

PREPARED REMARKS OF
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BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE

AND THE

PERMANENT SELECT COMMITTEE ON INTELLIGENCE
HOUSE OF REPRESENTATIVES

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Introduction:

Messrs. Chairmen, members of the Committees, I am pleased to appear before you today to describe the FBI's role within the Intelligence Community (IC) and our knowledge and actions from approximately December 1999 through September 11, 2001. My testimony will cover the knowledge of and actions taken by the FBI prior to September 11, 2001 regarding Khalid al-Mihdhar and Nawaf al-Hazmi, as well as information learned about them after the attack. I will touch upon the issue of the FBI's investigation of al-Mihdhar as an intelligence case versus a criminal target. I will discuss the interaction between the FBI and the CIA, as well as others in the Intelligence and Law Enforcement Community. I would also like to provide an overview of the makeup of the International Jihad Movement and explain how it encompasses many groups and organizations, to include Usama Bin Laden and the Al Qaeda network.

Information Shared with FBI:

As members of the IC, we have been asked to discuss the exchange and flow of information within the IC and its impact into the events leading up to September 11. In that context, we have

also been asked to discuss specifically the investigative efforts into two of the September 11 hijackers. The investigation into the activities of Khalid al-Mihdhar and Nawaf al-Hazmi illustrates, with acute clarity, that considerable individual effort and collective resources will not always result in a successful outcome. Notwithstanding the improvements over the last few years within the IC in exchanging personnel and information, and despite the extensive work performed by many individuals in the various IC agencies in the war on terrorism, the desired goal to protect our country was not realized. We have all learned that isolated events and unintentional incidents of inaction, do not remain in a vacuum - individually, and certainly collectively, they have consequences.

Through a collaborative effort within the IC, the CIA received information that a meeting of individuals possibly associated with Usama Bin Laden's (UBL) terrorist network took place in Kuala Lumpur, Malaysia in early January 2000. Among those attending the meeting were Khalid al-Mihdhar and Nawaf al-Hazmi, along with a key UBL operative. At the time al-Mihdhar and al-Hazmi were arriving in Malaysia, the CIA advised the FBI of their interest in these two individuals and indicated they would keep the FBI advised of further developments if warranted.

In March 2000, the CIA received information concerning the entry of al-Mihdhar and al-Hazmi into the United States.

In January 2001, the CIA obtained information which indicated a key individual associated with the *U.S.S. Cole* bombing had also attended the aforementioned Malaysia meeting. This was important because it placed al-Mihdhar and al-Hazmi in direct contact with a key operative of UBL.

During the Spring and Summer of 2001, analytical personnel from the CIA and FBI were working together to pursue investigative avenues into the bombing of the *U.S.S. Cole*. On August

23, 2001, the CIA advised FBIHQ that on June 13, 2001, al-Mihdhar obtained a U.S. visa in Jeddah, Saudi Arabia, using a Saudi Arabian passport and provided his intended address as the Marriott Hotel, NYC. The visa was valid until October 3, 2001. That same day, the FBI received a copy of a CIA communication to "watch-list" al-Mihdhar. This information was e-mailed to FBI New York on August 24, 2001.

On August 24, 2001, FBIHQ received a copy of al-Mihdhar's visa application from the U.S. Embassy in Jeddah, Saudi Arabia, indicating al-Mihdhar had sponsored his own travel to the United States. The application listed al-Mihdhar's plans to remain for one month, to depart August 4, 2001. Subsequent information received from INS determined al-Mihdhar reentered the United States on July 4, 2001 on a B-1 visa, flying to New York City, and would stay at the "Marriott Hotel" in New York City. This information was immediately relayed verbally to the CIA and FBI New York.

On August 27, 2001, FBIHQ verbally advised FBI New York of the information contained in the FBIHQ email to FBI New York on August 24, 2001, and further informed FBI New York that FBIHQ strongly suggested the initiation of a full field intelligence investigation to locate and fully identify this individual.

