



Three 9/11 Hijackers: Identification, Watchlisting, and Tracking

Staff Statement No. 2

Members of the Commission, working with you, your staff has developed initial findings on the identification, watchlisting, and tracking of three individuals who helped carry out the 9/11 attacks upon the United States. Those individuals are Nawaf al Hazmi, Sale m al Hazmi, and Khalid al Mihdhar. These findings and judgments may help your conduct of today's public hearing and inform the development of your recommendations.

This report reflects the results of work so far. We remain ready to revise our understanding of these topics as our work continues. This staff statement represents the collective effort of a number of members of our staff. Douglas MacEachin, Barbara Grewe, Susan Ginsburg, Lloyd Salvetti, Alexis Albion, Thomas Eldridge, Michael Hurley, and Lorry Fenner did most of the investigative work reflected in this statement.

Our staff was fortunate. We could build upon a substantial body of work carried out by the Joint Inquiry organized in 2002 by the intelligence committees of the House and Senate. We also relied on some high quality work performed by the National Security Agency, along with cooperation from the Central Intelligence Agency and the Department of State. Again, we were impressed by the high caliber of the professionals engaged in public service.

The Congressional Joint Inquiry highlighted this story as one of failed opportunities to put these suspected terrorists on a watchlist to prevent them from entering the United States. Therefore the lesson learned, as Director of Central Intelligence George Tenet put it, was to do a better job of putting people on the watchlist, to correct what he called "a weakness in our internal training and an inconsistent understanding of watchlist thresholds."

We believe the portrayal of this story as a "watchlisting" failure may literally be true. But we think this label is profoundly misleading.

- (1) No one can know the might have beens. But we do not think it is likely that putting the three future hijackers on a watchlist would, by itself, have prevented the 9/11 attacks. As we pointed out earlier today, al Qaeda adapted to the failure of some of its operatives to gain entry into the United States. None of these three individuals were pilots.
- (2) The 'watchlisting' label reinforces the sense that watchlisting is a chore off to the side from core intelligence work. Of course everyone rightly acknowledges it is a necessary chore, something that busy intelligence officials just have to remember

to do. Yet they did not see it as an integral part of their own intelligence work. The opportunity to prevent the attacks would not have arisen just from preventing these people from entering the United States. It would have come from intelligence work that used watchlisting as a tool.

- (3) The watchlisting label also distorts the analysis of accountability. It tends to cast a harsh light on whether one or two people at Headquarters did their job. That focus may be unfair. It is certainly too narrow.

We suggest instead that the watchlisting failure was just one symptom of a larger intelligence failure. The failure raises questions for the Commission about the CIA's and the Intelligence Community's management of transnational intelligence operations.

We will do what we can to reconstruct this story, given the appropriate constraints on what can be said about such topics in public. It is detailed, but the details are essential.

The Initial Lead and the Hindsight Issue

The lead in this case came from the analysis of communications by the National Security Agency, or NSA. The NSA, and the intelligence community, obtains what it calls "signals intelligence," or SIGINT. Some sources relevant to this case are no longer operational. We are therefore able to say a little more about it now without disclosing any of the details about the methods used to collect such intelligence.

The Intelligence Community obtained additional sources after the Embassy bombings in East Africa. These particular sources were important. They offered insight into a larger al Qaeda network in the Middle East and were linked directly to the East Africa bombings.

In late 1999, NSA analyzed communications associated with a man named Khalid, a man named Nawaf, and a man named Sale m. NSA analysts at the time thought Sale m was Nawaf's younger brother. They were right.

We now know Nawaf was in Karachi, Pakistan; Khalid was in Yemen; Nawaf planned to leave Karachi on January 2; and they were making plans to meet in Malaysia. Nawaf planned to leave Karachi on January 2. By early on December 31, Pakistani time, U.S. officials in Islamabad, Pakistan's capital, were following the situation.

At this point the relevant working-level officials in the Intelligence Community knew little more than this. But they correctly concluded that "Nawaf" and "Khalid" may be part of "an operational cadre" and that "something nefarious might be afoot."

