

At the Center of the Storm - My Years at the CIA

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Chapter 11

Missed Opportunities

Could anything have prevented 9/11? Despite a vast amount of fact-finding by the 9/11 Commission, journalists, authors, and many others, that question continues to haunt all of us involved in U.S. counterterrorism. Both the 9/11 Commission and the Congressional Joint Inquiry said that stopping the attacks would have been unlikely, but that doesn't prevent all of us from asking—what if? I certainly don't pretend to offer definitive answers here, but I will try to strip away some of the confusion and bluster surrounding two complex and frequently misunderstood missed opportunities: the oddly intersecting matters of “watchlisting” (placing suspected terrorists on lists to prevent their entry into the United States) and the arrest of Zacarias Moussaoui.

These two issues illustrate how Washington operates under its own laws of physics. One rule inside the Beltway is that for every action there is an unequal and opposite overreaction. Here is an example. The cover of the June 3, 2002, edition of *Time* magazine read, “The Bombshell Memo.” Inside was an article titled, “How the FBI Blew the Case.” The lengthy piece recounted how an unknown FBI agent, Coleen Rowley, had just sent a thirteen page letter to FBI director Bob Mueller, copying members of the Senate Intelligence Committee. In the letter Rowley criticized the Bureau for failing to act on requests from her Minneapolis field office for permission to obtain a warrant to search the belongings of Zacarias Moussaoui, a French-born al-Qa'ida operative who had been arrested on August 17, 2001. The article also tied in complaints from FBI special agents in Phoenix who had sent a memo to their headquarters on July 10, 2001, trying and failing to draw attention to potential Islamic terrorists attending flight schools in the United States.

As news magazine stories go, this one was pretty devastating. A proud organization such as the FBI never likes to hear that it has blown any case, much less the biggest terrorism assault in our history. No organization, though, is better at defending itself than the FBI, and it had no intention of taking this rap lying down. The Bureau knows that when you get slugged in *Time*, you punch back in *Newsweek*, and that's just what it did. The very next week the cover of *Newsweek* screamed, “The 9/11 Terrorists the CIA Should Have Caught.” The story inside, titled, “The Hijackers We Let Escape,” described how CIA picked up the trail of two men, later to become 9/11 hijackers, when they attended a meeting in Kuala Lumpur, Malaysia, in January 2000. The article said, somewhat incorrectly, that CIA “tracked one of the terrorists, Nawaf al-Hazmi, as he flew from the meeting to Los Angeles.” *Newsweek* went on to say that “astonishingly, the CIA did nothing with this information,” and that CIA did not notify the FBI, “which could have covertly tracked [the terrorists] to find out their mission.” An unnamed FBI official was quoted as saying that CIA's not sharing the information about the two men was “unforgivable.” Bureau sources told the news magazine that if they had known of the two men, they could have connected them to all the other hijackers—an

argument *Newsweek* found “compelling.” The article set off a firestorm and became a pillar of the conventional wisdom that CIA had intentionally withheld information from the Bureau.

A few days later, on June 8, *Newsweek* senior writer Evan Thomas was discussing the article on *Inside Washington*, a syndicated talk show, when host Gordon Peterson asked, “How is *Newsweek*’s relationship with the FBI these days?” Thomas answered, “Well, it was pretty good since we did their bidding.” Thomas, who is a very knowledgeable reporter steeped in the intricacies of national security and intelligence reporting, later called CIA’s press office to claim that he had misspoken and didn’t really know what he was talking about in this instance. Whether he did or not, a very complex story had been reduced to a bumper sticker—“CIA Intentionally Withheld Information”—and despite our best efforts, the 9/11 Commission, the Congressional Joint Inquiry, and the mass media largely bought into it.

