladin was, what he was doing, what he had done, and as a consequence I think we simply didn't rally until it was too late.

MR. KEAN: I would give any of you who would like to answer some time.

MR. ROUSSEAU: It's an opportunity I'll pass on.

MR. KEAN: Senator Gorton.

MR. GORTON: Mr. Pistole, you've brought together here a group that is, I think, in the finest tradition of the FBI, over its entire existence, in this PENTTBOMB investigation you've been diligent, and patient, and thorough, and you've uncovered a myriad of facts, many of which have been of great assistance to

the 9/11 Commission, in coming up with its answers. And as a school teacher, I think you get a straight "A" on that effort, but of course, in the tradition of the FBI, what you've been doing is picking up the pieces and determining the facts after the fact, after a terrible attack on the United States. And our goal, if we did our job perfectly, would be there would never be another PENTTBOMB.

Now, with respect to preventing 9/11, even though the FBI didn't have a tremendous role in it, obviously you get a failing grade. Maybe we could give you a "D+" if we say there were some people out there in Minneapolis, and some others in Phoenix, who started down a road that, if Usama Bin Ladin had given us two or three more years, might have been productive. But, at the same time that you've been engaged in PENTTBOMB, you and the FBI have been engaged in trying to see to it that you do better, from the point of view of prevention, and intelligence in the future.

So although students don't usually get to grade themselves, what grade would you give the FBI today in its ability to prevent this kind of thing, to develop the intelligence which will help us avoid future 9/11s?

MR. PISTOLE: Thank you, Senator.

MR. GORTON: I'm sure you thank me.

MR. PISTOLE: I think we have to judge the FBI's success by several criteria. One is have we made substantive changes in the way we do business that enables us to, one, collect information better, analyze that information better, and share that information better. And we have made, Director Mueller has made substantial changes to that end. So I would give us a good grade in that regard. I'm hesitant to say "A", "B," whatever it may be. In that regard we have made substantive changes. There is still work to be done, obviously.

In the area of identifying potential terrorists here in the U.S., disrupting their activity, either through criminal prosecution, or in working with the agency, or forward intelligence for law enforcement services, we've had successes, some of which have been publicized, some of which have not, to protect sources and methods. And we've done a very good job in that regard. We've identified people that we consider to be sleepers here in the U.S., through the interagency process, and the JTTS have at least 38 different agencies represented throughout the 84 JTTS around the country. So we have that

interagency process, we have the integration of personnel from the agency, and the Department of Homeland Security with the FBI. So we're integrated in a much better way.

I would like to say we have a seamless integration of information; we're not quite there yet. We still have things to do in information technology and other ways. So I would give us a good grade in terms of identifying and disrupting potential terrorist activity here in the U.S., some people who were tied right into KSM, such as Imam Farris, and another individual that hasn't been publicized that is no longer in the U.S. So there are those things. There are several ongoing things where we have some significant people who are tied in with key operatives overseas, who we have disrupted their activities. They're no longer on the street. So there are ongoing efforts.

This '04 threat information that we're dealing with I think is serving as a good model of the cooperation and the interdependence of each of our agencies upon each other, that none of us can do this alone, but the integration of the law enforcement and intelligence within the FBI is clearly working to the United States government and American people's advantage. And I think that is allowing us to take action on an immediate basis. Intelligence is gathered, every counterterrorism investigation is an intelligence gathering operation. With the law enforcement ancillary to whatever the intelligence exploitation may be.

MR. GORTON: Thank you. I've got about 30 seconds left, and I want Mr. Rousseau, whose agency also get an "F" for pre-9/11, to tell me what he thinks has happened in the CIA, and how they're better prepared for a future attack?

MR. ROUSSEAU: Senator, from my perch in the basement of the printing plant, I'm probably not the guy to do that. But, I'll reflect what the director said, because I think it's -- and I agree with it, more than just because he's my boss. We're more robust, in terms of people and resources, in the counterterrorism area. We are on the offensive, and that's terribly important. We're better integrated with the FBI, and with other organizations to fight the war more effectively. The director has made, I think, a very important point about needing to have the backend fixed, that is his defensive end fixed, because we serve as a pretty thin trip wire all around the world, and if we aren't integrated properly at the backend, the ability to respond defensively, we're in very big trouble. And that's coming along fairly well.

All that said, there is still grave danger, and we have to work extremely hard to try to ward it off.

MR. GORTON: Thank you, Mr. Chairman.

MR. KEAN: I'd just like to ask one very brief follow up question. There's no question that the investigative work we've done so far shows that one of the main problems was a lack of coordination between the intelligence agencies, you didn't share databases as well as you should. You didn't talk to each other as much as you should, and you kept thing that you found, by doing good work, to yourselves, often, rather than sharing it.

