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Fears of backlash kept pre-9/11 data from FBI

By Audrey Hudson

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Pentagon lawyers, fearing a public-relations "blow back," blocked a military intelligence unit from sharing information with the FBI that four suspected al Qaeda terrorists were in the country prior to the September 11 attacks, after determining they were here legally, a former Defense Department intelligence official says.

Members of an intelligence unit known as Able Danger were shut out of the September 11 commission investigation and final report, the official said, despite briefing commission staff members on two occasions about the Mohamed Atta-led terrorist cell and telling them of a lockdown of information between the Defense Department and the FBI.

The intelligence official, who spoke on the condition of anonymity, said Pentagon lawyers "were afraid of a blow back" -- similar to the public's response to the FBI-led assault on the Branch Davidian compound in Waco, Texas, which left more than 70 people dead -- and decided to withhold the information from the FBI.

The official said the decision was made at the Army's Special Operations Command (SoCom) headquarters in Tampa, Fla., which concluded that Atta, the ringleader of the September 11 hijackers, and the others were in the country legally and thus had the same legal protections as U.S. citizens.

"If something went wrong, SoCom felt it could get blamed," the official said.

But Pentagon officials have said they have uncovered no specific intelligence data from the Able Danger unit concerning an Atta-led terrorist cell, other than a few intelligence analyses that mention his name, and September 11 commission Chairman Thomas H. Kean and Vice Chairman Lee H. Hamilton disputed the source of the information.

Mr. Kean and Mr. Hamilton said in a joint statement that the military source of the accusation "could not describe what information had led to this supposed Atta identification" and that no other information placed three other September 11 hijackers with Atta in a purported terror cell.

Accusations that commission staffers were briefed on the Able Danger operation but ignored the information in the final report came from Rep. Curt Weldon, Pennsylvania Republican, who said potential political fallout was one reason he was given for the information not being turned over to the FBI.

"How could a top-secret operation against al Qaeda not be mentioned in the 9/11 document?" he said. "It's outrageous. It looks like someone at the staff level decided not to pursue that information."

The intelligence official said he tried to broker meetings between the FBI and the Special

Operations Command to turn over information that Able Danger had uncovered, including that hijackers Marwan Al-Shehhi, Khalid Almihdhar and Nawaf Alhamzi were with Atta in the United States.

Able Danger was created in 1999 by SoCom to track al Qaeda cells worldwide.

The intelligence official said he was interviewed in October 2003 by members of the September 11 commission staff, including Executive Director Philip Zelikow, and sought to arrange a follow-up meeting that the staff had requested when he returned from Afghanistan in January 2004, but was rebuffed.

"They took good notes and scribbled the entire time I talked. Two staffers took four to five pages of notes each. Other members from Special Ops Command also were in attendance," he said, adding that he was "shocked" in January 2004 when the staff members told him, "We don't need to talk to you."

Mr. Weldon said he wants to know "who made the decision and why was it never mentioned in the final document. ... It would have changed the completion on the final 9/11 report."

•*Jerry Seper contributed to this report.*

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