To me, what’s important to realize is that the watchlisting problem was not, as is so often claimed, an example of CIA and FBI not working with each other. Throughout this pre-9/11 period both agencies were coordinating closely. Louis Freeh and I worked very hard to overcome historical animosities and misunderstandings and to get both organizations to recognize that they were on the same team. Through two administrations, I had no closer relationships in Washington than with Louis Freeh, Bob Mueller, and their senior officers. While our cultures and missions may have been different, there was no difference in the heartfelt way CIA officers and FBI special agents tried to protect the country. We frequently held high-level coordination meetings, committed to assigning some of our best people to each others’ headquarters (jokingly referred to as the “hostage exchange program”), and tried to help each other in every way possible. Six FBI officers were assigned to CIA headquarters at the time of 9/11; their role was to ensure that the Bureau’s interests were always considered and that information valuable to the Bureau was passed back to the home office through official and unofficial channels. A similar group of CIA officers worked out of the FBI offices to help translate CIA’s needs and capabilities to our law enforcement partners. Of course, there were coordination problems—agencies are bound to have different perspectives over their equally important missions. (The post-9/11 Patriot Act went a long way toward fixing some of these issues.)

What’s critical—and what the 9/11 Commission and others missed—is that the so-called “wall” preventing a free flow of intelligence to FBI criminal investigators was not really the heart of the matter. The main problems were old-fashioned ones: too few people on both sides working on too many issues. We needed more people, better communications, and, particularly on the FBI side, better information technology support. After 9/11, Bob Mueller and I sought even more ways to drive our organizations closer together. In the aftermath of such a tragedy it was perhaps inevitable that people would try to drive wedges between us.

The watchlisting story begins as part of the investigation into the August 1998 bombing of the two U.S. embassies in Africa. FBI agents pursuing that case came up with a telephone number of a suspected terrorist facility in the Middle East believed to be associated with al-Qa’ida or Egyptian Islamic Jihad terrorists. That suspicious phone number was shared with CIA, NSA, DIA, the State and Treasury departments, and others. About a year later, in December 1999, intelligence collected from that phone indicated that several men would be traveling to Kuala Lumpur for a meeting to be held in Malaysia early the next month. The information about the meeting was distributed to a number of agencies, including the FBI, at the same time. As is often the case, the intercepted

communications did not include the full names of any of the participants. We had only first names to go on. Nonetheless, CIA launched a major effort to see if we could identify who the attendees were and what they were up to. With the help of a local intelligence agency, on January 4, 2000, one person whom we initially knew only as “Khalid” was identified as he passed through a third country en route to Malaysia. The local intelligence service copied the man’s passport, which identified him as Khalid al-Mihdhar. The passport also carried a stamp indicating that al-Mihdhar held a valid entry visa for the United States. That information was sent back to Washington electronically.

We did not know who al-Mihdhar was at first. At the time of the Malaysia meeting, we were in the midst of the largest counterterrorist operation in history, dealing with the Millennium threat. We wanted to be sure that meeting participants were not headed to Southeast Asia to launch an attack. Based on the first name, Khalid, and a phone number, a CIA desk officer initiated surveillance of the individual during his overnight layover on the way to Malaysia.

In a cable dated January 4, 2000, CIA’s officers at the intermediate stop reported both to CIA headquarters and to our officers in Kuala Lumpur that a Khalid al-Mihdhar had been identified by local authorities and a copy of his passport had been obtained. The next day, January 5, CIA officers in Saudi Arabia e-mailed headquarters stating that al-Mihdhar’s visa application from the previous year had been reviewed and he had listed his destination as New York and his intended travel date as May 2, 1999. The cable also stated that the information on the visa application form matched the information in the visa, indicating that the visa was still valid. Once this e-mail came to CIA, it was opened by CIA officers and three FBI officers detailed to the Counterterrorism Center.

A senior CIA officer on the scene recently said to me, “Once Mihdhar’s picture and visa information were received, everyone agreed that the information should immediately be sent to the FBI. Instructions were given to do so. There was a contemporaneous e-mail in CIA staff traffic, which CIA and FBI employees had access to, indicating that the data had in fact been sent to the FBI. Everyone believed it had been done. The parts of our operation that got the most criticism were the parts where CIA and the FBI were working most closely together.”