The FBI possessed no information relevant to al-Mihdhar's possible involvement in a terrorist attack, but focused on al-Mihdhar because he had attended a meeting with a key individual associated with the *U.S.S. Cole* bombing. On August 28, 2001, a full briefing was provided to FBI New York in order to initiate a full field intelligence investigation to locate and fully identify al-Mihdhar.

On August 30, 2001, FBI agents contacted security for the Marriott Corporation, which agreed to do a search of all guests registered at Marriott Hotels in the entire New York metropolitan

area. On September 5, 2001, they advised their search for al-Mihdhar was negative.

On September 10, 2001, based upon previously received intelligence, a lead was sent to FBI Los Angeles to conduct a similar search with the security officer of the Sheraton Corporation. This lead was not covered until after the September 11 attacks and was also negative.

Intelligence v. Criminal Investigation

As you are probably aware, there was debate between FBI HQ and FBI New York Field Office personnel on whether to open an intelligence or criminal investigation on Khalid al-Mihdhar. There are two important points to be made in response to this issue. First, the decision to handle the al-Mihdhar investigation as an intelligence investigation was made under procedures which were designed to prevent terrorist acts. Second, although it is not uncommon to open a parallel criminal investigation, we did not have specific credible evidence of criminal activity to do so.

Information Sharing - Wall Issues:

The restrictions of Intelligence agencies and foreign services in the sharing of information within our agency limited the free flow of information. This contributed to our inability to pull together related information. It was frequently difficult to obtain the originating agency's concurrence to pass the information to criminal investigators, even for lead purposes. In terrorism cases, this became so complex and convoluted that in some FBI field offices agents perceived "walls" where none actually existed. In fact, one New York supervisor commented that "so many walls had created a maze," which made it very difficult for the criminal investigators.

Internally, the FBI adheres to the restrictions/caveats placed on intelligence information by the originating agency or foreign services. The need for these restrictions/caveats to protect sources

and methods of intelligence information is obvious and needs no further explanation. Routinely, Intelligence agencies evaluate their disseminable information to determine whether protections beyond basic classification are required. If caveats are required, such as Originator Controlled (ORCON), the classified information remains under the control of the originating agency. The FBI is prohibited from disclosing information originally classified by another agency without its authorization.

At times, criminal investigators are also frustrated by a "wall" procedure imposed by the Foreign Intelligence Surveillance Court(FISC). In a class by itself, FISA information is controlled by statute. Although the statute does not preclude the passing of information to criminal investigators, there are restrictions on the use of the information. The FISC and the Department of Justice have been cautious through the years of permitting intelligence and criminal investigators to become closely associated for fear their cooperation would be interpreted as an attempt to circumvent the criminal process. Accordingly, the FBI has been required to maintain a certain degree of separation between the intelligence and criminal investigators.

With the enactment of the PATRIOT Act after September 11, it is much clearer that the sharing of information is a Government policy issue. Some procedures were relaxed and the policy to share was codified. Post-PATRIOT Act, the only sharing obstacles relate to the possibility of prosecutorial control of the FISA process. By Court order, the FBI is prohibited from discussing a substantive FISA issue with prosecutors unless the Department of Justice, Office of Intelligence Policy and Review is invited to participate. The same requirement does not pertain to contact between intelligence and criminal agents, although criminal agents cannot control the FISA or the FISA process.

International Jihad Movement

The events of September 11 have brought the focus of the entire nation to Usama Bin Laden and the Al Qaeda network. As we press forward in working within the IC to combat terrorism, it is important to place UBL and his followers into the larger context of what the United States faces.

