

Part two: Ignoring the warnings—the FBI and Justice Department

What the September 11 commission hearings revealed

Patrick Martin
26 April 2004

[Part one](#) | [Part two](#) | [Part three](#) | [Part four](#)

The recent public hearings of the 9/11 commission provided numerous examples of the inexplicable indifference, inaction or outright negligence of the Bush administration in response to warnings that a catastrophic terrorist attack was about to take place in the United States.

As the *New York Times* noted in its summary of the evidence: “The warnings during the summer were more dire and more specific than generally recognized. Descriptions of the threat were communicated repeatedly to the highest levels within the White House. In more than 40 briefings, Mr. Bush was told by George J. Tenet, the director of central intelligence, of threats involving Al Qaeda.”

These warnings were issued throughout the spring and summer of 2001, but even as late as September 6, 2001, Secretary of Defense Donald Rumsfeld would send a letter to Senator Carl Levin telling him that he would urge Bush to veto an effort to transfer money in the Pentagon’s budget from missile defense to counterterrorism.

Four days later, on September 10, 2001, Attorney General John Ashcroft rejected a similar appeal from the FBI. Acting FBI Director Thomas Pickard had objected that the Justice Department’s proposed fiscal 2003 budget proposed no additional spending for counterterrorism over fiscal 2002, and asked Ashcroft to authorize an increase of \$58 million. Pickard received the attorney general’s response on September 12, the day after the attacks on the World Trade Center and the Pentagon.

This was part of a pattern of indifference to the threat of terrorism from the time Ashcroft took office. According to the draft report of the 9/11 commission staff, FBI counterterrorism chief Dale Watson testified that he “fell off my chair” when he learned in May 2001 that Ashcroft had not listed terrorism as one of his priorities in a memo to the department staff.

On May 9, 2001, Ashcroft testified at a congressional hearing on counterterrorism, and told the panel that protecting US citizens from terrorist attacks was his department’s highest priority. The next day, the department issued guidelines for the 2003 budget which cited drug trafficking and gun violence as its top priorities, and made no mention of counterterrorism.

Questioned about this by the commission staff, Ashcroft claimed the guidelines were based on a strategic plan developed by his predecessor, Clinton’s attorney general Janet Reno. But he admitted that Reno’s document included several references to counterterrorism which had been deleted in his own version. The incident reveals Ashcroft’s curious duplicity on this subject, to which we will return.

The FBI and the threat of hijacking

It was within the FBI that two of the most important indications of the impending terrorist attacks were stifled and suppressed. These are the now notorious memos from agents in the Phoenix and Minneapolis offices. The first, drafted by Kenneth Williams, a counterterrorism specialist in Arizona, warned of suspected terrorists seeking training at local flight schools. Williams was primarily concerned that an Al Qaeda supporter could plant a bomb on a plane, on the model of the Lockerbie attack. His suggestion that flight schools should be systematically canvassed for reports of Islamic fundamentalist students, if it had been followed up, would have quickly led to the identification of several of the future 9/11 hijackers.

The Minneapolis memo came in the wake of the arrest of Zacarias Moussaoui, an Islamic fundamentalist seeking flight training at a school in suburban Eagan, Minnesota. Local FBI officials took him into custody for an immigration violation after the flight instructors reported conduct they found suspicious. Moussaoui wanted learn how to fly a 747 although he had no appreciable skill or experience even in a small plane. He had paid in cash and had an excitable, even belligerent, personality, as was demonstrated in repeated courtroom outbursts after charges were brought against him in the wake of September 11.

Thomas Pickard, the acting director of the FBI after Louis Freeh stepped down in June 2001, testified that he did not learn of either memo until a few hours after the hijacked jets slammed into the World Trade Center and the Pentagon. He also learned for the first time, he said, that an FBI informant in San Diego, California had been linked to two of the actual hijackers, Khalid al Mihdhar and Nawaf al Hazmi. According to some published reports, the informant had befriended them and even arranged housing for them for several months in early 2000 while the two men were living in San Diego. During that time the two future hijackers were listed in the San Diego phone book—and on an internal CIA terrorist watch list.

These two men entered the United States in January 2000, after attending an alleged terrorist planning meeting in Malaysia which was being monitored for the CIA by the local secret police. CIA officials claimed, immediately after September 11, that they had informed the FBI sometime in 2000 that al Mihdhar and al Hazmi were in the United States. But both FBI and CIA officials told the 9/11 commission this month that the information was not turned over to the FBI until August 27, 2001, only two weeks before the terrorist attacks.

The significance of the San Diego events was spelled out in the testimony of former FBI Director Freeh, under questioning by Democratic commissioner Timothy Roemer, a former congressman. Freeh said: “You know, the presence of those two hijackers in San Diego and their intersection with the informant, obviously, you know, a very fruitful opportunity for exploitation—intelligence information, maybe in the best of all circumstances, leading to prevention. It would have been helpful for

the FBI at that particular point in time to know the names of those two individuals.... if all of that had worked the way it could have worked and that informant, as well as informants all over the FBI's domain, were tasked to find out information about two specific people, you could have had a completely different result."

