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August 12, 2005

Kean-Hamilton Statement on ABLE DANGER

Thomas H. Kean and Lee H. Hamilton, former Chair and Vice Chair of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission), in response to media inquiries about the Commission's investigation of the ABLE DANGER program, today released the following statement:

On October 21, 2003, Philip Zelikow, the executive director of the 9/11 Commission, two senior Commission staff members, and a representative of the executive branch, met at Bagram Base, Afghanistan, with three individuals doing intelligence work for the Department of Defense. One of the men, in recounting information about al Qaeda's activities in Afghanistan before 9/11, referred to a DOD program known as ABLE DANGER. He said this program was now closed, but urged Commission staff to get the files on this program and review them, as he thought the Commission would find information about al Qaeda and Bin Ladin that had been developed before the 9/11 attack. He also complained that Congress, particularly the House Permanent Select Committee on Intelligence (HPSCI), had effectively ended a human intelligence network he considered valuable.

As with their other meetings, Commission staff promptly prepared a memorandum for the record. That memorandum, prepared at the time, does not record any mention of Mohamed Atta or any of the other future hijackers, or any suggestion that their identities were known to anyone at DOD before 9/11. Nor do any of the three Commission staffers who participated in the interview, or the executive branch lawyer, recall hearing any such allegation.

While still in Afghanistan, Dr. Zelikow called back to the Commission headquarters in Washington and requested that staff immediately draft a document request seeking information from DOD on ABLE DANGER. The staff had also heard about ABLE DANGER in another context, related to broader military planning involving possible operations against al Qaeda before 9/11.

In November 2003, shortly after the staff delegation had returned to the United States, two document requests related to ABLE DANGER were finalized and sent to DOD. One, sent on November 6, asked, among other things, for any planning order or analogous documents about military operations related to al Qaeda and Afghanistan issued from the beginning of 1998 to September 20, 2001, and any reports, memoranda, or briefings by or for either the Chairman of the Joint Chiefs of Staff or the Commanding General of the U.S. Special Operations Command in connection with such planning, specifically including material

related to ABLE DANGER. The other, sent on November 25, treated ABLE DANGER as a possible intelligence program and asked for all documents and files associated with "DIA's program 'ABLE DANGER'" from the beginning of 1998 through September 20, 2001.

In February 2004, DOD provided documents responding to these requests. Some were turned over to the Commission and remain in Commission files. Others were available for staff review in a DOD reading room. Commission staff reviewed the documents. Four former staff members have again, this week, reviewed those documents turned over to the Commission, which are held in the Commission's archived files. Staff who reviewed the documents held in the DOD reading room made notes summarizing each of them. Those notes are also in the Commission archives and have also been reviewed this week.

The records discuss a set of plans, beginning in 1999, for ABLE DANGER, which involved expanding knowledge about the al Qaeda network. Some documents include diagrams of terrorist networks. None of the documents turned over to the Commission mention Mohamed Atta or any of the other future hijackers. Nor do any of the staff notes on documents reviewed in the DOD reading room indicate that Mohamed Atta or any of the other future hijackers were mentioned in any of those documents.

A senior staff member also made verbal inquiries to the HPSCI and CIA staff for any information regarding the ABLE DANGER operation. Neither organization produced any documents about the operation, or displayed any knowledge of it.

In 2004, Congressman Curt Weldon (R-PA) and his staff contacted the Commission to call the Commission's attention to the Congressman's critique of the U.S. intelligence community. No mention was made in these conversations of a claim that Mohamed Atta or any of the other future hijackers had been identified by DOD employees before 9/11.

In early July 2004, the Commission's point of contact at DOD called the Commission's attention to the existence of a U.S. Navy officer employed at DOD who was seeking to be interviewed by Commission staff in connection with a data mining project on which he had worked. The DOD point of contact indicated that the prospective witness was claiming that the project had linked Atta to an al Qaeda cell located in New York in the 1999-2000 time frame. Shortly after receiving this information, the Commission staff's front office assigned two staff members with knowledge of the 9/11 plot and the ABLE DANGER operation to interview the witness at one of the Commission's Washington, D.C. offices.

On July 12, 2004, as the drafting and editing process for the Report was coming to an end (the Report was released on July 22, and editing continued to occur through July 17), a senior staff member, Dieter Snell, accompanied by another staff member, met with the officer at one of the Commission's Washington, D.C. offices. A representative of the DOD also attended the interview. According to the memorandum for the record on this meeting, prepared the next day by Mr. Snell, the officer said that ABLE DANGER included work on "link analysis," mapping links among various people involved in terrorist networks.

According to this record, the officer recalled seeing the name and photo of Mohamed Atta on an "analyst notebook chart" assembled by another officer (who he said had retired and was now working as a DOD contractor).

The officer being interviewed said he saw this material only briefly, that the relevant material dated from February through April 2000, and that it

showed Mohamed Atta to be a member of an al Qaeda cell located in Brooklyn. The officer complained that this information and information about other alleged members of a Brooklyn cell had been soon afterward deleted from the document (“redacted”) because DOD lawyers were concerned about the propriety of DOD intelligence efforts that might be focused inside the United States. The officer referred to these as “posse comitatus” restrictions. Believing the law was being wrongly interpreted, he said he had complained about these restrictions up his chain of command in the U.S. Special Operations Command, to no avail.

The officer then described the remainder of his work on link analysis efforts, until he was eventually transferred to other work. The officer complained about how these methods were being used by the Defense Intelligence Agency, and mentioned other concerns about U.S. officials and foreign governments. At the time of the officer’s interview, the Commission knew that, according to travel and immigration records, Atta first obtained a U.S. visa on May 18, 2000, and first arrived in the United States (at Newark) on June 3, 2000. Atta joined up with Marwan al-Shehhi. They spent little time in the New York area, traveling later in June to Oklahoma and then to Florida, where they were enrolled in flight school by early July.

The interviewee had no documentary evidence and said he had only seen the document briefly some years earlier. He could not describe what information had led to this supposed Atta identification. Nor could the interviewee recall, when questioned, any details about how he thought a link to Atta could have been made by this DOD program in 2000 or any time before 9/11. The Department of Defense documents had mentioned nothing about Atta, nor had anyone come forward between September 2001 and July 2004 with any similar information. Weighing this with the information about Atta’s actual activities, the negligible information available about Atta to other U.S. government agencies and the German government before 9/11, and the interviewer’s assessment of the interviewee’s knowledge and credibility, the Commission staff concluded that the officer’s account was not sufficiently reliable to warrant revision of the report or further investigation.

We have seen press accounts alleging that a DOD link analysis had tied Atta and Marwan al-Shehhi (who had arrived in the U.S. shortly before Atta on May 29) to two other future hijackers, Hazmi al-Mihdhar and Nawaf al-Hazmi, in 1999-2000. No such claim was made to the Commission by any witness. Moreover, all evidence that was available to the Commission indicates that Hazmi and Mihdhar were never on the East coast until 2001 and that these two pairs of future hijackers had no direct contact with each other until June 2001. The Commission did not mention ABLE DANGER in its report. The name and character of this classified operation had not, at that time, been publicly disclosed. The operation itself did not turn out to be historically significant, set against the larger context of U.S. policy and intelligence efforts that involved Bin Ladin and al Qaeda. The Report’s description of military planning against al Qaeda prior to 9/11 encompassed this and other military plans. The information we received about this program also contributed to the Commission’s depiction of intelligence efforts against al Qaeda before 9/11.

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