Are you talking to each other now? Are you sharing information? Can it be improved? How are we doing?

MR. ROUSSEAU: I think we'll have to -- both ends of the table agree, I think much better. I think that --

MR. KEAN: That's not good enough, much better. It's got to be very good.

MR. ROUSSEAU: Well, I don't think we can sit here, look you in the eye, and say it's perfect. We just can't do that. We can say that we're working at it very hard. We can see tangible changes. We can see more people exchanged among the organizations. We know that, for example, in CTC, the FBI officers serving there are not only invaluable to us, but I hope, hopefully to the FBI. So it's always a work in progress, and I think that you can just see tangible results. Is that fair?

MR. PISTOLE: Absolutely, Mr. Chairman, I think the key ingredient here is the Terrorist Threat Integration Center, where we have the different agencies represented, they have access to each other's files through the databases, so there is full visibility in that regard. So things like the Phoenix memo, which has been out there, the Minneapolis EC, people in the agency, people in DHS, in DoD, who are assigned to TTIC, will now have full visibility on that. They can look into FBI files and see that. And that is clearly a step in the right direction.

MR. KEAN: Okay. Commissioner Gorelick.

MS. GORELICK: Thank you, Mr. Chairman.

I have two questions, the first of which I hope is short. And I guess I should address it to Special Agent Fitzgerald. In the aftermath of 9/11 there were many rumors of aborted other pieces of the conspiracy, people who missed their planes, didn't get there on time, ran off to Texas and other places. You've now settled on 19 hijackers, who you have described as the entire plot here in the United States. Can you assure us, from the investigation that you've had since the day of 9/11, that that is the sum total of the plot of people who were attempting to hijack aircraft on that day?

MR. FITZGERALD: The answer is, yes I can. Within the United States those 19 are the only ones we've identified as hijackers. And I'm specifically not including co-conspirators that were identified overseas.

MS. GORELICK: Thank you. Here's my second question. From the exchange between Commissioner Roemer, and Special Agent Maguire, and the panel this morning, and really everything that we have heard, I've come to the conclusion that the individuals who gave help to the hijackers, whom we have found -- you have found to have been unwitting helpers, were purposely put in an unwitting position. That is, you have said to us the people who gave help knew that they would never know that they were specifically aiding a hijacker. They knew that they were helping someone who was sent to them by an imam, by a trusted friend, by somebody from the Saudi embassy, by somebody that they trusted who said, "There are two people coming, please help them."

If that's the pattern, and that's what I'm hearing, what is the mode of attacking that? Because under our system of jurisprudence, most people are innocent, and yet if it is a plan to set up a coterie of people around the country who can be of help to folks who arrive in this country not speaking English, not knowing how to get a license, not knowing how to register for schools, not knowing how to get an apartment, not knowing how to do anything, they can't function without those other people. And yet, under our system of jurisprudence, you can't really touch them, because they are unwitting.

Now, a, do you agree with my assessment of what I've heard and, b, if you do, what do we do about it?

MR. FITZGERALD: To restate your question, I agree, from our investigation of the people who assisted them, were unwitting as far as the FBI could tell. As to whether or not they happened to be sympathetic to a particular mosque or a particular imam at a

particular mosque, I don't know and couldn't comment on it. As you point out, the fact of the matter is that they provided assistance to these folks and how can we then interdict that? And I think the answer is two-fold -- here in the United States, the best way for the FBI to do that is to go forward with its criminal cases so that we have a way to leverage people once they're arrested and specifically trying to develop sources within the United States.

For whatever people think of the United States, once they get here, they tend to like the opportunities here, and they tend to want to stay here, and that gives people like immigration officers, the FBI, and other law enforcement officers the ability to leverage that into someone cooperating with the government. So I think our best way to interdict this problem is to "go on the offensive," and put people in a position where they can gather information and relay it back to us in such a way that we can either bring criminal cases against someone or if they're immigrants, perhaps their immigration status could be looked at, or whatever other lawful means we have of identifying these people -- at the very minimum, conducting surveillance on people that we consider suspicious.

MS. GORELICK: Do you engage with the communities, the host communities, to say to people, "We've now discovered this is a methodology. Usama Bin Ladin and his colleagues are very smart. They understand our system. They understand that we're not going to put someone in jail for helping a new immigrant get a driver's license or an apartment. And, therefore, people are going to come to you, and they may be using you." Have we engaged with these communities to try to get help? What you're describing, and I'm not saying it's an inappropriate response, is using a hammer; that is, we're going to maybe pull their immigration status, or we're going to try to flip them and prosecute them on whatever basis we can. But what I'm worried about is that al Qaeda has figured us out, and we have not figured out an appropriate way to say to these communities, "Don't be unwitting helpers to bad actors."

