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## United States Senate

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SSCI #2006-4735

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December 22, 2006

Members of the Senate Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Colleague:

The Senate Select Committee on Intelligence staff has completed its review of the Department of Defense (DOD) program known as "Able Danger" and we wanted to apprise you of the findings. The results of this staff review were confirmed in all respects by the DOD Inspector General investigation of the Able Danger program (Case Number H05L9790521) released on September 20, 2006.

### *Background*

"Able Danger" was the unclassified name for an effort that began in October 1999. Then Chairman of the Joint Chiefs of Staff, General Henry H. Shelton, U.S. Army, directed the U.S. Special Operations Command (USSOCOM) to develop a campaign plan against transnational terrorism with an initial focus on the al Qa'ida terrorist network, its command and control infrastructure, leadership, and decision-making process. The USSOCOM fulfilled its mission to draft a campaign plan and delivered this final product to the Joint Staff in January 2001, *at which point* the Able Danger effort was concluded.

Committee staff began its review of the Able Danger program in August 2005, when certain allegations relating to the program first gained prominence in the media. Specifically, the staff review examined the following four claims:

Claim 1: The Able Danger program had linked Mohammed Atta and three other September 11 hijackers to al-Qa'ida on a chart prepared almost two years prior to September 11, 2001.

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- Claim 2: Soon after the September 11 attacks, the pre-September 11, 2001 chart with Mohammed Atta's picture was passed to then Deputy National Security Advisor Stephen Hadley.
- Claim 3: DOD lawyers prevented Able Danger team members from sharing Able Danger's findings with the FBI.
- Claim 4: DOD lawyers wrongly interpreted intelligence oversight law and issued legal guidance that unnecessarily restricted the Able Danger effort and caused the destruction of Able Danger program data.

In September 2005, Committee staff advised Committee Members during a briefing about this inquiry that, based on initial witness interviews and document reviews, staff believed the individuals who claimed to see Mohammed Atta's picture on an Able Danger chart prior to September 11, 2001, were mistaken. Following that brief, Committee staff conducted additional interviews and document reviews. Committee staff interviewed numerous individuals who had worked on the Able Danger program or had knowledge of the issues surrounding its activities, including each of the individuals who claimed to have seen Mohammed Atta's name and picture on an Able Danger chart produced prior to 9/11.

***Claim 1: Atta and Three Other Hijackers on Able Danger Chart Prior to 9/11***

Committee staff concluded that Able Danger did not identify Mohammed Atta or any other 9/11 hijacker at any time prior to September 11, 2001. The allegation that the Able Danger program identified Mohammed Atta and other hijackers comes from a small number of individuals involved directly or tangentially in the Able Danger effort. These individuals claimed to have seen an Able Danger chart with a photograph of Atta identified as part of a "Brooklyn cell" before September 11, 2001. Evidence indicates, however, that the Able

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Danger program never produced a chart with Mohammed Atta's photograph or name prior to the 9/11 attacks. Committee staff found that all Able Danger charts containing photographs were produced by a single defense contractor, using open source information. These charts were produced for training purposes to show link analysis of known al-Qa'ida members. The former president of the defense contractor and the former employee who created the charts with the photographs of al-Qa'ida associates were emphatic that no charts produced by the defense contractor included the name or photograph of Mohammed Atta, or any of the other 9/11 hijackers, prior to the 9/11 attacks. The former president of the company told Committee staff that within days after 9/11 he personally searched the company's data holdings that were available prior to 9/11 and confirmed that the database did not have any information about Mohammed Atta, making a pre-9/11 chart from that defense contractor with information about Mohammed Atta impossible. The Committee staff found that the only Able Danger charts with photographs came from that single defense contractor. Therefore, the Committee staff found it implausible that the Able Danger program produced a pre-9/11 chart with Mohammed Atta's picture.

Individuals who claim to have seen Mohammed Atta's name or picture on a pre-9/11 Able Danger chart may be recalling information associated with other individuals on one of the defense contractor's charts. This chart (attached), provided to the Able Danger program in January 2000 depicted a "Brooklyn cell" comprised of individuals identified as terrorists, and in some cases incarcerated, because of their involvement in the 1993 World Trade Center attack and New York City "Landmarks" plot. One of these individuals depicted on the chart arguably looked like Mohammed Atta. In addition, the chart contained names of al-Qa'ida associates that sound like Atta, as well as numerous variations of the common Arab name Mohammed. The memories of these individuals also may have been influenced by seeing similar charts produced immediately after the 9/11 attacks by the same former employee of the defense contractor. This post 9/11 chart contained information about Mohammed Atta and the other 9/11 hijackers that was available publicly after the attacks.

