

**UNCLASSIFIED
DRAFT**

PREPARED STATEMENT OF
ANTHONY A. SHAFFER, LT COL, US ARMY
RESERVE, SENIOR INTELLIGENCE OFFICER

BEFORE THE HOUSE ARMED SERVICES
COMMITTEE (HASC),
CONGRESS OF THE UNITED STATES

WEDNESDAY, FEBRUARY 15, 2006

“ABLE DANGER and the 9/11 Attacks”

(U) Mr. Chairman, distinguished members of the Committee, thank you for the opportunity to appear before you and provide you background and related issues surrounding the ABLE DANGER project. I applaud the Committee’s interest in investigating this complex topic.

(U) ABLE DANGER was a good news story: the Department of Defense’s effort to target Al Qaeda’s global structure [] – to identify their global centers of gravity, and by the full range of military options[]decisively engage and defeat them.

UNCLASSIFIED DRAFT

(U) In the world of today, this is not a new concept, as we have been at war with this organization since 11 September 2001 – what is unique to ABLE DANGER is that this effort was commenced in September 1999 - fully two years before that clear and unforgettable September morning that will forever remain transfixed in our collective memory.

(U) ABLE DANGER was the right mission, at the right time, with the right people against the right enemy – an out of the box concept that at its heart was an effort to bring back a modern version of the Office of Strategic Studies (OSS); an organization that served at the forefront of this country's secret battles of World War II.

(U) Using the then 1999 era cutting edge technology of “data mining” as pioneered by the U.S. Army's Land Information Warfare Activity (LIWA), the ABLE DANGER team was able to establish a ‘starting point’ for the ABLE DANGER effort.

(U) GEN Shelton publicly confirmed the existence and mission of ABLE DANGER this past November – it was his concept, refined by GEN Pete Schoomaker, the then (1999/2000) commander of SOCOM that we, the ABLE DANGER team brought to life.

(U) The idea was to take the ‘best and brightest’ military operators, intelligence officers, technicians and planners from the Special Operations Command (SOCOM), the U.S. Army and the Defense Intelligence Agency (DIA), in an entrepreneurial endeavor, much like bringing the best minds and capabilities from Ford Motor Company, General Motors

UNCLASSIFIED DRAFT

and Daimler-Chrysler to focus on a single challenge. In the case of ABLE DANGER, the challenge was to discover the global 'body' of Al Qaeda – then, with this knowledge, prepare military and intelligence “options” that would be supported by the “actionable information” that was being produced by the project.

(U) The objective of ABLE DANGER, as is in the 27 Jun 2005 congressional record, was simple: to go after Al Qaeda.

(U) This was no “experiment” or simply “a planning exercise” as has been portrayed by some in the media and at the Pentagon. And my role was not simply a ‘courier’ of information as has been inaccurately portrayed by a Pentagon spokesman in the summer of last year.

(U) The story I will present to you today is how, despite all the project had going for it, the operation failed. This bold and audacious operation, with this critical focus was recently opined by the 9-11 commission to be “not historically relevant”...We hope to show you the truth of how relevant and important this effort was – and how it will rewrite the history of 9-11.

(U) In the initial data runs conducted by LIWA on behalf of SOCOM in early 2000 the ABLE DANGER team discovered intelligence information of interest to us. I had used LIWA and its data mining capabilities in support of other STRATUS IVY operations we were conducting in support of DoD activities engaged in offensive operations planning.

UNCLASSIFIED DRAFT

(U) This unclassified data mining was the heart of the intelligence foundation – what we found to be a critical method that detected not only Atta, but also the Al Qaeda threat in the port of Adan, Yemen, just days before the attack on the USS Cole. The idea was to then refine the data and use classified data from DIA and NSA to confirm and enhance the terrorist linkages established via the unclassified data.

(U) In the end, the ABLE DANGER team was not able to provide this key, and what was believed to be “actionable” information to anyone due to the breakdown in the ability to pass information between communities of the U.S. Government.