We believe every available resource should have been devoted to learning who these people were, and trying to spot and track them.

- NSA did not think it was its job to initiate this research on its own. It saw itself as an agency to support consumers, such as CIA. It tried to respond energetically to any request made of them. But it tends to wait to be asked.
- If NSA had been asked to try to identify these people, NSA would have started by checking its own database of earlier information from these same sources. Some of this information had been reported and disseminated around the community. Some had not. But it was all readily accessible in NSA's database. NSA's analysts would promptly have discovered who Nawaf was, that his full name was Nawaf al Hazmi, and that he was an old friend of Khalid.
- NSA analysts also could then have readily inferred that Salem might be named Salem al Hazmi.
- But NSA was not asked to do this work, at least not until much, much later.

Some might say that such comments display 20/20 hindsight, elevating the importance of these reports out of hundreds of items. This is a reasonable argument. But in this case we think our critique is fair, and not distorted by hindsight. Why?

- At the end of 1999 and in early 2000, the period of the Millennium Alert, the danger from al Qaeda was, by all accounts, the number one national security priority of the United States. It was a focus of practically daily meetings by the top officials of the government.
- These particular sources of information were especially important ones. Their links to al Qaeda were, in the words of one cable, "notorious." They had been linked directly with the East Africa Embassy attacks. The relevant analysts have told us that, at the time, these sources were among the very best on al Qaeda.

The Intelligence Community had reported that Nawaf and Khalid were deploying to meet in Kuala Lumpur.

Kuala Lumpur

Following up on intelligence, U.S. officials were active in Yemen and in the United Arab Emirates, where Khalid would get his connecting flight. Other information reinforced the picture of an emerging operation of some kind, and Salem's plans to arrive in Yemen soon.

Nawaf, Khalid, and now Salem made further arrangements. Nawaf made plans to arrive in Malaysia on January 4. The Intelligence Community thought Nawaf was still in Pakistan and was not leaving there until the 4th. Other officials could have worked on logical flight itineraries and perhaps realized that Nawaf could—and probably did—keep to his original plan, leaving Pakistan for Southeast Asia on January 2. He then planned

to—and did—leave his Asian stopover (probably Singapore) for Kuala Lumpur on January 4.

This detail matters because it meant that a possible opportunity to check and track Nawaf's departure from Pakistan had already been lost. Officials in Pakistan tried to do this on the 4th. They had already missed Nawaf.

On January 3 both CIA Headquarters and U.S. officials around the world began springing energetically into action. With the information about Khalid's travel itinerary, U.S. officials in Yemen, the United Arab Emirates, and Malaysia performed as well as could be hoped. Longstanding efforts to build relationships with friendly foreign services paid dividends.

Though they had missed Nawaf, officials had more success in tracking Khalid. He was identified as Khalid al Mihdhar. His Saudi passport was photocopied. It showed he had a visa to visit the United States. U.S. officials in Jeddah quickly confirmed that their post had issued this visa in April 1999.

Khalid al Mihdhar was tracked as he arrived at Kuala Lumpur on January 5. He and other Arabs, still unidentified, were surveilled as they congregated in the Malaysian capital. On January 5 CIA headquarters notified officials around the world that "we need to continue the effort to identify these travelers and their activities ... to determine if there is any true threat posed" This same cable said the FBI had been notified. The cable also asserts that Mihdhar's travel documents also were given to the FBI. The weight of available evidence does not support that latter assertion.

At this point the case was considered important enough to mention in the regular updates on al Qaeda being given to the top officials in the U.S. government. On January 3 and 5 the head of CIA's unit on al Qaeda apparently briefed his bosses on these developments as part of his regular daily updates. These updates, which included other ongoing operational developments, were usually reviewed every day by Director Tenet and by the National Security Adviser, Sandy Berger. On January 5 and 6, the Director of the FBI, Louis Freeh, and other top FBI officials were briefed on the operation as one of their regular updates and were told, correctly, that CIA was in the lead and that CIA had promised to let FBI know if an FBI angle to the case developed.