The staff review found that the testimony of the five individuals who claimed to have seen Mohammed Atta's picture or name on an Able Danger chart prior to 9/11 was not credible or reliable. Their testimony was inconsistent with the testimony of other witnesses and, in some instances, inconsistent with their own previous statements to staff and the media. Committee staff also found testimony from several of these witnesses to be inconsistent with statements they later made to the DOD Inspector General. The witnesses can recall few details about the chart, other than the picture or name they believe was Mohammed Atta. Witnesses also have admitted to having numerous conversations with each other, years after the 9/11 attacks and continuing through the Committee's inquiry, about the chart and their recollections. These conversations have made it difficult for Committee staff, and even the witnesses themselves, to distinguish between their own memories of events and what they have been told by other witnesses.

***Claim 2: The Pre-9/11 "Atta Chart" was Passed to Mr. Stephen Hadley***

Committee staff also concluded that a chart allegedly presented to then Deputy National Security Advisor Stephen Hadley was not a pre-9/11 chart. In a June 27, 2005, floor statement and in a book published the same month, Congressman Curt Weldon said that two weeks after 9/11 he met with Mr. Hadley in the White House and presented him with a chart the Congressman had been given in the aftermath of 9/11 by "friends from the Army's Information Dominance Center." Congressman Weldon said the chart was developed in 1999 as part of the Able Danger initiative and that it showed Mohammed Atta and the infamous "Brooklyn cell."

A member of Congressman Weldon's staff told Committee staff that the chart was given to Congressman Weldon after 9/11 by a former analyst from the Army's Information Dominance Center. The former analyst confirmed to the DOD Inspector General that Congressman Weldon's staff told her that she was the source of the chart in question, but she denied providing Congressman Weldon with a pre-9/11 chart. Likewise, when interviewed by Committee staff, she said that at the time of the Hadley meeting, she did not have any pre-9/11 Able Danger

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charts in her possession. She told Committee staff that she did take a chart to Congressman Weldon's office before his September 2001 White House meeting that showed several of the 9/11 hijackers, including Mohammed Atta, but stated that this chart was prepared by the defense contractor after 9/11, not before. She refused to answer questions from Committee staff about whether Congressman Weldon or his staff understood that the chart she brought was a post-9/11 chart. She said that in addition to this post-9/11 chart, she observed Congressman Weldon bringing several additional charts to the meeting with Mr. Hadley. She said she did not see the contents of those additional charts nor did she see any charts exchanged between the Congressman and Mr. Hadley.

National Security Council (NSC) staff told the Committee that Mr. Hadley met with the Congressman on September 25, 2001, to discuss counterterrorism coordination issues. According to the NSC staff, Mr. Hadley recalls receiving a link analysis briefing and various charts during this time period, but does not specifically recall receiving or seeing any charts in conjunction with the meeting with the Congressman. At no time did Mr. Hadley ever see a chart with pre-9/11 data bearing Atta's picture or name as described by Congressman Weldon. Finally, the NSC staff told the Committee that no White House personnel involved in the meetings on September 25, 2001, recall seeing such a chart and White House files contain no such chart.

Committee staff cannot determine whether a chart bearing Mohammed Atta's picture was ever presented to Mr. Hadley, but concluded that if such a chart was presented it was a chart prepared after 9/11. Committee staff found no credible evidence that a pre-9/11 Able Danger program chart with Mohammed Atta's picture or name existed. Furthermore, the analyst who went to the White House with Congressman Weldon told Committee staff that the chart she provided to the Congressman with Mohammed Atta's name and picture had been prepared after 9/11, not before.

***Claim 3: DOD Lawyers Prevented FBI Access to Able Danger Information***

Committee staff found no evidence to support the allegation, stemming primarily from the claims of an Army Lieutenant Colonel associated with Able Danger, that Able Danger team members were prevented from pursuing contact with the FBI to share terrorism related information found by the Able Danger program. The Lieutenant Colonel claimed, publicly and during interviews with the Committee staff, that he asked his deputy to arrange meetings between the FBI and the Army Colonel who directed the Able Danger team. He claimed further that these meetings were cancelled because of the concerns of DOD lawyers, which he vaguely described as issues regarding the involvement of DOD with domestic law enforcement.