Mr. Pistole, do you want to comment on that?

MR. PISTOLE: Yes. We have required each of our -- the heads of each of our 56 field offices to engage their local Arab-American, Muslim-American and community leaders for that very purpose. It's actually twofold -- one is to make sure they are aware that the FBI has the responsibility for investigating civil rights violations; if any of their constituents have been

the subject of some type of hate crime, for example. The second, to engage and to ask for their assistance to help us identify people who may be in their community who are out of place, who are recent émigrés who may be here -- anything that would be suspicious to them to help us do our job, which helps them do their job, and, obviously, that works for those who are cooperative with us.

MS. GORELICK: Do you feel that your outreach to those communities is bearing fruit? Is this working?

MR. PISTOLE: It's working in the sense that we have dialog with individuals that we did not have in a meaningful or as meaningful a way prior to 9/11. We have identified a small group of individuals through that liaison that are currently under investigation, where their suspicious activity that's been predicated on that outreach -- so -- to a limited degree, yes.

MS. GORELICK: Thank you.

MR. KEAN: Vice Chairman Hamilton.

MR. HAMILTON: Thank you very much for your testimony. I'm interested in the question of motivation of these hijackers, and my question is really directed to the agents. You've looked and examined the lives of these people as closely as anybody. It's an extraordinary thing to be able to motivate someone to kill themselves. I am aware of the Usama Bin Ladin's statements about the religious and the political and the economic reasons, and I really don't want to get into that. But what have you found out about why these men did what they did? What motivated them to do it?

MR. FITZGERALD: I believe they feel a sense of outrage against the United States. They identify with the Palestinian problem, they identify with people who oppose repressive regimes, and I believe they tend to focus their anger on the United States as to what would motivate a young man to sacrifice his rights, to, really, go to that extraordinary next step to do that. Much of it, I believe, originates in rage, and I think when you look at the 19 hijackers and see where they came from, you can begin to see the seeds of that -- that disenfranchisement and anger.

MR. DRUCKER: I'm going to have to add that most of these hijackers that originally ended up in Afghanistan didn't necessarily go there saying, "I want to be a martyr." They go in

there to just be in the jihad, maybe fight in Chechnya or wherever. We had some good information from people that -- from intelligence that some of these people that actually tried to get visas and then participate in the attacks, for example, that they went to Afghanistan to participate in jihad, go to training in Afghanistan, and somewhere along the line, someone whispers in their ear, "Hey, you know what? You need to really consider doing what those young men did in Africa. It's a good thing."

And you have guys like that getting into these people's heads, and, you know, a small percent of them say, "You know what? That's not a bad idea. Let me think about that." Then they get to meet Bin Ladin personally when they say that -- swear to him. So, again, there is some degree of -- and these guys are young and impressionable, just like any type of, you know, to call -- say it's akin to a cult-type atmosphere. What motivated people that followed David Koresh to do what they did, for example? It's just an atmosphere where these people are, you know, in an atmosphere in Afghanistan, secluded from the rest of society, and they whisper things in their ears that, "Hey, maybe martyrdom is the way you should go, you should think about."

MS. MAGUIRE: I think when you look at the background of the 19 hijackers, there are differences. Some of them do have higher education, as is mentioned in your Staff Statement earlier. There are others who got involved in drugs, who became, probably through that, disenfranchised and have that anger. To look at their background, while it may help in that you see a lot of the muscle hijackers were the ones that tended to have involvement in drugs, alcohol, kind of got away from their families. On the other hand, the pilots did have education and a higher standard of living.

MR. HAMILTON: It's kind of interesting to me that none of you emphasize or, at least, I don't think you did -- maybe you did, Mr. Drucker, the religious motivation. Were these 19 hijackers -- did any of them impress you as being deeply religious men?

MR. DRUCKER: Again, I think the backgrounds differ. Some were deeply religious, some were drug users, and just seemed to be lost in life a little bit. I think when you get to Afghanistan, however, you know, there is a strong religious-type background in those camps. It's not just all about training --

MR. HAMILTON: If you go through the 19 hijackers, can you separate out motivations -- this man did it for this reason; this man did it for another reason?

MR. DRUCKER: I personally can't do that. I don't think anyone

--

MR. HAMILTON: Can you generalize? Is there a sense of hopelessness? Is there a sense of -- I think you put it, Mr. Fitzgerald, deep injustice? They had suffered oppression?

MR. DRUCKER: I don't think that's the case here, again, because, say that the Hamburg pilots, they weren't necessarily from that type of background. Marwan al Shehhi, you know, was UAE, and he had it pretty good over there.

