

Statement of
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Concerning the Joint 9/11 Inquiry

Senate Select Committee on Intelligence
House Permanent Select Committee on Intelligence

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Chairmen Graham and Goss, Ranking Minority Members Shelby and Pelosi, and members of the Senate and House Intelligence Committees, my name is Stephen Push. I am a co-founder and Treasurer of Families of September 11, a non-profit organization that represents 1,300 family members of victims murdered in the 9/11 terrorist attacks. On that day my wife, Lisa Raines, was a passenger on American Airlines Flight 77, the plane that crashed into the Pentagon.

First, I would like to thank you and the Joint 9/11 Inquiry staff for the vital work you are doing to understand the problems of the intelligence agencies and take steps to correct them. I appreciate the hard work you and the staff are doing to ensure that our loved ones will not have died in vain.

Second, I would like to thank you for inviting Kristen Breitweiser and me to testify today. I realize that your decision was not popular with bureaucrats in the intelligence community. But the victims' families greatly appreciate the opportunity to have their voices heard on the important work of the your inquiry. Our loved ones paid the ultimate price for the worst American intelligence failure since Pearl Harbor. I hope that Kristen and I can do justice to their sacrifice and contribute in some small way to preventing other families from experiencing the immeasurable pain that accompanies such tragic loss.

While I eagerly await the final report of your inquiry, one thing is already clear to me based on news reports about the intelligence failures that led to the attacks: If the intelligence community had been doing its job, my wife would be alive today.

I realize that preventing terrorism is a difficult task and that we will never achieve absolute safety. But a series of missteps that defy common sense made the attack on the Pentagon possible.

In January 2000 the Central Intelligence Agency (CIA) learned that two Saudi nationals, Nawaf al-Hazmi and Khalid al-Midhar, attended an al-Qaeda meeting in Kuala Lumpur. Thanks to the infamous "stovepiping" of information in the intelligence community, these two men, who were to become two of the hijackers of Flight 77, were not immediately placed on the terrorist watch list and were allowed to enter the United States.

Shortly after the bombing of the *U.S.S. Cole* in October 2000, the CIA discovered that one of the men photographed with al-Hazmi and al-Midhar in Kuala Lumpur was a suspect in the Cole attack. But still the two suspected terrorists in the United States did not appear on the watch list. The Federal Bureau of Investigation (FBI) seems to have been unaware of them, even though they lived with an FBI informant during part of their time in this country.

The two suspects were finally added to the watch list on August 23, 2001. But on September 11 they were able to board Flight 77 using their own names. I don't know why it was called a watch list; apparently no one was watching it.

After the Kuala Lumpur meeting, al-Hazmi had at least three meetings with Hani Hanjour, the terrorist believed to have piloted Flight 77. I am convinced that, had the CIA and FBI displayed any initiative, Al-Hazmi, Al-Midhar, and Hanjour could have been apprehended. With the loss of three of the hijackers, including the pilot, Flight 77 would not have been hijacked and the lives of the 184 people killed in the Pentagon attack would have been saved.

What's more, Mohammed Atta, the ringleader of the 9/11 conspiracy and pilot of the first plane to hit the World Trade Center, attended one of the meetings between al-Hazmi and Hanjour. Thus it's possible, if not likely, that surveillance of al-Hazmi could have lead to surveillance of Atta and discovery of the other terrorists involved in the conspiracy. In fact the FBI, in an apparent attempt to pin the blame for 9/11 on the CIA, reportedly developed a chart that showed how timely access to the information about al-Hazmi and al-Midhar would have enabled the FBI to foil the entire 9/11 plot.

I won't belabor the argument about the possibility of preventing the 9/11 attacks. A number of intelligence experts have said that such preventive work is easier said than done. I don't know if that's a fair excuse, but one conclusion is incontestable: The 9/11 attacks exposed serious shortcomings in the American intelligence community.

Or to state this fact more precisely: The attacks exposed these flaws to the wider public. Many of the flaws had been know to intelligence professionals, to your two committees, and to a succession of commissions for years.

In voicing these complaints, it is not my intention to malign the field officers, agents, analysts, and technicians serving their country in the intelligence agencies. I'm sure most of them are competent and dedicated. But in many cases they seem to be stymied by a bloated, risk-averse, politicized intelligence bureaucracy that is more interested in protecting its turf than protecting America.