On January 6 two of the Arabs being tracked in Malaysia left for new destinations, one in Thailand and another in Singapore. After the fact, efforts were made to track them. U.S. officials in Kuala Lumpur wondered if one of these Arabs was the still mysterious Nawaf. Both returned to Kuala Lumpur within the next 24 hours, though the authorities did not know it at the time. The two individuals apparently were Nawaf al Hazmi and an individual now known as Khallad bin Attash. We'll discuss Khallad again in a moment.

On January 7, and then again on January 10, CIA headquarters notified the field that it had run searches on the names it had so far about this case and said these searches produced no "hits." Headquarters was trying to support the operations in the field. The

field had given them information about people being tracked. Headquarters had checked CIA's own database and had found nothing.

These headquarters officials had not checked the databases at NSA or specifically asked NSA to do so. As mentioned earlier, if NSA had done this job its analysts would quickly have identified "Nawaf" as Nawaf al Hazmi. Someone then could have asked the State Department to check that name too. State would promptly have found its own record on Nawaf al Hazmi. That record would have shown that he too had been issued a visa to visit the United States. They would have learned that the visa had been issued at the same place—Jeddah—and on almost the same day as the one given to Khalid al Mihdhar. But none of this was known at the time.

On January 8, surveillance reported that three of the Arabs under surveillance suddenly left Kuala Lumpur on a short flight to Bangkok, traveling together. U.S. officials in Kuala Lumpur asked U.S. officials in Bangkok for help. The next day, Headquarters, noticing what was going on and working on a Sunday, backed up Kuala Lumpur's message with another message, marked NIACT Immediate. That meant the incoming cable would alert the duty officer and insure that it was read and acted upon regardless of the hour.

Kuala Lumpur was able to identify one of the travelers as Khalid al Mihdhar. After the flight left they learned that one of his companions had the name Alhazmi. Remember that the officials did not have information that would have allowed them to put that last name together with the name they did know about—Nawaf.

About the third person all they had was part of a name. It was part of the name of the alias being used by Khallad bin Attash. "Khallad" is a nickname, the Arabic word for 'silver,' and refers to Khallad's artificial leg. Khallad was then traveling under an alias. One reason he may have been traveling around East Asia at this time is that he may have been helping to plan possible hijackings on aircraft, perhaps in connection with an early idea for what would become the 9/11 plot. Khallad also had completed his work in helping plan the destruction of a U.S. warship visiting Yemen, the U.S.S. The Sullivans. The attack had just failed -- unnoticed. The boat filled with explosives had sunk. Only the terrorists knew what had gone wrong. Almost everything was salvaged and prepared for another day. Khallad would later be a principal planner in the next try, nine months later. That was the October 2000 attack on another U.S. ship visiting Yemen, the U.S.S. Cole, an attack which almost sank the warship and did kill 17 American sailors.

Bangkok and Beyond

The information came to Bangkok too late to track these travelers as they came in. Had authorities in Bangkok already been alerted for Khalid al Mihdhar as part of a general regional or worldwide alert, they might have tracked him coming in. Had they been alerted to look for a possible companion named Nawaf, they might have noticed him too, and even tracked Khallad as well. Instead the authorities were alerted only after Kuala

Lumpur sounded the alarm. By that time the travelers had already disappeared into the streets of Bangkok. We now know that two other al Qaeda operatives then flew to Bangkok to meet with Khallad in order to pass him money. Some of this money was reportedly given to Hazmi and Mihdhar for their upcoming work in the U.S. None of this was known at the time.

On January 12 the head of the CIA's al Qaeda unit updated his bosses that surveillance in Kuala Lumpur was continuing. He may not have known that in fact the Arabs had dispersed and the tracking was falling apart. U.S. officials in Bangkok regrettably reported the bad news on January 13. The names they had were put on a watchlist in Bangkok, so that Thai authorities might notice if they left the country.