What never happened was a formal transmission to the FBI, in a report called a CIR (Central Intelligence Report), documenting what everyone believed had already occurred, the sending of al-Mihdhar’s photo and visa data. An FBI officer assigned to CIA, known as a “detailee,” in fact initiated the drafting of the formal report, but it was never cleared for transmission. The same senior officer said to me, “The CIR was a separate process, providing retroactive documentation of the fact the stuff had already been passed, not to convey new information.”

No excuses. However, overworked men and women who, by their actions, were saving lives around the world all believed the information had been shared with the FBI. Meanwhile, on the ground in Malaysia, we learned that the meeting was being hosted in a condo owned by someone named Yazid Sufaat. We could tell that those in attendance were acting suspiciously, but at the time, we were unable to learn what was being discussed.

On January 6, in an e-mail to a colleague back at Langley, a CIA officer serving at FBI headquarters stated that he had shown an FBI special agent an NSA report on some of the Malaysia meeting’s participants, but that the FBI agent was already aware of the meeting. The CIA officer described in extensive detail surveillance efforts against the group in Malaysia and shared this information with several FBI officers. Twice while the surveillance operation was ongoing, then FBI director Louis Freeh was briefed on the effort by his own staff. Once we had learned the names of several of the

individuals who were attending the Malaysia meeting, CIA should have placed them on a watchlist that might have prevented their entering the United States. A half a dozen other agencies, including the FBI, also had the names and could have done so as well, but did not. That does not absolve CIA from blame. We later discovered that there was inadequate staff training on how to handle watchlist submissions. Officers in the field, where primary responsibility for watchlisting resided, thought headquarters would do it, and vice versa. Clearly, a communication breakdown occurred, and we worked hard to rectify the shortcoming once we were aware of it after 9/11.

While we were able to get the names of some of the participants, we were never able to determine what went on at the meeting in Malaysia. When the session in Kuala Lumpur broke up, the participants dispersed. Two, al-Mihdhar and Nawaf al-Hazmi, flew to Bangkok (not directly to Los Angeles, as *Newsweek* contended in al-Hazmi's case). We asked the local intelligence service to keep an eye on them. Almost two months after the fact, on March 5, 2000, the Thais passed on information that said that Nawaf al-Hazmi had arrived in Bangkok in early January and departed for Los Angeles about a week later, arriving on January 15 on United Airlines Flight 2. The information made no reference to al-Mihdhar, although we learned much later that he, too, was on the same United Airlines flight.

CIA officers in the field sent this information back to headquarters but included it at the end of a cable that contained routine information. The cable was marked as being for "information" rather than "action." Unfortunately, no one—not the CIA officers nor their FBI colleagues detailed to CTC—connected the name Nawaf al-Hazmi with the meeting of eight weeks before. What would later prove a raw point between CIA and FBI involved an al-Qa'ida operative we at first knew only as "Khallad." FBI had developed sketchy intelligence about Khallad before the October 2000 attack on the USS *Cole*. After the attack, we discovered further intelligence linking Khallad to the phone number in Yemen that had been associated with the Kuala Lumpur meeting. In a meeting in November, a senior FBI official, John O'Neill, received Khallad's full name and a copy of his photo. (John would later retire from the FBI and take a job as chief of security at the World Trade Center, and tragically die there in what was his third week on the job.) By the end of November 2000, CIA and FBI both knew Khallad's full name, Khallad bin Attash, had his picture, and knew he was a senior security official for Bin Ladin. Both organizations knew he had supported the *Cole* attack.

By December 2000, investigators began wondering whether Khallad bin Attash and Khalid al-Mihdhar (who was at the Malaysia meeting the previous January) might be one and the same. It turned out that both were at the meeting, but they were two different individuals. That month a CIA officer and his FBI colleague based in Islamabad showed the photo O'Neill had obtained to a jointly run intelligence source who had insights into al-Qa'ida. They conducted what is known in the intelligence business as a "rolling car meeting," or "RCM." To avoid compromising the source, they picked him up at nighttime on a busy street and conducted their business while driving around. A second armed female CIA case officer was in the backseat for security. The asset was shown the several photos and correctly picked out the one of Khallad by flashlight. At a follow-up meeting in January, this time at the U.S. embassy in Islamabad, the source was shown surveillance photos taken in Malaysia. With the FBI assistant legal attaché and two CIA case officers present, he identified someone who he said was Khallad. (He had the wrong person, but we would not know that until after 9/11.)

