

# 9/11

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September 20, 2005

The Honorable Arlen Specter, Chairman  
The Honorable Patrick J. Leahy, Ranking Member  
Committee on the Judiciary  
SD-224 Dirksen Senate Office Building  
Washington, DC 20510-6275

Dear Senators Specter and Leahy:

The 9/11 Commission has never claimed to be the last word on the topic of the September 11<sup>th</sup> terrorist attacks. The Commission acknowledged in the preface to its Report: "New information will inevitably come to light." We are open to new information that will help the American people to understand better the 9/11 story. As new evidence becomes available, it should be taken into account. Nothing that we have heard from Lt. Colonel Shaffer, Captain Phillpott or Representative Weldon has caused us to revise our account. Unless and until new documentary evidence is brought forward, the Commission stands by its Report.

There has been a great deal of publicity with respect to statements by Lt. Col. Shaffer, Captain Phillpott and Representative Weldon that merits comment.

Claims by Lt. Col. Shaffer. The Commission's Executive Director and two senior staff met Lt. Colonel Shaffer in Bagram, Afghanistan in October 2003. They were accompanied by a White House lawyer. Lt. Col. Shaffer advised that group about the existence of the Able Danger program, which staff proceeded to investigate.

The Commission immediately requested all documents on the Able Danger program related to terrorism and Afghanistan. The Commission reviewed those documents. The Pentagon confirms that it provided all relevant Able Danger documents to the Commission.

Lt. Col. Shaffer also claims he told Commission staff in that same meeting that Able Danger had identified Mohamed Atta: It didn't happen.

The three Commission staff present were investigating the 9/11 plot and, of course, Mohamed Atta as leader of the plot. They would have certainly remembered if they had been told that someone in the government had identified Mohamed Atta before 9/11. Their notes make no mention of Atta or the other hijackers. The White House lawyer present at that

meeting agrees with the account of Commission staff. Shaffer's own talking points prepared for the meeting make no mention of Atta or the other hijackers. Mr. Shaffer's own public accounts of this meeting have changed repeatedly: for example, he said on Fox News' *Hannity and Colmes* on August 18 that he did *not* discuss the names of the terrorists in the Afghanistan meeting, contrary to his prior assertions.

In the Commission's review of Able Danger documents, there was no mention of Mohamed Atta. There were no charts, no data sets, and no analysis identifying Mohamed Atta or any of the other hijackers pre-9/11. There was no evidence whatsoever that future hijacker Mohamed Atta had been identified as an individual of interest to the U.S. government.

Lt. Col. Shaffer further asserts that on three occasions in summer of 2000 he and others involved in the Able Danger program scheduled appointments with the FBI Washington Field Office to pass Atta's name and photo and the names and photos of other al Qaeda terrorists Able Danger had allegedly identified. He claims Special Operations Command lawyers strongly advised against the meetings because the suspected al Qaeda operatives were in the United States legally. He claims that an Able Danger commanding general ordered him to refrain from passing information to the FBI. The Department of Defense has interviewed the relevant lawyers and the general who was in command at the time. They do not substantiate Shaffer's claims; the general specifically rejects Shaffer's claims. The documentary record does not support Shaffer's claims.

According to the Department of Defense, Lt. Col. Shaffer worked on the Able Danger program for a total of 27 days during the life of a program that lasted approximately 18 months. In March 2004, Lt. Col. Shaffer lost his security clearance and was placed on paid administrative leave with respect to inaccurate characterizations of his past actions.

Meeting with Captain Phillipott. On July 12, 2004, 9/11 Commission Senior Counsel Dieter Snell interviewed Captain Phillipott, who requested the meeting. Mr. Snell led the investigation of the 19 hijackers. Mr. Snell is a Deputy Attorney General of the State of New York. Mr. Snell led the prosecution team that convicted Ramzi Yousef, the first World Trade Center bomber, and put him behind bars for 240 years.

Captain Phillipott told the Commission he recalled seeing before 9/11 the name and photo of Mohamed Atta on an "analyst's notebook chart" assembled by another officer. He said he saw this material only briefly, and that it dated from the period February to April 2000. He had no documentary evidence. He himself had not performed the analysis, nor could he explain what information led to this supposed identification of Atta.

The Commission had already requested and reviewed all relevant Able Danger documents, and had found no documentary evidence that DOD had identified Atta before 9/11. There was no corroboration of Phillipott's account with any information from U.S. government or German government sources. His account did not match up with detailed evidence documenting Atta's travels, activities, and entry into the United States, including INS and State Department records.

