

STATEMENT FOR THE RECORD

By

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Under Secretary of Defense
Intelligence

Before the

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Able Danger

Good afternoon, Chairman Saxton, Chairman Everett, and members of the Terrorism, Unconventional Threats & Capabilities Subcommittee and the Strategic Forces Subcommittee.

You invited us here this afternoon to discuss the planning activity known as Able Danger. Congressman Weldon informed me of his interest in Able Danger in August of last year. As a result of our conversation, I initiated a review of what the Department knew, or did not know, about Able Danger.

The review team involved more than 90 DoD and contract personnel who spent an estimated 6,500 manhours conducting significant document and data searches, interviewing over 50 individuals, and interacting with Members and Staff of this and other Committees. The review was conducted Department-wide with the full cooperation of all relevant DoD organizations, as well as two contractor firms: Orion, which provided open-source research support to the Army's Land Information Warfare Activity (LIWA) and Raytheon, which supported USSOCOM with all-source analysis.

The review team was comprised of individuals from my office, the Army's G2, the office of the DoD General Counsel, and staff officers from the Joint Staff, USSOCOM, and the Defense Intelligence Agency. None of them had first-hand knowledge of Able Danger.

Members of the review team are here with me today. (*Introduce team members* – Mr. Tom Gandy from the Army's G2, CAPT Hal Dronberger, formerly of the Joint Staff, and CDR Christopher Chope, formerly of USSOCOM.)

The review did not uncover a chart or charts with information on 9/11 hijacker Mohammed Atta that pre-dated the 9/11 attack. Nor did the review discover any data – hard copy or soft – that provided information on Atta prior to the 9/11 attacks. That said, we do not have evidence to tell you definitively whether such a chart existed or not.

The review did not find that the Department deliberately failed to share Able Danger information with the FBI.

The review did not find that Able Danger information was inappropriately destroyed. Rather, the destruction of Able Danger information was done in accordance with Departmental regulations and procedures.

What was “Able Danger?”

It is helpful to establish the evolution of Able Danger.

In late December 1998, the Chairman of the Joint Chiefs of Staff identified the need to develop asymmetric capabilities to deter transnational terrorist organizations. He believed that a comprehensive DoD strategy and supporting campaign plan were needed to leverage DoD capabilities and enhance ongoing interagency efforts against terrorism. In October 1999, USSOCOM was formally tasked by the Joint Staff to develop such a campaign plan. “Able Danger” was the unclassified name for the project.

The initial focus of the project was the identification and exploitation of vulnerabilities associated with Al Qaeda’s command and control infrastructure, its leadership and supporting organizations. To assist in the

effort, USSOCOM explored the use of analytic tools and methodologies available in the 1999-2000 timeframe that could assist it in:

- identifying linkages and patterns in large volumes of data; and,
- reviewing those links and patterns against previous, known activities for indications and warning of possible future activity.

To perform this “nodal analysis,” USSOCOM requested support from a number of organizations and businesses during various phases of the effort and with varying degrees of success:

- The Joint Warfare Analysis Center (JWAC), Dahlgren, Virginia, had computerized analytic tools. We were told that JWAC collaboration with USSOCOM began in December 1999 and ended in January-February 2000 because it produced indeterminate results that did not meet USSOCOM’s needs.
- The Army’s Land Information Warfare Activity (or LIWA), at Ft. Belvoir, Virginia, had the capability desired by USSOCOM and was approached for support in early 2000. Orion, a commercial firm, provided support to LIWA during this time. Orion produced multiple

pattern analysis and cluster analysis charts in support of LIWA. We were told that Orion responded to specific requirements from LIWA and that Orion employees were not “read onto” Able Danger. We were also told that LIWA supported USSOCOM on Able Danger with analytic products only for a brief period in early 2000. Later, we will discuss the reasons for the termination of LIWA’s support. It was during this period that the Atta chart – with his name and/or picture – was said to have been provided to USSOCOM.

- In March 2000, Commander USSOCOM decided to develop an organic data mining capability. In July 2000, a Raytheon facility was set up in Garland, Texas, working in direct support of USSOCOM.

Recall, the purpose of the Able Danger effort was a campaign plan. In November 2000, the Garland effort was terminated and resources shifted to development of a draft of that campaign plan – this occurred just after the bombing of the USS Cole. USSOCOM’s deadline for the plan’s production, December 2000, was looming. The draft plan was delivered to the Joint Staff in January 2001 at which time Able Danger activities ceased.

The plan contained recommendations on a strategic approach to transnational terrorism. It did not contain the expected level of tactical detail necessary to operationalize the plan. The Joint Staff rolled the Able Danger plan into ongoing contingency planning. A later planning effort developed by the Joint Staff had a component which was similar to the product of Able Danger.