Initially I thought 9/11 would be a wake-up call for the intelligence community. But I was mistaken. The intelligence agencies and the White House have asserted that no mistakes had been made. That they couldn't possibly have conceived that anyone would use commercial jets in suicide attacks on buildings. That al-Qaeda is impossible to penetrate. Such a "can't do" attitude is profoundly un-American. It also raises the question of why taxpayers should continue to provide the intelligence community with tens of billions of dollars annually if it cannot protect us.

The following anecdote suggests that little has changed at the FBI since 9/11. Three years ago a female flight attendant for an American airline was assaulted in-flight, in front of a witness, by a male flight attendant wielding a knife that the female flight attendant described at the time as looking like a box cutter. The assailant had bragged about how he regularly smuggled the knife past security. The woman reported the incident at the time, but the airline dropped the case without explanation. Immediately after the 9/11 attacks, the female flight attendant, noting the parallels between her

assailant and the hijackers, reported the incident to the FBI. An agent interviewed her, but later told her the FBI couldn't find the male flight attendant.

Nearly a year later, the female flight attendant grew frustrated and asked her congressman to investigate. The congressman sent the request, including the original incident report describing the weapon and the assault, to FBI headquarters. Within a few weeks, the woman received a letter from the FBI explaining that the matter fell outside the Bureau's jurisdiction. I find this response unacceptable, not only because assaulting an airline crewmember in-flight is a federal offense, but also because a violent man who smuggles knives onto planes should have received more attention from the FBI than this man apparently did.

The time for incremental reform of the intelligence community ended on September 11, 2001. The ossified intelligence bureaucracy must now be thoroughly restructured. If it isn't, the next attack may involve weapons of mass destruction, and the death toll may be in the tens of thousands – or even hundreds of thousands.

I urge you to seriously consider making the following changes in the intelligence community:

- 1) Put someone in charge of intelligence. Stovepiping is an inevitable consequence of competition among agencies. Only a strong leader with authority over all the intelligence agencies can force them to share information. In principle, this is the President's job, but he has limited time to spend on intelligence. There should be a cabinet-level official with authority over all of the intelligence agencies.
- 2) Establish a new domestic intelligence agency similar to Britain's MI5. This agency would have no law enforcement powers and would work with the FBI when criminal investigations and arrests were necessary. The FBI would retain a small intelligence unit to serve a liaison with the intelligence community. Domestic intelligence professionals cannot flourish in a culture that rewards people for the number of cases solved or the number of arrests made.
- 3) Develop closer links with state and local law enforcement agencies. There are 700,000 state and local law enforcement officers who can help provide the intelligence community with raw intelligence and can act on threat assessments issued by the federal government.
- 4) Create a new clandestine service. Human intelligence has become a lost art at the CIA. A new clandestine service should be established and protected from second-guessing by the risk-averse, politicized bureaucracy.
- 5) Share more intelligence with other countries. American intelligence agencies have obtained much valuable intelligence from foreign intelligence services,

but the American agencies have a reputation for not reciprocating. If we want to maintain the flow of information from these other services, we have to be more generous with the information we provide them.

- 6) Require that all intelligence reports be uploaded promptly to Intelink, the intelligence community's secret online database. This will help foster information exchange at all levels of the intelligence community.
- 7) Reorient the National Security Agency (NSA) to become a "hunter" of information, rather than a "gatherer." The volume of electronic communications has grown exponentially, to the point where intercepts cannot be translated in a timely manner. The agency must learn to focus its resources on those communications links most likely to yield information about terrorist threats.
- 8) Upgrade technical intelligence. The proliferation of new communications technologies has hampered the NSA's ability to intercept messages. Some of the nation's best scientists and engineers should be assigned to a Manhattan Project-style program aimed at making breakthroughs in new technologies for monitoring electronic communications.

While this is by no means an exhaustive list, I believe it addresses some of the most urgent problems in the intelligence community. Whether you decide to accept or reject these specific recommendations, I hope you will agree that the monumental tragedy of 9/11 calls for changes far more sweeping than the reform measures implemented in recent years.

Finally, I urge Congress to establish an independent commission to study the events surrounding the 9/11 attacks. While the work of your inquiry is invaluable, it has become clear that you cannot complete a thorough, comprehensive investigation by the end of the 107th Congress. And there are 9/11 issues other than intelligence that should be investigated by an independent commission, such as law enforcement, border control and immigration policy, diplomacy, transportation security, and the flow of assets to terrorists.

In conclusion, I would like to thank you again for offering the 9/11 families this opportunity to have our voices – and the voices of our loved ones – heard on these important questions.