MR. HAMILTON: Why did he do it?

MR. DRUCKER: Again, because once he associated with certain elements in Germany, again they decided to go to Afghanistan primarily to start drawing to jihad and maybe al Qaeda in general, and that wasn't really to martyr themselves. Once you get to Afghanistan, you don't know the environment there. I can't speak to the environment in Afghanistan. When they were there for two or three months, what -- you know, once you get into the game, so to speak, maybe their feelings become stronger once you're there.

MR. HAMILTON: Why did they decide to martyr themselves, I guess that's my question. It's an extraordinary thing for an individual to make that kind of a decision. It just runs counter to everything that you think about. We hang onto life. We hang onto life with everything we have, but these men give it up. They give it up at the most promising age -- 19 to 28. Why did they do it? You've given me some ideas, obviously, and I appreciate that, but it's really puzzled me.

MR. PISTOLE: Part of it, if I could just add to that, it's for the reasons suggested and also for the idea of reward and for the idea of doing something beyond what you may achieve in your normal, everyday life -- you achieve some type of status that you would not have. Now, we have some information to that effect but, obviously, given what's going on in Iraq every day, where we have -- virtually every day -- additional suicide bombers. There are people with that similar background and perspective.

MR. HAMILTON: Thank you very much.

MR. KEAN: Commissioner Ben-Veniste.

MR. BEN-VENISTE: Good afternoon. Let me first start with an observation. The more information that we have received as we have gone along here in this inquiry, the more I see the dots becoming closer and closer together. I reiterate that I feel we had a great deal of information, and I want to probe a little bit today what happened to that information.

I will also observe that somebody very wise once said that a fact is the point at which we have agreed to allow the investigation to stop. Our investigation will stop at some point soon, but that doesn't mean that we will have discovered all of the facts, but we'll do our level best to conclude the investigative part of this and to report to the American people what we have found.

In that regard, let me go to something, which I found very interesting in our Staff Statement. And that is the fact that, as of June of 2001, a CIA source reported that KSM, the mastermind of the 9/11 catastrophe, was sending operatives to the United States. Now, what strikes me as extraordinary is that we only received this information two or three weeks ago. Yet the CIA had this information in June of 2001. What also strikes me as extraordinary is during the summer of threat, while the focus of attention appears to have been largely outside the United States, but, as we know, at least one CIA analyst and one CIA supervisor of that analyst, thought enough of the potentiality for an attack in the United States to have written the August 6th PDB, which was, as we now know, titled "Bin Ladin Determined to Strike in the United States." Yet that information about the effort of KSM to send operatives into the United States is not found specifically in the PDB memo. What is found in the PDB memo is a general statement, which has been corroborated by the facts that we have found, that there were individuals in the United States, both in the nature of al Qaeda cells and the people willing to support al Qaeda operatives in the United States. That statement is made.

There is also a statement made that there is a level of suspicious activity in the United States contemporaneous to the writing of this August 6 PDB memo that is consistent with the preparation for hijacking. Now, there is also a statement that 70 full field investigations were then ongoing by the FBI within the United States with respect to al Qaeda. And we now know that 14 of the individuals who had contact with the 19 plotters were among those individuals for whom full field investigations had been opened.

And, finally, we know that on August the 17th, Moussaoui was arrested by the FBI as a result of an alert FBI agent-- or her office in Minneapolis, and that information referred -- as the FBI was communicating it that day to the CIA and within the FBI -- referred to Moussaoui as "suspected airline suicide attacker" planning to fly a commercial airliner in the United States of America. Suspected suicide attacker.

Now, what I cannot understand for the life of me is how that information is not disseminated back and up to the president of the United States, who has expressed an interest and has been told certain information on August the 6th, less than two weeks before, about the domestic threat, and where the CIA, whether or not it was motivated by something the president said or whether it was acting on its own, brought this information to the president.

So let me start with Mr. Rousseau and then go to Mr. Davis, and ask, first, what happened to the information regarding KSM's determination to send operatives to the United States? And what is the current explanation, given the fact that the director of Central Intelligence briefs the president of the United States again, coincidentally, on the same day as Moussaoui is arrested, apparently, as to what happened to that information.

MR. ROUSSEAU: As we talked earlier about the KSM information, there were a couple of things going on at that time. One is, of course, that report was disseminated to the appropriate agencies. We followed up on the report to try to learn more from the source. We --

MR. BEN-VENISTE: Who was it disseminated to? Instead of saying "to the appropriate agencies."