U.S. intelligence did learn that one of the travelers was using the name that was Khallad's alias. Kuala Lumpur promptly asked for more information and agreement "to share that information for watch-listing purposes." There was no apparent response, and Kuala Lumpur did not follow through on its own watchlisting ideas.

On January 14 the head of the CIA's al Qaeda unit updated his bosses that officials were continuing to track the suspicious individuals who had now dispersed to various countries. Unfortunately, there is no evidence of any tracking efforts actually being undertaken by anyone after the Arabs disappeared into Bangkok.

CIA Headquarters asked NSA to put al Mihdhar on that agency's watchlist, which had limited effectiveness. But there was no other effort to consider the onward destinations of these Arabs and set up other opportunities to spot them in case the screen in Bangkok failed. Just from the evidence in Mihdhar's passport, one of those possible destinations and interdiction points would logically have been the United States. Hence this watchlisting effort could have been seen as integral to reviving a faltering tracking effort, quite apart from the other interests involved.

Weeks passed. Meanwhile, NSA would occasionally pass new information generally of a personal nature, associated with Khalid, Salem, Salem's brother (Nawaf), and perhaps Khallad as well. At this time, though the Intelligence Community did not know it, Mihdhar was in San Diego, California.

None of these reports seem to have jogged renewed attention until another matter reminded Kuala Lumpur about the case. That post prodded Bangkok a bit, in February, about what had happened with those missing Arabs.

A few weeks later, in early March 2000, Bangkok responded to Kuala Lumpur's question. It was reported that Nawaf al Hazmi, now identified for the first time with his full name, had departed on January 15, on a United Airlines flight to Los Angeles. We have found no evidence that this information was sent to the FBI.

It was further reported that a person under the name Khallad was using had departed Thailand for the last time on January 20. His destination was Karachi.

As for Khalid al Mihdhar, his arrival on January 8 had been noted, but there was no record of his departure. In fact Mihdhar had been on the United flight to Los Angeles with Hazmi on January 15.

We presume this departure information was obtained back in January, on the days that these individuals made their departures. Because these names were watchlisted with the Thai authorities, we cannot yet explain the delay in reporting this news. But, since nothing particular was done with this information even in March, we cannot attribute much significance to this failure alone.

By March 2000 Mihdhar and Hazmi had already established their residence in San Diego. No one knew this at the time, because no follow up was done with any of this information until much later.

In January 2001, while working on the Cole attack, the CIA received information that Khallad had attended the meeting in Kuala Lumpur. As Director Tenet testified publicly before the Joint Inquiry, the Kuala Lumpur meetings “took on greater significance” because this information placed the Arabs who were there with a known al Qaeda operative. This discovery, however, did not lead to any fresh effort to pick up the trail of Mihdhar and Hazmi. By that time Mihdhar had left the United States and returned to Yemen. But if a retrospective of existing information had been conducted at this point, Hazmi might have been tracked down in the United States. And there would still have been time to watchlist Mihdhar before he obtained a new United States visa and reentered the U.S. to join in the 9/11 attacks.

Finally, in the summer of 2001, a thoughtful CIA official detailed to the FBI, working with an FBI employee detailed to the CIA, did some energetic detective work that at last unearthed and reexamined these old puzzle pieces. It became apparent that both Mihdhar and Hazmi were in the United States. They were watchlisted in late August 2001.

It was then too late to catch Mihdhar before he got another visa and returned to the United States to rejoin the operation. The connection to Salem al Hazmi, Nawaf’s younger brother, had never been made, so there was no effort to track his movements while in Yemen, watchlist him before he obtained his visa, or catch him as he entered the United States on a Swissair flight to New York in June 2001. The search in the United States for Nawaf al Hazmi and Mihdhar began. It had gotten off to a stuttering, quarrelsome start by September 11.

The Watchlisting Issue

The Department of State initiated and sponsored the U.S. government’s only pre-9/11 watchlist solely dedicated to catching terrorists. This list, called TIPOFF, was created in 1987 by an unassuming and enterprising public servant named John Arriza, who still helps sustain the program, which is now considerably expanded. The program was meant to keep terrorists from getting visas, of course. But, as the name implies, it also was a

system to tip off intelligence and law enforcement agencies that a suspected terrorist was attempting to come to the United States.