Testimony from several witnesses, however, contradicts the Lieutenant Colonel's claims. The Lieutenant Colonel's deputy denied ever setting up meetings with the FBI related to the Able Danger program. The Colonel who allegedly was to have attended the meetings said he had no knowledge of such meetings being scheduled. The Lieutenant Colonel's FBI contact said she provided the Lieutenant Colonel with a phone number in another FBI office, but never had any conversations with him about the Able Danger program or the proposed meetings as the Lieutenant Colonel alleged.

A Navy Captain, who was part of the Able Danger team, provided inconsistent testimony about his discussion with the Lieutenant Colonel pertaining to the alleged FBI meetings. In his first interview with Committee staff, the Captain testified that the Lieutenant Colonel told him only that he was trying to arrange meetings, but in a second interview the Captain told Committee staff that the Lieutenant Colonel notified him that he had arranged meetings with the FBI and that the Colonel, who was to have attended, did not show up. Despite describing himself as a "zealot" on the issue of sharing terrorism-related information with the FBI, the Captain said he never asked the Colonel (who directed the Able Danger team and for whom the Captain worked) why he did not attend the meetings. The Captain denies telling the Lieutenant Colonel that DOD lawyers prevented the Colonel from attending the meetings.

Committee staff found no evidence to support the Lieutenant Colonel's claims. Furthermore, Committee staff found no evidence that the Able Danger program produced any actionable intelligence or any information which would have warranted sharing with the FBI.

***Claim 4: The Advice of DOD Lawyers Improperly Restricted Able Danger and Resulted in the Destruction of Program Data***

Finally, Committee staff concluded, contrary to witness claims, that DOD lawyers correctly interpreted intelligence oversight law and issued appropriate legal guidance on the collection, retention, and destruction of information. DOD legal staff prepared terms of reference which set guidelines for the use and retention of U.S. person information and established an intelligence oversight program for Able Danger team members. The terms of reference stated that "while the mission is focused on the collection of foreign intelligence information, it is possible that U.S. person information will be collected, either intentionally or incidentally. ... Incidentally collected information will be destroyed unless it meets the criteria for retention described in DoD 5240.1...." DoD 5240.1-R is a DOD regulation that allows information about U.S. persons to be retained temporarily, for a period not to exceed 90 days, solely for the purpose of determining whether that information may be of pertinent value as defined by Executive Order 12333. That definition refers to information collected concerning intelligence activities directed against the United States, international terrorist and international narcotics activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents. Able Danger data was destroyed properly and in compliance with this guidance. Committee staff concluded that these guidelines were not an impediment to the Able Danger program mission.

***The DOD Inspector General Investigation***

On September 20, 2006, the DOD Inspector General released its report of investigation into allegations that DOD officials mismanaged the Able Danger program and brought reprisals against a key proponent, the Lieutenant Colonel

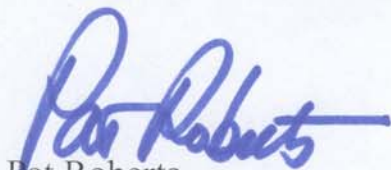
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mentioned above. The Inspector General conducted its investigation at the request of several Members of Congress. The Inspector General examined four allegations concerning the treatment of the Lieutenant Colonel by DOD officials, which were not addressed by the Committee staff, and five allegations related to the operation of the Able Danger program and its termination, substantially covered by the Committee staff and discussed above. The Inspector General's investigation did not substantiate the nine allegations it examined regarding Able Danger.

The Inspector General concluded that prior to September 11, 2001, Able Danger team members did not identify Mohammed Atta or any other 9/11 hijacker. The Inspector General also found that testimony from witnesses who claimed to have seen a chart which contained the picture and/or name of Mohammed Atta varied significantly from each other, and in some instances, testimony from witness re-interviews was inconsistent with the testimony those witnesses had provided earlier. The Inspector General also found no evidence to corroborate the claims of witnesses that Able Danger team members were prohibited from sharing information with the FBI or that Able Danger data was improperly destroyed.

### ***Conclusion***

In conclusion, both the Senate Select Committee on Intelligence staff review and the DOD Inspector General review revealed no evidence to support the underlying Able Danger allegations discussed above. We consider this matter closed. If after reviewing this summary you have additional questions, the Committee staff is available to brief you in detail on these findings.



Pat Roberts  
Chairman

Sincerely,



John D. Rockefeller IV  
Vice Chairman

Attachment