MR. ROUSSEAU: Well, the three that are most pertinent are the FBI, both to the National Security Division, the Counterterrorism Division, and the White House Situation Room. But I believe it was more widely disseminated than that, I just can't remember the whole list. The Secret Service got it, Treasury got it, INR got it at State. You know, it's a pretty robust list. And we attempted to find out more about this, for obvious reasons, and didn't succeed very much.

Second, remember, we have no idea what KSM is up to. I mean, he is somebody we've been chasing and chasing hard for a long time, but in terms of having any inkling that he's involved in a 9/11 plot, this is a new piece and it intensifies our interest,

of course, in bringing him to justice, but, obviously, he's buried in the sanctuaries and very hard to get to.

So in terms of this reporting, it becomes incorporated into the general threat concerns that we had during that summer. I don't know how to describe it better than that. It's another piece of intelligence that's important.

MR. BEN-VENISTE: Mr. Pistole, did you get this information?

MR. PISTOLE: The Counterterrorism Division at FBI received that information. I don't have the specifics of that; it came up earlier. And I will be glad to track that and get back with you.

I know on September 4th we -- the FBI sent out information -- widespread dissemination, agency -- all the intel community partners -- about Moussaoui and the details on that. The question of what was briefed and why was a different decision. So --

MR. BEN-VENISTE: When you say what was briefed, you mean what was briefed to the president of the United States?

MR. PISTOLE: Correct.

MR. BEN-VENISTE: And why that was not included?

MR. PISTOLE: Correct.

MR. BEN-VENISTE: And --

MR. KEAN: Summing up --

MR. BEN-VENISTE: Summing up, yes. Thanks. I only got one note; I'm two behind Tim Roemer. (Laughter, cross talk.)

Serious question: Putting KSM's intention to send operatives to the United States, putting together with the already formed opinion that suspicious activity consistent with hijacking -- this is August 6th, before Moussaoui, before Moussaoui comes on the stream -- that suspicious activity consistent with hijacking activity has been received -- now you have Moussaoui, who it does not take a nanosecond for the folks in Minneapolis to conclude: suicide hijacker. That's all there. What happens to it in terms of the defensive posture -- never mind going to bomb Afghanistan -- the defensive posture of protecting the United States? (Scattered applause.) Can anyone answer that?

Thank you, Mr. Chairman.

MR. KEAN: Thank you.

Secretary Lehman.

MR LEHMAN: I'd like to take Jamie Gorelick's line of questioning another step further. I recently read a book called "Saboteurs," which is a very interesting account of the Nazi Abwehr intelligence service infiltration of terrorists into the United States to do sabotage and intelligence work. They gave them -- before they left -- in their training the names of sympathetic members of German-American societies around the country which they were to go to and seek out -- to get help, shelter, money, support. In every case they were able to get that support.

Now these weren't members of the Nazi party, nor were they agents of the Abwehr. They were simply sympathizers. Within two months your agency had rolled them up, and they were executed and in their graves two months after they landed. Why? Because the FBI in those bad days before political correctness had targeted German-American societies and penetrated them. And so they were able to wrap up the terrorists very quickly.

In the KGB days, as we know now, the KGB depended heavily throughout Europe and the United States on what the FBI used to call agents of influence, fellow travelers. These were not party members; they were not taking orders from the KBG. They were just sympathizers.

Now today you heard our staff report in which trained hijackers come into the country with instructions to go and seek certain places and people. They go to the Saudi-supported King Fahd Mosque in L.A. They seek out a Mr. Bayoumi who's on the Saudi payroll. They are introduced to Fahad al Thumairy, who's also on the Saudi payroll, an imam. They're passed off to San Diego where they're given the help of Mr. Mohdar Abdullah about whom we've heard a good deal earlier. After staying there they're then passed on to another imam in Falls Church, Aied al Rababah.

Now, these five people all had one thing in common: they were all Salafi extremist Arab Americans, or illegal aliens. And to me, that suggests a pattern of dots that could be connected to begin to suggest an area where the FBI ought to do some further, perhaps, penetrating. But I look in vain in what we've had

access to in the PENTTBOMB and other investigations to find any suggestion that there is such a pattern. In fact, we heard today, not just from this panel, but from the earlier one, what were really the responses of highly professional law enforcement people looking for standards of evidence.

My question is, number one, are today's standards of political correctness -- no targeting of particular ethnic groups, certainly no religious institutions -- preventing the kind of effective counterterrorism that we saw against the Abwehr in World War II? And second, is there an effort to go beyond the evidentiary rules that are -- that were so well articulated earlier, which have given -- you have given us the preliminary response that these were unwitting people just trying to be good samaritans to all these things. Are you able to free yourself up from the law enforcement mentality to start to make hypotheses that go beyond what you could prove in a court? Two questions. Who would like to answer?