Two weeks later, according to CIA message traffic, a group of FBI analysts from the New York field office were sent on temporary duty to Pakistan in part to debrief this same asset.

On June 11, 2001, an analyst from FBI headquarters, another FBI analyst assigned to CIA's CTC, and a lone CIA analyst traveled to the Bureau's New York field office to brainstorm the *Cole* investigation. The FBI analyst carried with her the surveillance photos taken in Malaysia. The photos were discussed with the local special agents, who reportedly had requested copies. The FBI analyst told them that she would try to get the photos "over the wall." After 9/11, several FBI officials would allege that CIA had refused to share these photos with the Bureau. On the day of 9/11 itself, CIA and FBI officers from CTC were on the way to brief Director Mueller on the case investigations, with photos in hand. They never got there.

By July 2001, indications were everywhere that a major terrorist attack was about to occur. As I later told the 9/11 Commission, "the system was blinking red." I instructed the people in CTC to review everything in their files to search for any clue that might suggest what was coming. The request, though, was redundant. Everyone in CTC felt as strongly as I did that something catastrophic was about to happen, and they had already begun such a review.

In mid-August analysts reviewing the Kuala Lumpur meeting came across the cable that said that Nawaf al-Hazmi had come to the United States in January 2000. Contact with the U.S. Immigration and Naturalization Service showed no record of al-Hazmi's ever having left the country. The analysts then checked on the other named individuals believed to have attended the Malaysian meeting and found that Khalid al-Mihdhar had arrived in the United States along with al-Hazmi, departed on June 10, 2001, and then returned July 4, 2001. This alarmed us sufficiently that on August 23 an immediate message went out alerting the State Department, FBI, INS, Customs, and others about the pair and asking that they be barred from entering the country if they were outside the United States, and tracked down if they were still here. Even though they were watchlisted, that act alone did not ensure that they would be automatically placed on a no-fly list preventing them from boarding an airplane. In fact, this did not occur, and even though they were watchlisted nineteen days before 9/11, they were not found. Obviously, if we had watchlisted the two a year and a half earlier, when they first came across our radar screen, we would have had a far better chance of preventing them from subsequently entering the United States. That was essentially what happened to Ramzi bin al-Shibh, who, for other reasons, was several times denied entry into the United States. Al-Qa'ida simply replaced him among the plotters, and I feel certain the same would have happened with al-Hazmi and al-Mihdhar. CIA had multiple opportunities to notice the significant information in our holdings and watchlist al-Hazmi and al-Mihdhar. Unfortunately, until August, we missed them all.

What if we had noticed our mistake after al-Mihdhar and al-Hazmi entered the United States, but months rather than weeks before the plot unfolded? Most likely the two men would have been reported. In theory, the FBI might have secretly followed them, which might have led to our learning of some of their collaborators in this country, but that may have run counter to Bureau practice at the time. Deportation might have delayed but probably would not have stopped 9/11. In the final analysis, al-Mihdhar and al-Hazmi were soldiers, not generals—replaceable parts in a determined killing machine. In my view, another opportunity may have been lost by the inability of the FBI lawyers to figure out a way to search the luggage of Zacarias Moussaoui.

The first time I heard of him was on August 23, 2001, when CTC provided me with a terrorist threat update covering a large number of topics. Included in the twelve items on the agenda was information regarding the arrest of an associate of Abu Musab al-Zarqawi; al-Qa'ida kidnapping threats in Turkey, India, and Indonesia; a discussion of the pending deportation from the UAE to France of Djamel Beghal, who intended to blow up the U.S. embassy in Paris; the arrest of six

Pakistanis in La Paz, Bolivia, who were intending to hijack an aircraft; and other items. The last item was about Moussaoui. The briefing chart was entitled, "Islamic Extremist Learns to Fly." A French national, Moussaoui was arrested on August 16, 2001, by the FBI on the grounds that he had overstayed his U.S. visa, but it wasn't the visa problem that brought him to the FBI's attention. Moussaoui had enrolled in flight school in Minnesota and paid for his training in cash. He was interested in learning to fly 747s, but not in taking off or landing. He was interested to learn that 747 doors do not open in flight. He wanted training on London-JFK flights. Moussaoui's flight instructors did not like what they were seeing with this obviously unqualified student, and they alerted the FBI. We immediately went to work on the case with the Bureau.