The forced withdrawal of Soviet troops from Afghanistan in 1989 signaled an end to communist occupation in one Muslim nation while at the same time heralded the beginning of a terrorist threat for which much of the world would be ill-prepared to meet. Inspired by a victory over the Russian army, former Arab-Afghan *mujahedin* proclaimed that they had won more than just the war in Afghanistan...they had demonstrated the "power of Islam." Between 1990 and 2000, Afghan-spawned terrorists dedicated to "international *jihad*" would be responsible for a number of significant acts of global terrorism resulting in numerous deaths and injuries all over the world. The United States and its interests would be a primary target for several of these attacks.

Influenced by radical spiritual leaders such as terrorist financier Usama Bin Laden (UBL), former Arab-Afghan *mujahedin* would later integrate into an international terrorist infrastructure. This terrorist network is comprised of a myriad of followers encompassing various nationalities and group affiliations, and this network dedicates its efforts towards globalized *jihad*. With the globalization of radical Islam, the next task was to gain adherents and promote the international *jihad*. A major tool used for this purpose was the promotion of terrorism training camps that had long been established in Afghanistan. It is important to note, that while terrorist adherents of what we have come to know as the Al Qaeda organization trained in the camps, many other groups and individuals did as well. For example, according to the convicted terrorist Ahmed Ressam, cells at training camps were formed, dependent, in part, on the timing of the arrival of the trainees rather

than on any cohesive or pre-existing organizational structure. Ressay, who was not a member of Al Qaeda, has stated that the cells were independent, but were given lists of the types of targets that were approved and were initiated into the doctrine of international *jihad*. Ressay explicitly noted that his own attempted terrorist attack did not have Usama Bin Laden's blessing or his money, but Ressay believed it would have been given had he asked for it.

The terrorist attacks conducted by the international *jihad* movement are increasingly overshadowing attacks conducted by other terrorist groups and state sponsors. In addition, as a result of the integration of former Arab-Afghan *mujahedin* with extensive explosives and combat experience, the level of sophistication and lethality of attacks has significantly increased.

While the international *jihad* movement may not represent a "new terrorist threat" to the United States (radical Islam did not just suddenly evolve), it certainly presents a significant counterterrorism challenge to U.S. law enforcement and intelligence agencies, as well as to foreign services. As evidenced over the past several years, the threat emanating from terrorists operating within this movement is no longer restricted to their respective homelands/governments or the traditional label of a particular terrorist group. Rather, terrorists operating within the international *jihad* movement have proven their ability to stretch their terrorist arm around the world and strike with deadly force against a variety of targets without direction by one specific organization or leader.

The lesson to be drawn is that Al Qaeda is but one faction of a larger and very amorphous radical anti-western network that uses Al Qaeda members as well as others who share common hatred or are sympathetic to Al Qaeda's ideas or that share common hatreds. Terrorists world-wide speak of *jihad* and wonder why the western world is focused on groups rather than on the concepts that make them a community. Al Qaeda is far less a large organization than a facilitator, sometimes

orchestrator, of Islamic militants around the globe. These militants are linked by ideas and goals, not by organization structure. The intent is establishment of states ruled by Islamic law and free of western influence. Usama Bin Laden's contribution to the Islamic *jihad* is as a creature of the modern world. He has spawned a global network of individuals with common, radical ideas, kept alive by modern communications and sustained through large amounts of money.

In the final analysis, the international *jihad* movement is comprised of dedicated individuals and numerous groups committed to establishing a Muslim community through terrorist means. Many of these are people who attended universities together, trained in the camps together, traveled and lived together. Al Qaeda and other international terrorist groups remain focused on the United States as their primary target. The United States and its allies must continue to adapt to changing circumstances.

Conclusion:

As we continue to learn more about the individuals involved in the planning and execution of the terrorist acts of September 11-- the FBI and other members of the Intelligence and Law Enforcement Communities are using all the tools provided by the U.S. Government, such as the Patriot Act, to ensure more comprehensive efforts in the collection, analysis and sharing of information to prevent terrorist acts and prosecute those responsible. The FBI is continuing its efforts to work hand-in-hand with our partners to improve information sharing.

I would be pleased to answer your questions at this time.