MS. MAGUIRE: Thank you. Just to go back in the discussion of the two hijackers from Flight 77, Khalid al Mihdhar and Nawaf al Hazmi, that we discussed earlier, and you spoke of some of the people they had come into contact with both in San Diego and Virginia, it's important to note that these two hijackers were the first hijackers to come into the country in -- in January of 2000. Neither one of them had experience in any Western culture -- different than the Hamburg cell, who had spent time in Germany. Neither al Hazmi nor al Mihdhar had any English language skill.

Knowing that, Khalid Sheik Mohammed had tasked them to seek out like-minded people, not like-minded in that they were extremist, but like-minded in that they would understand the difficulties of being a newly arrived immigrant in the United States. If you look at the hijackers that came in -- Mohammed Atta, Marwan al Shehhi, Ziad Jarrah and their groups -- they didn't need that assistance, nor were they tasked. In fact, they were told the opposite by KSM. They were told to stay away from people. KSM told al Hazmi and al Mihdhar to go to the local mosques to meet other Arab people and exploit the assistance, the kindness that would be extended to them.

I just want to clarify something in your statements earlier, in that in Los Angeles we do not have any evidence or intelligence that the hijackers visited the King Fahd mosque in that January timeframe, nor do we have any evidence or

intelligence that they had met al Thumairy at the mosque -- no direct evidence of a connection between them.

Moving on to -- I think you had two questions, one being the targeting of ethnic groups.

And again, I'd point out that these two hijackers were -- I mean, the different ones -- you know, the other pilot-hijackers, the ones that subsequently came in -- did not go to the local community. They did not get that help. So these two were definitely the exception.

We do, especially in the days after September 11th, form hypotheses of suspicious activity. We do look for evidence. We also look for intelligence to back that up. We cannot go on hypotheses alone, even outside of a courtroom, and we need something to corroborate. We may have source information. We look for information to corroborate that. We don't take what someone says at their word; we need something to back it up.

MR. LEHMAN: Anybody else?

MR. PISTOLE: Well, I think you're aware of what we've done in the FBI in terms of merging our criminal, investigative and intelligence investigations into counterterrorism, where we look at it from the intelligence perspective. Clearly the Patriot Act and the attorney general guidelines, the FISA Court of Review, those things have helped us to enable us to do things -- for example, go someplace where a member of the general public can go, and with predication go in perhaps beyond that; let's say into a mosque where we believe they are talking about facilitating some type of criminal activity that may support terrorist acts.

So we have the tools now that we did not have prior to 9/11 to enable us to do those things, to collect intelligence in a way that we could not do prior to 9/11. So that has been a positive outcome in terms of the legislative changes, and as long as we can continue to do those type of activities we will be able to focus on the intelligence question regardless of whether we have criminal prosecution, and that's a key aspect for the FBI's approach today.

MR. LEHMAN: Thank you.

MR. KEAN: Commissioner Thompson.

JAMES R. THOMPSON (commission member): Well, I was going to follow up on Commissioner Ben-Veniste's question about Moussaoui and what happened. But since his question was met with a deafening silence on the part of the panel, I have concluded, and I think appropriately, that this is not the right panel to ask about that because I don't believe any of you were in a position of authority within the FBI or CIA at the time so that you could properly answer that question, which has Moussaoui escaping the kind of intelligence gathering that might have impacted September 11th because of a controversy between the field agents in Minneapolis and FBI headquarters over whether a FISA warrant was appropriate or not. And we have Director Tenet being briefed on Moussaoui, but nothing happening thereafter except some CIA inquiries overseas, and the FBI officials not being briefed above a certain level, although it's puzzling to me how you can brief the director of the CIA but you can't brief the director of the FBI.

But passing that, because I concede you're not the right people to ask, let me put it this way. If the Moussaoui case were to happen today -- if the FBI field agents in Minneapolis reported the suspicious occurrences involving Moussaoui today to FBI headquarters, and if the CIA received the same kind of information all the way up to the director -- what would happen today? You folks are in the position today to answer that question, and I wish you would.

MR. PISTOLE: Governor, I'll be glad to take that one.

MR. DAVIS: Go ahead, John.

MR. PISTOLE: Yeah. Clearly, the changes are significant. From one perspective, the Minneapolis communication that was sent in requesting FISA coverage would have a whole different set of eyes in addition just to the FBI Counterterrorism Division at a low-or mid-level point.

There would be people from TTIC, from the agency. We also have the integration of -- in our stations of the agency with our Joint Terrorism Task Forces. So it's both at the field, at headquarters, plus the sharing at TTIC. So we have multiple eyes looking at the same information, which we did not have.