Senior Counsel Snell concluded – correctly, in our judgment – that the officer’s account was not sufficiently reliable to warrant inclusion in the report or further investigation. This conclusion is not a challenge to Captain Phillipott’s good intentions – the tip he provided just did not check out.

Claims by Representative Weldon. In his book *Countdown to Terror*, published in June 2005, Rep. Weldon writes the following (p.18):

“On September 25, 2001, just two weeks after 9/11, I met in the White House with Stephen Hadley, the deputy national security adviser to the President. I presented him with a 2’ x 3’ chart I had been given in the aftermath of 9/11. The chart was developed in 1999, as part of a Defense Department initiative dubbed ‘Able Danger.’ It diagrammed the affiliations of al Qaeda and showed Mohammed Atta and the infamous Brooklyn Cell. Hadley’s response was ‘I have to show this to the big man.’”

Representative Weldon apparently did not keep a copy of the chart. He never informed the FBI’s PENTTBOM investigation of this chart, a vitally important piece of information. He never informed the Congressional Joint Inquiry of this chart. He never informed the 9/11 Commission of this chart, even as he had several conversations with 9/11 Commissioners and his office was in contact with Commission staff.

Mr. Stephen Hadley, at that time the President’s Deputy National Security Adviser, never reported the existence of such a chart to either the Congressional Joint Inquiry or the 9/11 Commission. He does not acknowledge the existence of any such chart.

On May 23, 2002, Rep. Weldon displayed a chart at a Heritage Foundation briefing. He said the following: “This is the unclassified chart that was done by the Special Forces command briefing center one year before 9/11. It is the complete architecture of al Qaeda...” Rep. Weldon made no mention of Mohamed Atta in connection with this chart.

If Rep. Weldon’s charge is correct that he provided a pre-9/11 chart with the name Mohamed Atta on it to Mr. Hadley, both he and Mr. Hadley are guilty of withholding vitally important evidence, at a time when they had an obligation and duty to disclose it. Mr. Hadley is a distinguished public servant and I believe he would have come forward with such information had he possessed it.

No such documents have been found. Since the statements by Lt. Col Shaffer, Captain Phillipott and Rep. Weldon, the Pentagon has conducted its own internal investigation. The Pentagon describes its probe as “broad,” “deep,” and “aggressive.” It has uncovered no chart and no documentary evidence to support the allegation that Able Danger identified Mohamed Atta before 9/11. The Pentagon interviewed 80 individuals, and reviewed 9.5 million records, including the emails and electronic records of Shaffer and others involved in the Able Danger project. It reviewed hundreds of link analysis charts produced before 9/11 – none of which mentions Atta or the other hijackers.

The Pentagon reviewed the hard drives and files of the three contractors who performed the actual link analysis and prepared link analysis charts for Able Danger. They do not recall the name Atta on pre-9/11 charts. One contractor states flatly that there was no chart with Atta's name or photo on it before 9/11 and those who assert otherwise are mistaken. That analyst asserts that, given his responsibilities, it would have been impossible for him not to have been aware of such a chart.

Those who now claim they saw such a chart before 9/11 have come forward several years after they claim to have seen such a chart with Atta's name and photo; they did not produce such a chart; they cannot explain how link analysis produced such a chart; they cannot reproduce the analysis; and they cannot now provide a copy of such a chart.

Each has an excuse as to why he can no longer provide the chart: not saving a copy; changing offices; and most recently, claiming that someone else destroyed the documents.

Skepticism about the Destruction of Documents. The claim is made that documents with the relevant information about Mohamed Atta were destroyed. Several questions deserve the Committee's attention.

If all such documents were destroyed, why do hundreds of pre-9/11 link analysis charts with the names of terrorists still exist – none of which contain the name Atta?

If all documents mentioning the names of U.S. persons were destroyed, then why do pre-9/11 charts exist with the names of terrorists who are U.S. persons by virtue of the fact they are in U.S. prisons? None of these charts contain the name Atta.

If all such documents were destroyed, why did Congressman Weldon write he had such a chart in his possession, and provided it to the Deputy National Security Adviser immediately after 9/11?

Memories are Faulty. So what happened? Why are there people making claims that they saw Atta's name and picture on a chart?

In any high-profile investigation, many, many people come forward. They believe they have information that is important.

Any investigator in a high-profile investigation can tell you that most tips – tips provided by good people -- don't check out. No evidence turns up to corroborate what people think they saw. Any investigator can tell you that cross-ethnic identifications are difficult. Any investigator can tell you that Arabic names are subject to many different spellings in English, confusion and mis-identification. Any investigator can tell you that memories – years after the fact – are faulty.