(U) According to multiple public comments by former FBI director Louis Freeh made this past November, had he and the FBI received the information we had within the ABLE DANGER project – information that SOCOM asked me to broker a meeting with the FBI to discuss transfer of same - they, the FBI, may well have been able to complete their picture of the gathering Al Qaeda threat and potentially disrupted or disabled the 9/11 attack. And, more importantly, the ABLE DANGER team had put together, using the amalgam of both open source and classified databases specific operational “options” to offensively target and disrupt the larger, global Al Qaeda structure; offensive options that were prepared and briefed to GEN Shelton in January of 2001.

(U) You might ask how I can be so confident in my statement regarding ABLE DANGER’s likelihood of preventing the 9/11

UNCLASSIFIED DRAFT

attacks – here is why:

- []
- []
- (U) When this occurred in the late 2000/early 2001 timeframe, one of the U.S. governments best potential shots to not only detect the Al Qaeda 9/11 planning effort, but to obtain actionable information regarding Al Qaeda leadership was lost.
- []
- []

(U) It is my judgment that the ABLE DANGER effort should have been then, and should be today, governed by U.S. Title 10 – for reasons which the Department of Defense have declared to be secret and I cannot discuss in open session.

(U) When I made this judgment known to the Senate Select Committee on Intelligence (SSCI) they took issue – they felt that ABLE DANGER should have been a Title 50 intelligence operation all along – and in my closed door session with them, they took strong issue with me. Gentlemen, knowing what I know about the bureaucracy of both DoD and CIA, ABLE DANGER type operations must be responsive and focused – and none political – therefore should reside under the control of the Pentagon. 3000 people were lost to the country mostly, in my assessment, due to bureaucratic game playing by both DIA and CIA officials – and I will further

UNCLASSIFIED DRAFT

illustrate my point below.

(U) While there are necessary legal separations regarding Title 10 (DoD) and Title 18 (Department of Justice) organizations, the primary breakdown occurred due to artificial and what I believe were purposeful misinterpretations of Title 50 (intelligence) restrictions – misinterpretations that continue today – and have become DoD's excuse for the destruction of the data in 2000. There have been subsequent document and data destruction of the ABLE DANGER data and background documents that I and others did retain and preserve until at least 2004. The fact that there was then, and has been within the recent past ABLE DANGER information destruction is not at issue; DoD and DIA leadership have admitted this – what is at issue is why they as senior leadership displayed questionable judgment regarding this data.

(U) At the heart of the failure of ABLE DANGER is information sharing – and this is the real reason I am before you today – to help identify, with the hope of fixing, problems and shortcomings of the pre 9-11 US Government – shortcomings that my former ABLE DANGER colleagues and I judge, based on our experience over the past five years, to even now continue to hamper our ability to conduct effective military, intelligence and law enforcement operations in the Global War on Terrorism (GWOT).

(U) My veteran ABLE DANGER colleagues and I share the common fear that the seeds of the next 9-11 attack have already been sewn – and that much of the critical data that

UNCLASSIFIED DRAFT

was harvested for the ABLE DANGER project, that could be used again now in the search for sleeper cells and others that matched the "Atta" profile is now gone – destroyed at the direction of DoD officials in the 2000 timeframe. You have heard from Eric Kleinsmith of his work on ABLE DANGER, and his receiving direction to "destroy the data and background documents or go to jail" – which he did. However, it must be noted that despite citing AR 380-10 as the "authority" for this action, the DoD lawyer is wrong and, worse, deceptive. There are two exceptions that allow the retention of U.S. person information – both of those were met by then MAJ Kleinsmith – yet lawyers directed that he destroy the data anyway. Those exceptions are:

2. Publicly available information. Information may be collected about a United States person if it is publicly available.

3(c) Persons or organizations reasonably believed to be engaged or about to engage, in international terrorist or international narcotics

(U) Therefore, there was no "legal" reason for the directive that the ABLE DANGER information and charts be destroyed then. So then, what was the real reason? What is the real justification for these documents – this critical data – to have been destroyed? Embarrassment and politically CYA to protect themselves from accountability for their bad, and in this case, fatal decisions, made in 2001 regarding ABLE DANGER.