Any overseas post that obtained appropriate derogatory information about an individual had been told to enter it into TIPOFF by sending the appropriate cable. If the State Department's Bureau of Intelligence and Research saw the information, they could and often did take the initiative to add the individual into TIPOFF. In 2001 the State Department provided more source documents for TIPOFF than any other agency, more than 2,000.

In December 1999 CIA Headquarters had repeated this guidance to its posts overseas, which technically also included its al Qaeda unit at Headquarters. In 2001 CIA provided more than 1,500 source documents to TIPOFF. It was CIA Headquarters that finally nominated Hazmi and Mihdhar for inclusion in TIPOFF.

Sharing of information with the FBI was vital from an intelligence perspective, if the individuals were coming into the United States. But FBI did not maintain the terrorist watchlist. That was the State Department's job. FBI could contribute names like everyone else. In 2001 the FBI provided about 60 source documents for TIPOFF, fewer than were obtained from the public media, and a number approximately equivalent to the contribution that year from the Australian intelligence service.

It is worth noting that the Federal Aviation Administration's own 'no-fly' list was totally independent from TIPOFF. Few names were on this no-fly list. So, before 9/11, adding someone to TIPOFF would not have any particular effect on their ability to board a commercial flight inside the United States. So, to be specific, adding Hazmi and Mihdhar to TIPOFF did not put them on a no-fly list, and did not keep them from flying on September 11.

Therefore, in thinking about the question of accountability, that potential list tends to expand to everyone. In effect, though, this means no one. At the time of the Joint Inquiry report, the general assumption was that the responsibility rested with some working-level official at CIA Headquarters. Yet, as we can see, many of the recipients of those January 2000 cables could have done their part. Kuala Lumpur thought about it. And so on.

That is why we think this issue must be examined from a broader perspective, that of the overall management of transnational intelligence operations. After all, why would the watchlisting make a difference? One purpose would have been to turn Hazmi and Mihdhar back when they reached Los Angeles, in effect throwing them back into the sea. That would have served one purpose. But it might not have prevented any attacks.

We think it may be more interesting to consider the intelligence mission. Remember why "TIPOFF" had that name. The intelligence mission was why the suspects were tracked in Malaysia rather than being detained and deported. If the FBI had been given the opportunity to monitor Hazmi and Mihdhar in California, and had been patient for

months, or a year, then some larger results might have been possible, even after Mihdhar left. The universe of possibilities expands after Hani Hanjour joined Hazmi in December 2000, after which the two of them lived in Phoenix for several months before driving across the country and linking up with other future hijackers in northern Virginia. Up to this point all of these hijackers named so far were involved in the hijacking of American Airlines 77, which hit the Pentagon. But in northern Virginia they linked up with a hijacker who would join the team assigned to United 175, thus creating a possible opportunity to penetrate the other teams associated with the “Hamburg cell” as well.

These are difficult ‘what ifs.’ It is possible that the Intelligence Community might have judged that the risks of conducting such a prolonged intelligence operation were too high—the risk of losing track of potential terrorists, for example. It is possible that the pre-9/11 FBI would not have been judged capable of conducting such an operation. But surely the Intelligence Community would have preferred to have the chance to make these choices. That is why we see this as an intelligence story—and a challenge for Intelligence Community management.

Management of a Transnational Case

In trying to second-guess the management of intelligence operations, the staff feels humbled as we encounter the experience and hard work of so many of the officials we have interviewed. Although we have some very seasoned intelligence professionals on our staff, we have listened hard to what the serving officials have told us. As you can see, these people cared deeply about combating terrorism. They have poured much of their life energy into this cause. And we believe that many of them were working in a system that was not well designed to take full advantage of their accumulated talents.

From the detail of this case, one can see how hard it is for the Intelligence Community to assemble enough of the puzzle pieces gathered by different agencies to make some sense from them, and then coordinate needed action—to collect or to disrupt. It is especially hard to do all this in a transnational case. This was, and is, a challenge for management.