We also have a twice-daily briefing with Director Mueller, which was not the situation, where there was no -- the FBI was not involved in briefings of the president, obviously, prior to 9/11. So there was a different push of information -- there is a

different push of information now than there was prior to 9/11, to make sure that any type of information that has threat-related -- no matter how innocuous, how wild it may be, that's vetted. And I sit in the briefings twice a day with the director and hear the briefings as to what's going on around the country. Plus the foreign intel, the agency info that comes in, everything from the U.S. intelligence community that has any bearing on the U.S. domestic threat is shared. We have members of the Department of Homeland Security, senior people, sit in that briefing, the agency people, sit in that briefing with Director Mueller. So there's lots of opportunities there to have that information vetted.

The thing that is different is that there is obviously the hindsight of 9/11. What was done with Moussaoui was -- and obviously, there's still litigation pending, so I won't go too much further, but there were a number of steps taken in terms of sharing that information, what the threat posed. There was interaction with the French authorities to try to obtain all the possible information from them, from the DFT, to make sure that there was a maximum amount of exploitation of that information. And that's because of -- just a lot of other steps taken.

MR. DAVIS: To build on that, there are CIA officers at the JTTFs, there are FBI officers in CTC, there are CIA officers at FBI headquarters and on the national JTTF. There's a CIA briefer who sees Director Mueller every day. And there's a lot of redundancy built into the system now to make sure -- there are a lot of formal and informal mechanisms to make sure that information is being shared back and forth. In addition, the director has his 5:00 meeting, which is very similar to Director Mueller's meeting, where CIA and FBI officials are present -- again, to make sure that that information is being brought up through both chains and shared, and shared laterally at many different levels of each organization.

MR. ROUSSEAU: One of the reasons Director Tenet has invited the Commission to come to the 5:00 meeting is to observe just that, to see the integration of information happening real-time. And I know that he offered that sincerely, and I think it would be of value to the Commission to do that.

MR. THOMPSON: Thank you, Mr. Chairman.

MR. KEAN: Commissioner Fielding?

MR. FIELDING Thank you, Mr. Chairman.

I was very appreciative of the information that you all provided to us in response to my questions about Jdey. And it gets me to a follow-up question. Here you have evidence that Jdey is in the United States, that he may have been selected simultaneously with the Hamburg group, that he's perhaps destined for the first wave at some point, he's in the United States for flight training. Therefore, we have five pilots in the United States, not four.

And it would be logical that if you had five pilots, it would be to fly five planes. Now we know that subsequently he withdraw or was withdrawn, but is there any other evidence that there was a plan in 2000, 2001, for five planes, which was subsequently reduced to four planes?

MR. DRUCKER: I'll just talk to Jdey again. There is no evidence that Jdey was ever in the United States. So we have -- we don't have that information that he was in the United States. We've checked Customs, and he was never here. And he's been put on the appropriate watchlists since his video was discovered.

There's also no evidence of Jdey ever getting flight training. We feel that if he was ever involved in the plot -- again, we don't know if he really was or not, because we're going off of really a statement by KSM and then potentially a letter by the same individual, so really a single thread of reporting, on both ends -- we do know there -- our New York office has done an extensive amount of investigation into Jdey, and they're really the focal point for this. I really don't want to get too far into it, because I'm not the expert on Jdey. But I just want to clear up that he never was in the U.S., and there's no evidence he ever received flight training either here or abroad.

MR. FIELDING: Well, just to follow up on you, we have evidence or we have information to believe that he was selected to take flight training, whether he undertook it or not. That was the basis for our information.

Now I understand I may be asking -- and may be wandering across the chalk line a little for open hearings. And if there's any information that we should receive or would be eligible to receive, I would appreciate it. I know the Commission would as well.

MR. DRUCKER: Okay.

MR. FIELDING: Thank you, Mr. Chairman.

Thank you all, too. Excuse me. Thank you.

MR. KEAN: Congressman Roemer.

MR. ROEMER: Thank you, Mr. Chairman.

I wanted to get back to the question that I asked in my first round about Fahad al Thumairy. Just as background on him, he was an accredited diplomat at the Saudi consulate in L.A. He was denied entry into the United States in 2003 due to his extremist ties. And in fact, the State Department documents indicate that Thumairy's visa was revoked as a prudential matter on security-related grounds.

You said, Ms. Maguire, that you don't have at this point evidence that links up the two hijackers who needed a lot of help -- KSM specifically picks San Diego as their targeted destination because they do need help with language and translation and schools and training on the flights and so forth.