According to testimony to the 9/11 commission, the CIA did not enter the names of al Mihdhar or al Hazmi on the official TIPOFF roster which notifies the Immigration and Naturalization Service (INS) and other federal agencies that the person in question is a suspected terrorist. No explanation has been offered for the reason for this failure. As it happened, after the CIA finally notified the FBI, the information was routed to the New York City office of the bureau—the destination al Mihdhar and al Hamzi had indicated in their visa applications. The New York office determined that the two men had never arrived there, and forwarded their names to the Los Angeles office for further investigation, on September 11, 2001. The FBI agent who handled the San Diego informant told the commission that if he had been told the two men were wanted for questioning, "I'm sure we could have located them, and we could have done it within a few days."

Pickard vs. Ashcroft

Pickard expressed concerns about Ashcroft's attitude to terrorism that were similar to those of Dale Watson, also citing the omission of counterterrorism from the May 10 memorandum. Even more striking was his statement, in an interview with the commission staff, that after he briefed the attorney general twice on terrorist threats during the summer of 2001, Ashcroft told him "he did not want to hear this information anymore."

Pickard repeated this charge in the course of the following exchange with commission member Richard Ben-Veniste, a former Watergate special prosecutor:

Ben-Veniste: You had some seven or eight meetings with the attorney general?

Pickard: Somewhere in that number. I have the exact number, but I don't know the total.

Ben-Veniste: And according to the statement that our staff took from you, you said that you would start each meeting discussing either counterterrorism or counterintelligence. At the same time the threat level was going up and was very high. Mr. Watson had come to you and said that the CIA was very concerned that there would be an attack. You said that you told the attorney general this fact repeatedly in these meetings. Is that correct?

Pickard: I told him at least on two occasions.

Ben-Veniste: And you told the staff according to this statement that Mr. Ashcroft told you that he did not want to hear about this anymore. Is that correct?

Pickard: That is correct.

Ashcroft strongly denied Pickard's account, in the following exchange with a friendly commissioner, Republican Jim Thompson, the former governor of Illinois:

Thompson: Acting Director Pickard testified this afternoon that he briefed you twice on Al Qaeda and Osama bin Laden and when he sought to do so again you told him you didn't need to hear from him again. Can you comment on that please?

Ashcroft: First of all, Acting Director Pickard and I had more than two meetings. We had regular meetings. Secondly, I did never speak to him saying that I did not want to hear about terrorism. I care greatly about the safety and security of the American people and was very interested in

terrorism and specifically interrogated him about threats to the American people and domestic threats in particular.

Remarkably, there was no attempt by any of the 9/11 commissioners to determine whose account was true. Each man testified on national television, under oath, within a few hours of the other, giving diametrically opposed versions of events. One or both of these men—the head of the Justice Department and the head of the FBI—are lying about a central fact of the events leading up to September 11, a fact which has barely been commented on in the media.

In this instance, there is no obvious reason why Pickard, who retired from the FBI in December 2001, should be lying about Ashcroft's conduct. The attorney general, on the other hand, has a clear motive for twisting the truth—and this is not the only instance in which Ashcroft appears to have done so.

Both Ashcroft and Pickard said they were unaware that President Bush had asked for a report on possible domestic attacks by Al Qaeda and had not been consulted in the preparation of the Presidential Daily Brief of August 6, 2001, which carried the headline, "Bin Laden Determined to Strike within US." The PDB claimed that the FBI was then engaged in 70 full field investigations into Al Qaeda, although both Ashcroft and Pickard said they did not know how the CIA had come up with that figure.

Ashcroft said he did not have access to the PDBs before September 11, but this effort to portray himself as largely outside the loop on national security matters was punctured in questioning by Jamie Gorelick, a Democratic commissioner who was deputy attorney general in the Clinton administration:

Gorelick: Now here is my question: You did not get the Presidential Daily Brief, but you did get the senior executive intelligence brief that was provided to the next rung of the government. Is that correct? You got that daily?

Ashcroft: The SEIB...

Gorelick: The SEIB.

Ashcroft: ... was available to me.

Gorelick: On August 7, 2001, a SEIB that reflected much of—although it was not identical to—much of the content of the August 6 Presidential Daily Brief came out. And I would like to ask you if you remember seeing a document headed, "Terrorism: Bin Laden Determined To Strike In The United States," in the SEIB.

Ashcroft: I was briefed, and items of interest were noted for me from time to time by my staff.

A provocation from the attorney general

Ashcroft thus attempted, at several points in his appearance before the commission, to minimize or deny any responsibility for the Bush administration's failure to prevent the September 11 attacks. But the most defensive—and therefore most revealing—moment of his testimony came in his opening statement, when he launched a brazen and transparently false attack on Democratic commissioner Gorelick.