In this case, there appears to have been at least two strategic errors in management. First, the managers of the case failed to get an all source background analysis of the players, canvassing what all agencies might know so they could assemble the best possible picture for action. This omission is already evident by the end of December 1999.

The second strategic error was that the managers of the case did not systematically set up ways to track the hijackers as they moved in predictable directions. Even if they slipped through the net in Bangkok, it was foreseeable that a traveler with a U.S. visa in his passport might seek to visit the United States. No one had the clear job of insuring that all the likely routes were covered.

Who had the job of managing the case to make sure these things were done? One answer is that everyone had the job. That was the perspective the Commission heard in its interview of the CIA’s Deputy Director for Operations, James Pavitt. Deputy Director

Pavitt has been at or near the top of this Directorate for about six and a half years. He stressed that the responsibility resided with all involved. Above all he stressed the primacy of the field. The field had the lead in managing operations. The job of Headquarters, he stressed, was to support the field, and do so without delay. If the field asked for information or other support, the job of Headquarters was to get it—right away.

This is a traditional perspective on operations and, traditionally, it has great merit. It reminded us of the FBI's pre-9/11 emphasis on the primacy of their Field Offices. When asked about how this traditional structure would adapt to the challenge of managing a transnational case, one that hopped from place to place as this one did, the Deputy Director argued that all involved were responsible for making it work. He underscored the responsibility of the particular field location where the suspects were being tracked at any given time. On the other hand, he also said that the Counterterrorism Center was supposed to “manage all the moving parts,” while what happened on the ground was the responsibility of managers in the field.

With this background, it is easier to understand why the way Headquarters handled this case may not have been so unusual. As pointed out this morning, travel intelligence was not seen as a central concern. Headquarters tended to support and facilitate, trying to make sure everyone was in the loop. From time to time a particular post would push one way, or Headquarters would urge someone to do something, but Headquarters never really took responsibility for the successful management of this case. Hence the managers at Headquarters did not realize that the two strategic errors cited above had occurred, and they scarcely knew that the case had fallen apart.

The director of the Counterterrorism Center at the time, Cofer Black, recalled to us that this operation as one among many and that, at the time, “it was considered interesting, but not heavy water yet.” He recalls the failure to get the word to Bangkok fast enough, but has no evident recollection of why the case then dissolved, unnoticed.

Going the next level down, the director of the al Qaeda unit in CIA at the time recalled to us that he did not think it was his job to direct what should or should not be done. He did not pay attention when the individuals dispersed and things fell apart. He would not have expected NSA to do the retrospective work in its own database. But he was uncertain of his own authority to order them to do it. There was no conscious decision to stop the operation after the trail was temporarily lost in Bangkok. But he acknowledged that perhaps there had been a letdown after the extreme tension and long hours in the period of the Millennium Alert.

We believe both Mr. Black and the former al Qaeda unit head are capable veterans of the Directorate of Operations, among the best the Agency has produced. Therefore we find these accounts more telling about the system than about the people. In this system no one was managing the effort to insure seamless handoffs of information or develop an overall interagency strategy for the operation.

Such management of transnational operations, fully integrating all source analysis, might require more employees. Deputy Director Pavitt told us, as he has told Congress, that he does not think the availability of more money would have prevented the 9/11 attacks. We are not sure that is right. Certainly since 9/11 the application of vast new resources within older management models has achieved some significant gains.

But this story is not just about the past. We wonder whether the management of transnational intelligence operations has adapted enough to cope with the challenge of the war on terrorism. Today's focus on travel intelligence has spotlighted the transnational character of the problem. This particular story is especially tragic. But we do not believe this operating style is unique to this case. We are not sure that these problems have been addressed. We are not sure they are even adequately acknowledged as a problem.

In an environment driven by reactions to the latest threat report and preoccupied with immediate operations, clear, accountable, and strategic management is a challenge. The Intelligence Community must overcome it.