We do know that there is a chart from 1999 that mentions those involved in the first World Trade Center bombing – those involved in a “Brooklyn cell.” The chart mentions Ahmad

AJAJ and Mohammed ATEF, not Mohamed ATTA. Mohammed ATEF was a well-known senior leader in al Qaeda at the time.

We do know that there is a chart, similar to the one described by Captain Phillpott and others involved, which depicts a cell that could be described as a "Brooklyn cell." This chart, and that particular cell, includes a picture of a young Egyptian terrorist, Eyad Ismoil. He resembles Atta, and he is currently serving a 240 year prison sentence as a convicted conspirator in the first World Trade Center bombing.

We know that the picture post-9/11 of Mohamed Atta on his Florida's drivers license is a picture burned into people's memory. Author Terry McDermott, a *Los Angeles Times* staff writer, has spent the better part of the past four years investigating the life of Mohamed Atta. He writes the following:

Over the last four years I have interviewed dozens of people who swore they saw Atta somewhere he wasn't. This includes an assortment of waiters, students, flight instructors, taxi drivers and, more dramatically, two women who each claim to have been married to Atta, this despite the fact that they were never in the same city at the same time.

We appreciate that the above is speculation about reasons for mistaken identity, by good people who want to help.

What are the Facts? Returning from speculation to facts, the 9/11 Commission based its report on: (1) Facts obtained from documentary evidence; and (2) Witnesses who had direct, firsthand knowledge of documents they produced and events they described.

Those now making claims about Atta's name on a chart cannot produce the chart, did not do the analysis, and cannot reproduce the analysis.

If others had in their possession such charts or documents that had identified Mohamed Atta before 9/11, many serious questions must be addressed to them: What did they do with this information? Did those with such a chart tell anybody up the chain of command? None of their commanding officers seem to remember a thing about such a chart. Why did they wait three or four years to come forward?

In the Department of Defense, the 9/11 Commission interviewed General Schoomaker, who was Commander of the Special Operations Command at the time Able Danger was created. The Commission interviewed General Hugh Shelton, who was Chairman of the Joint Chiefs of Staff, Admiral Scott Fry and General Gregory Newbold, successive directors of operations for the Joint Staff. The Commission interviewed Brian Sheridan, the Assistant Secretary for Special Operations and Low Intensity Conflict (SOLIC) during the period Able Danger was in existence; as well as several other senior and mid-level managers in SOLIC. Despite direct questions for any information relevant to the 9/11 attacks, they mentioned nothing about a chart. They mentioned nothing about identifying Mohamed Atta, even in response to questions about the Able Danger program.

The 9/11 Commission interviewed Mr. Stephen Hadley for 3 hours. Mr. Hadley also responded to questions from the Congressional Joint Inquiry. He mentioned nothing about a chart and mentioned nothing about the name of Mohamed Atta on a chart.

The 9/11 Commission interviewed his boss, Condoleezza Rice for over 4 hours. She said nothing about a chart and mentioned nothing about the name Mohamed Atta on a chart.

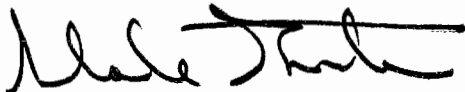
The 9/11 Commission interviewed her boss, President Bush, for nearly three hours. Neither he nor the Vice President said anything about a chart or the name Mohamed Atta on a chart.

The White House has not confirmed the existence of such a chart. There is no evidence to document that such a chart ever existed.

One final point: Claims about Mohamed Atta—even if they were true—would not change the Commission's recommendations. The Commission documented in great detail many examples of the failure to share information. The Commission made several recommendations to improve information sharing across the government. Action on those recommendations is still necessary.

I appreciate your time and attention, and ask that this letter be made part of the Able Danger hearing record.

With best regards,



Slade Gorton

United States Senator, 1981-87; 1989-2001

Member, National Commission on Terrorist Attacks Upon the United States

CC: Senator Pat Roberts, Senator Orrin G. Hatch, Senator Charles E. Grassley, Senator Jon Kyl, Senator Mike DeWine, Senator Jeff Sessions, Senator Lindsey Graham, Senator John Cornyn, Senator Sam Brownback, Senator Tom Coburn, Senator Edward M. Kennedy, Senator Joseph R. Biden, Senator Herb Kohl, Senator Dianne Feinstein, Senator Russell D. Feingold, Senator Charles E. Schumer, Senator Richard J. Durbin