As alarming as the information on Moussaoui was, I was comforted by the fact that FBI had its hands on the guy. My assumption was that the Bureau would, as standard practice, brief Dick Clarke's Counterterrorism Security Group at the NSC, and the case would be well covered. During the 9/11 Commission hearings, I was stunned to hear Tom Pickard, who was acting FBI director in August suggest that *I* had somehow failed to notify *him* about Moussaoui. Failed to tell him? Hell, it was the FBI's case, their arrest. I had no idea that the Bureau wasn't aware of what its own people were doing. More than four and a half years later, in the spring of 2006, I was subpoenaed as a possible witness for Moussaoui at his trial, held in the U.S. District Court in Alexandria, Virginia. In the end I was never called to testify. Moussaoui was duly found guilty of conspiracy to kill Americans and sentenced to life in prison. But in preparation for my possible testimony, and with the help of CIA's General Counsel's Office, I set out to learn everything I could about what the Agency had been able to put together after Moussaoui's arrest. The following account relies heavily on that information. Let me stress that most of this is *not* information I knew in 2001.

On August 15, 2001, CIA officers in the field were told by FBI's Minneapolis office that Moussaoui would be arrested the next day. The CIA officers, in turn, informed the CTC of the impending arrest, and the CTC did a "trace" on Moussaoui, looking for anything that we might have on him in our files. That search came up negative. Before August 15, we had never heard of Zacarias Moussaoui, at least under his real name. Later, in January 2002, one of our sources told us that in Baku in 1997 he had met someone whom he now knew to be Moussaoui. At the time, Moussaoui was using the nom de guerre of Abu Khalid al Francia. The source reported on him to us in April 2001, using only the "al Francia" name. By August 18, Minneapolis special agent Harry Samit was in direct contact with Chuck Frahm, an FBI special agent assigned to CIA who was then the deputy group chief for al-Qa'ida operations. Samit provided everything Minneapolis had on Moussaoui, which Frahm passed on to CIA officers.

Even though Moussaoui was taken into custody on August 16, lawyers at the FBI believed that they did not have sufficient cause to obtain authority to search his belongings, but, at least from our perspective, that would soon change. On August 24, 2001, CIA learned that Moussaoui was a known quantity to the French internal service, the very capable Direction de la Surveillance du Territoire, or DST. They said that Moussaoui had recruited a friend of his into Ibn Khattab's Chechnyan Mujahideen. Khattab's group had been accused of, among other things, attacks on a Red Cross hospital in Chechnya in 1996 and blowing up an apartment building in Moscow in 1999. The French investigated Moussaoui's extremist connections and assessed him as highly intelligent, extremely cynical, cold, stubborn, full of hatred and intolerance, and completely devoted to the Saudi-based extremist Wahabi cause.

On August 24, Harry Samit again e-mailed Chuck Frahm specifically asking Frahm to ask CIA's lead analyst, "Is there anything you have that establishes Ibn Khattab's connection to UBL/

Al-Qa'ida other than their past association? We are trying to close the wiggle room for FBI headquarters to claim that there is no connection to a foreign power. Since al-Qa'ida is a designated group, anything that you have which indicates an al-Qa'ida connection to Moussaoui via Ibn Khattab would help." Frahm asked the CIA analyst to jump on his computer to respond to Samit. She wrote: "Am not sure why the French info is not enough to firmly link Moussaoui to a terrorist group. Ibn al Khattab is well known to be the leader of the Chechen Mujahidin movement and to be a close buddy with bin Ladin from their earlier fighting days. From a read of the DST info, Moussaoui is a recruiter for Khattab." That same day, a CTC officer passed the Khattab connection via e-mail to the CIA representative at the FBI. "No one in the FBI seems to have latched on to this. Perhaps you can educate them on Moussaoui. This may be all they need to open a FISA on Moussaoui." The "FISA" would have authorized the necessary search. For us, the Khattab tie-in was sufficient evidence to show that Moussaoui was a terrorist, and thus we sent out a worldwide query through our own channels to the French, British, and other countries. Despite the FBI Minneapolis field office's view that Moussaoui might be engaging in flight training for the purpose of conspiring to use an airplane in the commission of a terrorist act, lawyers and others at FBI headquarters did not believe that the French information was enough to get a court-authorized search warrant. They felt that the information did not meet the threshold of the FISA statute making Moussaoui an "agent of a foreign power."