(U) Further, I will provide details as to the troubling

UNCLASSIFIED DRAFT

“coincidences” that relate to the suspension/revocation of my security clearance, and confiscation of my ABLE DANGER documents that occurred just after I spoke to the 9-11 staff director, Dr Phillip Zelikow, in October of 2003.

(U) If we are to win this war on terrorism, and hope to preclude the next 9-11 type attack – an attack that many experts fear will be one that utilizes a weapon of mass destruction such as chemical, biological or nuclear – it is my judgment that we must examine and make sure that the bureaucratic and policy problems that hobbled ABLE DANGER effort have been fixed.

(U) From my experience, to date, the problems have not be fixed as the officers and culture that existed before 9-11, and permitted the ABLE DANGER project to fail, are still in place today.

(U) There is no incentive for the bureaucrats to change – and instead of embracing change, and being accountable to their actions, they obfuscate and inveigle and hide their own failures. In my specific instance, DIA has been allowed by DoD to make an “example” of me to try and intimidate the others from coming forward by spending what we now estimate \$2 million in an effort to discredit and malign me by creating false allegations, and using these false allegations to justify revocation of my Top Secret security clearance. How can it be that we, as a country at war, have such officers in the government who are more concerned about suppressing the truth than winning the war? How many sets of body armor, or enhanced protection for military vehicles in Iraq or Afghanistan would \$2 million buy?

UNCLASSIFIED DRAFT

(U) Each of us, whether we serve in the executive branch or legislative branch, take an oath of office to defend the Constitution, and our country against enemies both foreign and domestic – I take this oath seriously and am certain that each of you on this committee share my passion on this point. I believe that our oath overrides one's loyalty to any branch, department or culture of the U.S. Government should such loyalty become inimical with the preservation of this nation's security. I had to make a choice between loyalty to a DoD culture our the safety of our country – and my choice is clear.

(U) We face two enemies at this point – the first, Al Qaeda – insidious and adaptive – but vulnerable and flawed – tied to a 10th century philosophy of life and of warfare – a philosophy that we can use against it to defeat it. The second, a more vexing and implacable enemy that is our own “bureaucracy” – where career bureaucrats, who are more concerned about self aggrandizement and advancement , who gamble with the security of future generations through neglecting to recognize the need to change and adapt more rapidly than our adversary. Through these bureaucrats collective actions, both in the initial ABLE DANGER failure and their current cover-up and obfuscation of ABLE DANGER, they continue wager our children's future and country's wellbeing.

(U) It is our collective responsibility to see that both of these enemies are resoundingly defeated – and this may require painful change of culture and best practices – but necessary change – to ensure the ABLE DANGER failures do not again

UNCLASSIFIED DRAFT

occur.

(U) I evoke the names of three Army officers, and their historic examples that parallel and help to illustrate the ABLE DANGER story – those of Brigadier General John Buford’s cavalry seizing the high ground at the Battle of Gettysburg in 1863; of Brigadier General Billy Mitchell and his heralding of the revolution of modern warfare that the introduction of the airplane brought in the 1920s; and of Major General Clair Chenault who, in 1940, created and successfully lead the Army’s first covert action of World War II – the American Volunteer Group (AVG) – also known as the “Flying Tigers”.

(U) These three Army officers and their roles in history are linked by one common thread. Though the scope was different in each case, the thread was there ability to anticipate, preemptively, the events each of their names are forever linked in our history.

(U) In BG Buford’s case, anticipating the enemy’s movement and seizing the high ground; in BG Mitchell’s case, the identification of a concept that would move the world to a new dimension of warfare; In MG Chenault’s case, he was the creator and steward of the first effective, and secret, counterblow to the growing pre-World War II Japanese menace - the common thread here is this: each example was a “decisive point” in military history.

(U) Many historians believe that BG Buford’s actions in seizing the heights over the city of Gettysburg on the 2nd of July, 1863, allowed for the Union Army to “set the conditions” of the Battle, and, ultimately, win – not only at Gettysburg,

UNCLASSIFIED DRAFT

but use the momentum to carry it through to Lee's surrender at Appomattox. This decisive point affected directly the outcome of a war.