Following the November 2000 termination of the analytic effort at the Raytheon facility in Garland, USSOCOM established its follow-on analytic capability at its headquarters in Tampa.

Did the Department inappropriately destroy Able Danger-generated information?

The LIWA intelligence oversight officer determined during the course of LIWA's support to USSOCOM that the data it had compiled was not in compliance with DoD intelligence oversight policies, specifically with regard to retention of U.S. persons information. Additionally, a required Terms of Reference, or TOR, authorizing LIWA to support USSOCOM was not in place in early 2000. LIWA had to develop procedures to deal with the

U.S. persons information issue, but apparently could not resolve the problem in time. We were told that LIWA purged its data files and destroyed hard copy material related to Able Danger in the March-April timeframe.

As best we can ascertain, USSOCOM had Raytheon purge the majority of its Able Danger-related information upon completion of the Garland effort in November 2000. A small percentage of information – roughly only 1% – was transferred back to USSOCOM headquarters although we received varying reports of exactly how much of the original Able Danger information still resides in USSOCOM servers. A USSOCOM analyst who was present during the time of Able Danger told us that the purged information included software applications, open source dead ends and other non-relevant data. Only the data needed to write the campaign plan and to facilitate the establishment of an analytic data mining capability at USSOCOM headquarters was retained.

Did the LIWA or other Able Danger-related activities produce unique information on the 9/11 hijacker Mohammed Atta prior to 2001?

Of the approximately 50 persons interviewed by the team, five people recalled a chart containing the picture and/or name of Atta.

Orion produced link charts derived solely from open source information. Orion's charts included photographs of terrorists. We were told that LIWA did not produce charts with photographs. Three Orion personnel knowledgeable of Orion products provided to LIWA told us that they were certain that the charts did not contain a picture or a reference to Atta or any of his aliases. In addition, these personnel told us that an "Al Qaeda" chart was provided to LIWA only as an example. The chart was originally prepared for use in a training course on counterterrorism analysis. We were told that Orion provided the chart on Al Qaeda to LIWA on October 21, 1999 without any supporting data. That is, additional analysis would have been required to validate the individuals and associations depicted on the chart. There may have been subsequent updates to this chart that were provided to LIWA, but again, Orion personnel told us that Atta's photograph was not included.

The review team could not identify the precise data sets that were used for data searches and nodal analyses during the time of Able Danger.

In an attempt to discover open source information on Atta with the use of contemporary and more advanced tools, the Army G2 directed INSCOM to conduct searches against open source information with emphasis on the November 1999 to May 2000 timeframe. This time was chosen to bracket the period during which a chart with Atta's name and/or picture might have been produced.

Searches were conducted on 20-21 August 2005 by the Intelligence Information Services office at HQ INSCOM, the 1st IO Command, and the National Ground Intelligence Center (NGIC). A very large volume of data was searched by multiple search engines running against fourteen government and commercial data stores. The searches did not discover any information on Atta in the specified timeframe.

USSOCOM also conducted searches against an extensive repository of information, including all of the Able Danger information previously transferred to USSOCOM headquarters from the Garland facility. Those searches also did not discover any information on Atta in the specified timeframe.

We asked Orion, the company which provided open source analysis support to LIWA, to conduct a search of its own files. Orion reported that its search did not uncover a chart with information on Atta or any data that might have produced it.

However, we did discover a chart during our data searches that was dated as of May 1999 and produced by Orion that was similar to that described by CAPT Scott Phillpott. The chart bears the photos and names of Mohammed Atef and Mohammed Ajaj, but not Mohammed Atta.

At least one of the individuals who told us that he saw a photo of Atta on a chart produced for Able Danger in early 2000 described the photo as “grainy” -- and not the one used for Atta’s Florida drivers license shortly after he first entered the United States in June 2000. The photo on the drivers license was widely circulated after 9/11. The review team attempted to track down the existence of this other photo. Because Orion produced charts with photos, the team interviewed the individual who was the Chief Executive Officer of Orion at the time of Able Danger. He told us that Orion did not purchase such a photo. He said that the only photos of

Atta in Orion's possession were obtained after 9/11. We have not seen a copy of the so-called "grainy" photo.

Did the Department fail to share Able Danger-related information with the FBI?

Claims have been made that during Able Danger three meetings with an FBI agent had been arranged or were in the process of being arranged in September 2000 for the purposes of sharing Able Danger information and then cancelled by SOCOM officials out of misplaced concern over intelligence sharing protocols. The FBI agent said to be involved did not corroborate those claims. In response to questions posed during the Senate Judiciary Committee's September 2005 hearing, the Department of Justice denied such claims in a letter to the Committee. I understand that your staff has a copy of this letter. If you do not have the letter, I have a copy and can provide it for the record.

We found no reason to believe that USSOCOM leadership or anyone from the DoD legal community prohibited or prevented the sharing of Able

Danger information with other federal agencies. USSOCOM set up a classified “chat room” to further interagency coordination and break down existing stovepipes. It was designed so that any agency could enter anonymously to discuss issues without having to lay out any internal information. We were told that the chat room was not actively used.

USSOCOM leadership at the time of Able Danger have said they were aware of the legal and regulatory guidelines that governed intelligence gathering and dissemination. These guidelines would not have prohibited the exchange of information on suspected terrorists.

The Department has the authorities necessary to share information of interest with respect to collection, retention, and dissemination of intelligence about U.S. persons with other U.S. government organizations and agencies. These authorities have remained unchanged since 1982. The conduct of intelligence activities by DoD intelligence components is governed by the requirements set forth in EO 12333, “U.S. Intelligence Activities,” 4 December 1981, DoD Directive 5240.1, “DoD Intelligence Activities,” 25 April 1988, and DoD Directive 5240.1-R, “Procedures Governing the Activities of DoD Intelligence Components that Affect U.S.

Persons,” December 1982. Attorneys from the office of the DoD General Counsel, the Joint Staff, the Army, and USSOCOM were involved in providing legal advice and guidance during all stages of the Able Danger effort. These authorities and regulations also involve strict measures to ensure protection and safeguarding of information on U.S. entities.

Was the Department Responsive to the 9/11 Commission’s Request for Able Danger information?

Mr. Anthony Shaffer, a DIA civilian employee then on temporary active duty, discussed Able Danger with several Commission staffers during an October 2003 Commission staff field trip to Afghanistan. That discussion resulted in two subsequent Commission requests for specific Able Danger documentation in November 2003. The Department conducted document searches and provided a number of documents to the Commission in response to these requests between December 2003 – February 2004. The documents provided to the Commission included several briefings which contained nodal analysis charts or diagrams. None of those charts contained any reference to Mohammed Atta or any of the other 9/11 hijackers.

In July 2004, as the 9/11 Commission was nearing completion of its effort, then CDR Scott Phillpott, USN, came forward. He said that he had seen early in 2000 an Able Danger-produced chart that depicted suspected Al Qaeda networks and that identified Mohammed Atta. CDR Phillpott asked to meet with the 9/11 Commission staff to share that information: the meeting was subsequently arranged by the Department.

The Department responded to all Commission requests for information. No DoD documentation on Able Danger responsive to the requests was at any time withheld from the Commission. It is true that in the course of this recent review, DoD has unearthed additional documents related to Able Danger. These documents were found with considerable effort. Some of these documents would have been responsive to the Commission's information requests and were generally consistent with the DoD documents already provided to the Commission. None of these newly identified documents, however, add information substantively different than that provided to the Commission.

Summary

In summary, the Department undertook its recent review of Able Danger in good faith and with due diligence:

- No chart or charts with Atta's name or photo have been found.
- No data sets that contain such information have been found.
- Material associated with Able Danger was destroyed, but in each case consistent with standard policies.
- The FBI has denied that meetings were scheduled or in the process of being scheduled to pass data to it from Able Danger, or cancelled.
- DoD was responsive to the 9/11 Commission's information requests.

We have briefed Members of this Committee previously on the review. We have also briefed the staffs of the HPSCI, HAC-D, SSCI, and SJC as well. You are welcome to any documents that we have on the subject that are not restricted by any ongoing legal proceedings.

The individuals here today are prepared to answer your questions on what they discovered in the course of the review.

The DoD Inspector General has an ongoing formal investigation into Able Danger. The DoD IG is also investigating the security revocation case of Mr. Anthony Shaffer. The IG's office has informed me that its Able Danger investigation is expected to be completed in May 2006. Should any new information come to light as a result of the IG's investigation, we will pursue any new avenues of discovery that are necessary.

Able Danger was one of the Department's earliest attempts at employing data correlation through emerging information technology capabilities. Our capability has improved considerably in the last 5-6 years. Today, USSOCOM and the Army's Information Dominance Center, or IDC, house state-of-the-art capabilities. These two centers and others in DoD have significant capability to process, analyze, fuse, and graphically display data at rates exponentially greater than our initial pre-9/11 efforts. Today these centers are collaborating on a continual basis, enhancing our ability to coordinate and conduct intelligence and operations in counter terrorism, counter proliferation, information operations, and unconventional warfare.

Several Members of this Committee have visited at least one of these centers. To those Members who have not yet had the opportunity to visit either center, I recommend a visit in the near future. We could not have achieved these successful efforts without the support of Congressman Weldon and your subcommittees.

Thank you. I would be happy to answer any questions you have.