On August 30, the CIA officer again contacted a fellow CIA officer on assignment at the FBI. "Please excuse my obvious frustration in this case. I am highly concerned that this is not paid the amount of attention it deserves. I do not want to be responsible when they [*sic*] surface again as members [*sic*] of a suicide terrorist op." The officer wasn't through. "I want an answer from a named FBI group chief for the record on these questions . . . several of which I have been asking since a week and a half ago. It is critical that a paper trail be established and clear. If this guy is let go, two years from now he will be talking to a control tower while aiming a 747 at the White House." This comment was particularly prescient because we later learned after 9/11 that Moussaoui had in fact asked Usama bin Ladin for permission to be able to attack the White House. FBI and CIA officers worked the legal obstacles from both ends. The Minneapolis field office was in touch with CTC; FBI and CIA officers at both respective headquarters tried to influence the outcome of the legal debate.

When legal hurdles could not be overcome, they came up with a plan. By August 31, with no FISA warrant in sight to allow access to Moussaoui's belongings, we began working up a scheme with the FBI that would have had Moussaoui deported to France. Our plan was to load Moussaoui's belongings separately, then turn his laptop and luggage over to French authorities for exploitation once he arrived in Paris. (The French did not require the same high level of probable cause that the FBI thought it needed in order to conduct a search.)

Ultimately, we learned that the key lay not in Moussaoui's computer but in his luggage. On September 18, 2001, a week after the attacks on the World Trade Center and the Pentagon, we were informed that a trunk belonging to Moussaoui contained letters indicating that he was the U.S. marketing consultant for a Malaysian company called In Focus Tech. The next day, our officers told us that the general manager of In Focus Tech was Yazid Sufaat, and with that the circle closed and things started to come together in a hurry. Recall that this was the same Yazid Sufaat whose condo in Kuala Lumpur had been the venue for what turned out to be the first operational meeting in the planning for 9/11—the meeting, as noted earlier, that was also attended by al-Mihdhar and al-Hazmi.

If we'd had those letters in Moussaoui's luggage connecting him to Sufaat and—through Sufaat, back to al-Mihdhar and al-Hazmi, who had just been placed on our watchlist—is it possible that enough bells and whistles might have gone off to allow us to make all the necessary connections?

While all of us involved lie awake at night asking ourselves this question, I do not believe there was a silver bullet available to us to stop the tragedy of 9/11. CIA did not watchlist al-Hazmi and al-Mihdhar until August 23, 2001. FBI did not get into Moussaoui's luggage. The famous Phoenix memo, outlining concerns about terrorists being trained at flight schools, was not shared. The FBI's effort to find al-Hazmi and al-Mihdhar was pursued with too few resources. Simply using commercially available software to track their credit card usage might have been decisive, but no such effort was made. These missed opportunities obscured the hundreds of successful operations conducted by CIA and FBI together and stood out in high relief when discovered. They pointed out larger systemic shortcomings, in resources, people, and technology. They also highlighted something equally important: The al-Qa'ida operatives who killed three thousand people on September 11 understood that the United States had never thought about how to protect itself within its borders. Policies had never been put in place to address just how disconnected our airline security, watchlisting, border control, and visa policies were at the time. There was no comprehensive, layered system of domestic protection in place to compensate for the internal weaknesses that later came into full view. Yes, people made mistakes; every human interaction was far from where it needed to be. We, the entire government, owed the families of 9/11 better than they got from us. *All* of us.

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