(U) BG Mitchell fought the Army and Navy general staff's in the 1920s, with his vision of airplanes being used in combat as a strategic weapon of war. He lost. But he was right; proven so by the great aerial engagements over London in the Battle of Brittan; in the use of the Army Air Forces to break the back of German industry, and, ultimately, deliver against the heart of the Japanese island the atomic bomb that ended World War II. This decisive point – the strategy of using aviation – affected everything that we are as a nation.

(U) MG Clair Chenault, was seen as a radical and nearly a traitor by his action to “recruit and take away” the best and the brightest of the nascent Army and Navy air forces. However, in truth, with President Roosevelt's secret authorization, he set about creating an American combat force to engage the Japanese a full year before the Japanese bombed Pearl Harbor. This force was effective in inflicting the most astonishing combat kill ratio of more than 300 Japanese aircraft lost, to less than six of their own. This decisive point help the U.S. buy time to prepare for the coming war by inflicting damage to the Japanese military, and to help stop Japanese expansion before the U.S. was fully ready to engage them overtly.

(U) In military terms, where these officers were successful in identifying their key issue – centers of gravity – as did we who worked the ABLE DANGER project.

UNCLASSIFIED DRAFT

(U) We collectively recognize the 'decisive point' and 'centers of gravity' that ABLE DANGER had identified. ABLE DANGER had the ability to target this adversary preemptively, and it is my judgment, if fully implemented, we could have negated, disrupted, detected and potentially have prevented the 9-11 attacks. In the case of ABLE DANGER, we were defeated not by Al Qaeda, but by our own bureaucracy.

(U) As in the case of BG Mitchell's groundbreaking ideas on aviation, many in DoD feared the creation of the LIWA intelligence capability, and the overall "high risk" nature of the ABLE DANGER planning effort – it is important to note that we were using both cutting edge technology in a very provocative manner, to target a global terrorism threat many in DoD viewed as "no big deal". Therefore, what was to all of us on the ABLE DANGER team was the "dream mission", became a nightmare when we faced both internally in DoD and externally from CIA, what at best was a malaise, at worst was obstructionism.

(U) To this end, ABLE DANGER is a story of good guys and bad guys.

(U) The good guys were men and women of leadership and courage and include:

(U) Congressman Curt Weldon – he was a visionary regarding the development of cutting edge data technology, who funded the LIWA technology set and used it to support his own official activities in the U.S. Congress. Further, he

UNCLASSIFIED DRAFT

conceived of the National Operations Analysis Hub (NOAH), a concept years ahead of its time, which would have served as the country's operational "brain stem" at which all defense, intelligence and law enforcement information would have been fused. The NOAH was never realized, but served as the foundation concept for the National Counterterrorism Center (NCTC).

(U) GEN Hugh Shelton, Chairman of the Joint Chiefs of Staff in the 1999 through 2001 period, who laid the groundwork for SOCOM to become a major force through the issuance of the ABLE DANGER planning order – this order which made, for the first time in its history, SOCOM the "supported" or lead combatant command.

(U) GEN Peter Schoomaker, then Commander of SOCOM, and currently the Chief of Staff of the Army, whose vision regarding the developing Al Qaeda threat was second to none. ABLE DANGER was his concept – his idea – to take an out of the box group of military planners, intelligence officers and operators, give them a clear mission, and set them loose to "do good things". His innovative approach to the problem set was critical to the fact that cutting edge technology was used with traditional Human Intelligence (HUMINT) operations, and to link both directly into military planning for highly precise, surgical operations designed to neutralize the Al Qaeda threat. In short, it was his vision to create a true OSS capability that would pursue enemies "over there" to keep "here" safe.

(U) LTG Pat Hughes, the Director of DIA during the 1999-2000 period, who allowed my unit, STRATUS IVY, the

UNCLASSIFIED DRAFT

charge to take on 'out of the box' ideas, and develop them into real intelligence operations. It was his constant encouragement that allowed for entrepreneurial concepts to develop in this pre-9-11 era. He personally approved STRATUS IVY's mission and signed us up to support cutting edge black programs that became the mainstay of my unit's efforts.