He began this portion of his statement with the following declaration: "Had I known a terrorist attack on the United States was imminent in 2001, I would have unloaded our full arsenal of weaponry against it. Despite the inevitable criticism, the Justice Department's warriors, our agents and our prosecutors, would have been unleashed. Every tough tactic we have deployed since the attacks would have been deployed before the attacks."

As we have already seen, this claim of ignorance is a brazen lie. Ashcroft was repeatedly warned of an impending attack on the United States, both in briefings from Pickard and through the circulation of

material from the CIA and National Security Council (NSC).

Then Ashcroft launched his political provocation. His statement continues: “The simple fact of September 11 is this: We did not know an attack was coming because for nearly a decade our government had blinded itself to its enemies. Our agents were isolated by government-imposed walls, handcuffed by government-imposed restrictions and starved for basic information technology.”

Ashcroft went on to elaborate this claim, which is a reference to the so-called wall between intelligence-gathering and criminal investigations, which was a byproduct of the congressional investigations of the 1970s into domestic spying, dirty tricks, political harassment and other criminal activities by the FBI and CIA. He blamed the “wall” for the failure of the CIA to notify the FBI about al Mihdhar and al Hazmi, for the failure of the FBI to follow up on the Moussaoui arrest, and for the general lack of vigilance before September 11.

In the week leading up to his testimony, Ashcroft had the Justice Department declassify a memorandum written in 1995, setting out guidelines entitled, “Instructions for Separation of Certain Foreign Counterintelligence and Criminal Investigations.” Introducing the memorandum to the commission in his opening statement, he declared, “This memorandum laid the foundation for a wall separating the criminal and intelligence investigations, as a matter of fact, established the wall following the 1993 World Trade Center attack, which at the time was the largest international terrorism attack on American soil, the largest prior to September 11. Although you understand the debilitating impact of the wall, I cannot imagine that the commission knew about this memorandum. So I have had it declassified for you and the public to review. Full disclosure compels me to inform you that the author of this memorandum is a member of the commission.” This was a reference to Gorelick.

There is no question that the Gorelick memorandum is a deliberate red herring, introduced into the proceedings for two purposes: to smear and intimidate potential critics of the Bush administration, and to distract attention from the ongoing cover-up of the role of US intelligence agencies in relation to September 11.

Commissioner Slade Gorton, a former Republican senator from Washington State, defended Gorelick in his questioning of Ashcroft, exposing the fact that in August 2001, Ashcroft’s own deputy attorney general, Larry Thompson, reaffirmed the guidelines for separation of intelligence and criminal investigations. This came in the following exchange:

Gorton: Your second issue is a severe criticism of the 1995 guidelines that, as you say, imposed draconian barriers to communications between law enforcement and the intelligence communities, the so-called wall. I don’t find that in the eight months before September 11, 2001, that you changed those guidelines. In fact, I have here a memorandum dated August 6 from Larry Thompson, the fifth line of which reads, “The 1995 procedures remain in effect today.” If that wall was so disabling, why was it not destroyed during the course of those eight months?

Ashcroft: The August 6 memorandum of Deputy Attorney General Larry Thompson made possible significantly more information sharing by mandating that those individuals involved in intelligence investigations who came across information relating to a felony federal offense immediately provide notice of that felony federal offense to people on the criminal side of the house. It was a step in the direction of disabling the wall. It was a step in the direction of lowering the wall, providing for greater communication.

Gorton: But it was after August 6, 2001, that Moussaoui was picked up and the decision was made in the FBI that you couldn’t get a warrant to search his computer. So those changes must not have been very significant.

Ashcroft: I missed your question, Commissioner.

Gorton: Well, you say as a part of your criticism of the 1995 guidelines,

after the FBI arrested Moussaoui, agents became suspicious of his interest in commercial aircraft and sought approval for a criminal warrant to search his computer. The warrant was rejected because FBI officials had feared breaching the wall. Yet that was after these changes that you say were significant on August 6.

More fundamentally, the Ashcroft provocation—and of much of the media commentary about September 11, 2001—is based on a gross distortion of the actual conditions under which US counterintelligence operated before the events of that day. Former Attorney General Janet Reno declared in her prepared statement to the 9/11 commission: “There are simply no walls or restrictions on sharing the vast majority of counterterrorism information. There are no legal restrictions at all on the ability of members of the intelligence community to share intelligence information with each other.

“With respect to sharing between intelligence investigators and criminal investigators, information learned as a result of a physical surveillance or from a confidential informant can be legally shared without restriction.

“While there were restrictions placed on information gathered by criminal investigators as a result of grand jury investigations or Title 3 wiretaps, in practice they did not prove to be a serious impediment, since there was very little significant information that could not be shared.”

The largely mythical “wall” is not the reason why the FBI and CIA failed to make any serious effort to forestall the terrorist attacks of September 11. The source of their inaction—or deliberate complicity—must be found in the political requirements of the Bush administration, which was seeking a pretext to launch US military intervention in Central Asia and the Middle East.

To be continued



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact