

August 11, 2005

9/11 Commission's Staff Rejected Report on Early Identification of Chief Hijacker

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WASHINGTON, Aug. 10 - The Sept. 11 commission was warned by a uniformed military officer 10 days before issuing its final report that the account would be incomplete without reference to what he described as a secret military operation that by the summer of 2000 had identified as a potential threat the member of Al Qaeda who would lead the attacks more than a year later, commission officials said on Wednesday.

The officials said that the information had not been included in the report because aspects of the officer's account had sounded inconsistent with what the commission knew about that Qaeda member, Mohammed Atta, the plot's leader.

But aides to the Republican congressman who has sought to call attention to the military unit that conducted the secret operation said such a conclusion relied too much on specific dates involving Mr. Atta's travels and not nearly enough on the operation's broader determination that he was a threat.

The briefing by the military officer is the second known instance in which people on the commission's staff were told by members of the military team about the secret program, called Able Danger.

The meeting, on July 12, 2004, has not been previously disclosed. That it occurred, and that the officer identified Mr. Atta there, were acknowledged by officials of the commission after the congressman, Curt Weldon of Pennsylvania, provided information about it.

Mr. Weldon has accused the commission of ignoring information that would have forced a rewriting of the history of the Sept. 11 attacks. He has asserted that the Able Danger unit, whose work relied on computer-driven data-mining techniques, sought to call their superiors' attention to Mr. Atta and three other future hijackers in the summer of 2000. Their work, he says, had identified the men as likely members of a Qaeda cell already in the United States.

In a letter sent Wednesday to members of the commission, Mr. Weldon criticized the panel in scathing terms, saying that its "refusal to investigate Able Danger after being notified of its existence, and its recent efforts to feign ignorance of the project while blaming others for supposedly withholding information on it, brings shame on the commissioners, and is evocative of the worst tendencies in the federal government that the commission worked to expose."

Al Felzenberg, who served as the commission's chief spokesman, said earlier this week that staff members who were briefed about Able Danger at a first meeting, in October 2003, did not remember hearing anything about Mr. Atta or an American terrorist cell. On Wednesday, however, Mr. Felzenberg said the uniformed officer who briefed two staff members in July 2004 had indeed mentioned Mr. Atta.

Both Mr. Weldon's office and commission officials said they knew the name, rank and service of the officer, but they declined to make that information public.

Mr. Weldon and a former defense intelligence official who was interviewed on Monday have said that the Able Danger team sought but failed in the summer of 2000 to persuade the military's Special Operations Command, in Tampa, Fla., to pass on to the Federal Bureau of Investigation the information they had gathered about Mr. Atta and the three other men. The Pentagon and the Special Operations Command have declined to comment, saying they are still trying to learn more about what may have happened.

Maj. Paul Swiergosz, a Pentagon spokesman, said Wednesday that the military was working with the commission's unofficial follow-up group - the 9/11 Public Discourse Project, which was formed by the panel's members when it was disbanded - to try to clarify what had occurred.

Mr. Felzenberg said the commission's staff remained convinced that the information provided by the military officer in the July 2004 briefing was inaccurate in a significant way.

"He wasn't brushed off," Mr. Felzenberg said of the officer. "I'm not aware of anybody being brushed off. The information that he provided us did not mesh with other conclusions that we were drawing" from the commission's investigation.

Mr. Felzenberg said staff investigators had become wary of the officer because he argued that Able Danger had identified Mr. Atta, an Egyptian, as having been in the United States in late 1999 or early 2000. The investigators knew this was impossible, Mr. Felzenberg said, since travel records confirmed that he had not entered the United States until June 2000.

"There was no way that Atta could have been in the United States at that time, which is why the staff didn't give this tremendous weight when they

were writing the report," Mr. Felzenberg said. "This information was not meshing with the other information that we had."

But Russell Caso, Mr. Weldon's chief of staff, said that "while the dates may not have meshed" with the commission's information, the central element of the officer's claim was that "Mohammed Atta was identified as being tied to Al Qaeda and a Brooklyn cell more than a year before the Sept. 11 attacks, and that should have warranted further investigation by the commission."

"Furthermore," Mr. Caso said, "if Mohammed Atta was identified by the Able Danger project, why didn't the Department of Defense provide that information to the F.B.I.?"

Mr. Felzenberg confirmed an account by Mr. Weldon's staff that the briefing, at the commission's offices in Washington, had been conducted by Dietrich L. Snell, one of the panel's lead investigators, and had been attended by a Pentagon employee acting as an observer for the Defense Department; over the commission's protests, the Bush administration had insisted that an administration "minder" attend all the panel's major interviews with executive branch employees. Mr. Snell referred questions to Mr. Felzenberg.

The Sept. 11 commission issued its final report on July 22, 2004. Mr. Felzenberg noted that the interview with the military officer had taken place in the final, hectic days before the commission sent the report to the printers, and said the meeting reflected a willingness by the commission to gather facts, even at the last possible minute.

"Lots of stuff was coming in over the transom," Mr. Felzenberg said. "Lots of stuff was flying around. At the end of the day, when you're writing the report, you have to take facts presented to you."