I think you said that Hazmi and Mihdhar may not -- that you can't link them to Thumairy. Can you link Mohdar Abdullah to Thumairy? It is our understanding that Thumairy and Mohdar Abdullah have admitted knowing each other and been acquainted numerous times at the King Fahd Mosque.

MS. MAGUIRE: Just to take a step back and start from the beginning, kind of run through a chronology of our interest in Fahad al Thumairy, after September 11th, information was developed that the two hijackers had lived in San Diego.

The name Omar al Bayoumi came up in your Staff Statement. Our investigation has determined that al Bayoumi had met the hijackers -- all indications is that that meeting was a random encounter -- met the hijackers in --

MR. ROEMER: You're talking about the meeting at lunch in Los Angeles.

MS. MAGUIRE: Yes, in a restaurant in Los Angeles on February 1st of 2000. After that, a few days later they moved to San Diego and al Bayoumi assists them in getting an apartment at that time.

Through interviews of another individual who was with al Bayoumi at the lunch, he gave a description of a person they had met at the consulate, at the Saudi Arabian consulate that day, and with whom al Bayoumi had a meeting. Based on that description, and based on the fact that Fahad al Thumairy worked at the consulate and seemed to perhaps fit that description, an investigation began, and so did our interest in al Thumairy.

Since then, we have not developed any information that the hijackers had been introduced to al Thumairy in that January 2000 time frame, nor do we have any direct connection between them and the King Fahd Mosque in that same time frame. What we do know is that they did visit the King Fahd Mosque later on in 2000, in June of 2000 when they took a trip from San Diego to Los Angeles.

Fahad al Thumairy -- his visa was revoked, just to clarify, not due to extremist ties, but due to the fact his activities did not appear to be consistent with what was described as his duties at the consulate.

MR. ROEMER: Did you do an interview with Thumairy on his attempt to come back into the country?

MS. MAGUIRE: Yes, I did.

MR. ROEMER: And what did you find as a result of that interview?

MS. MAGUIRE: We interviewed him, we asked about his contacts at both the King Fahd Mosque and at the Saudi consulate in Los Angeles. He described his position in both places, though he spent more time at the mosque as one, he came into contact with a lot of people in the community; he answered their questions about religious issues, also answered their questions about living in the community. He did not recognize either of the hijackers.

MR. ROEMER: Let me ask you very briefly a question about Moussaoui. The staff lays out a very compelling argument that Jarrah may have been ready to drop out, and that they may have plugged Moussaoui in as a potential pilot or hijacker. Do you have a particular theory on what Moussaoui was going to do in this September 11th event?

MR. PISTOLE: It's a tough question for us, Congressman, from the perspective of the pending litigation with a capital murder

case with the death penalty involved. So it puts us in a position of theorizing about something that we'd prefer not to, frankly.

MR. ROEMER: You don't even want to theorize on it and give me two theories? Just -- do you want to agree or disagree with our Staff Statement?

MR. PISTOLE: Yeah. (Laughs.) It's -- your Staff Statement is a good statement. There are a number of theories out there. And again, because this man's life is on the line in terms of an upcoming trial, I don't want to taint that in any respect.

MR. ROEMER: I'll just conclude. Thank you again for your time.

And I know our staff is trying to follow up on this incident involving Abdullah's deportation to Yemen. And one of the criticisms of the FBI in the past has been that they haven't communicated and shared information with the CIA and worked in tandem, or -- and that they've taken too much of a law-enforcement standards of evidence approach rather than the intelligence approach.

And just in this instance, we continue to be very worried because this person, Mohdar Abdullah, was sent to Yemen. We're still not sure if that handoff between the FBI and the CIA in Yemen was done appropriately and whether or not they received all the information. So if you could follow up with us on that, we would really appreciate that.

MR. PISTOLE: Be glad to do that, Congressman. And just -- I think -- if my understanding is correct, there was a habeas petition filed on him, and it is questionable whether he could be charged with any criminal activity here in the U.S., which -- the assessment was no, there were no criminal charges that could be filed, so it became a deportation issue. The intel was exploited to the fullest amount it could be done here, and what we'll follow up on is what's being done in Yemen.

MR. ROEMER: Our staff says on the habeas corpus issue that you could have extended that; and secondly, that on the handoff to the CIA, we're not sure that you did hand it off to the CIA in Yemen and that they were aware that this person was coming back in country and that they could follow him.

Thank you.

MR. KEAN: I want to thank each and every member of the panel. Thank you not only for the great help you've given us today, but in some cases at a number of times along our inquiry. Thank you all very much. Thank you for everything you are doing to help us and the country. Thank you very, very much.

The hearing is now adjourned. We'll reconvene at 8:00 -- 8:00 a.m. -- tomorrow morning. (Sounds gavel.)

END.