(U) MG Robert Harding, the DIA Deputy Director for Operations during the 1999-2000 period, who protected and fostered the STRATUS IVY support to ABLE DANGER, and other highly compartmented DoD programs. His simple guidance to me upon my promotion to GS-14 said it all "Keep me out of trouble and get STRATUS IVY going as far and as fast as you can" – which I did – that is until his replacement, MG Rod Isler single-handedly shut down virtually ever cutting edge effort STRATUS IVY was conducting.

(U) [] DIA Representative to SOCOM during the 1999-2001 timeframe, was able to build the "coalition" that came to support the ABLE DANGER effort. He put his entire career on the line to push this issue to the DIA leadership level, just to become harassed and isolated by DIA leadership.

(U) [] the Defense HUMINT Representative to SOCOM, who was effective in getting Defense HUMINT support integrated into SOCOM planning and operations. While Defense HUMINT is commonly integrated into SOCOM operations, this was not the case in the 1999-2000 timeframe; her thinking was years ahead of its time.

(U) []

UNCLASSIFIED DRAFT

(U) Mr. JD Smith, the retired Indian police officer, who used basic law enforcement investigative techniques, with 21st Century data mining and analytical tools, who's hard work resulted in the establishment of a new form of intelligence collection – and the identification of Mohammed Atta and several other of the 9-11 terrorist as having links to Al Qaeda leadership a full year in advance of the attacks.

(U) Captain Scott Phillipott, who humbly calls himself “just a ship driver”, is a U.S. Naval Academy graduate, and one of the most brilliant minds ever produced by the Navy. It was through his intellectual force, by his sheer power of will that the ABLE DANGER project took cohesive form and became real.

(U) Last but by no means least, Dr. Eileen Preisser, the brilliant double PhD who's understanding of both cutting edge technology and human factors/neural networking served as the intellectual “glue” that put together the suite of technology and analyst that perform the astounding feat of identifying Atta and other pre-9-11 terrorist events.

(U) As one of the reports in the press commented last year regarding this story, there are “bad guys” who were not held accountable for their failures. There were those who were fearful of what we were doing who played politics and shortchanged the nation in both their duty and loyalty to the country, and in the end they put their career ahead of doing the right thing.

(U) Mr. William Huntington, who was just promoted to serve

UNCLASSIFIED DRAFT

as the Deputy Director of the Defense Intelligence Agency, who after becoming the Deputy Director of HUMINT in the early 2001 timeframe passed the buck. When I attempted to brief him on the DORHAWK GALLEY project, to include information on the ABLE DANGER project that was to use specific portions of the ABLE DANGER methodology to sort through and separate U.S. Person information from Foreign Intelligence information, refused to hear the briefing, announcing that “I can’t be here, I can’t see this” as he left his office and refused to return to hear the information. By doing this, he could later feign ignorance of the project should it have been compromised to the public. It is my belief that he is an example of the cultural problem – senior bureaucrats who are more focused on their own career and having “plausible deniability” to never allow anything “controversial or risky” to “touch them”. It is of grave concern that Mr. Huntington is the one who is behind the troubling coincidence regarding my security clearance being suspended in March of 2004, just after reporting to my DIA chain of command (to include Mr. Huntington) of my contact with the 9-11 commission, and my offer to share the ABLE DANGER information to the 9-11 commission. I would question the judgment of DIA’s leadership to offer Mr. Huntington up as its “expert” on ABLE DANGER based on his earlier refusal to deal with this issue in 2001. Further, I have direct knowledge of two officers – one a senior DoD civilian, the other a senior active duty military officer – both former members of Defense HUMINT – that Mr. Huntington directed them to lie to congress to conceal the true scope and nature of problems within Defense HUMINT. Both refused his directive to lie and are no longer members of Defense HUMINT. Mr. Huntington’s conduct speaks for

**UNCLASSIFIED
DRAFT**

UNCLASSIFIED DRAFT

itself.

(U) LTG Bob Noonan, the Commander of the U.S. Army Intelligence and Security Command (INSCOM) in 1999 and 2000, who became the Army's G2/Deputy Chief of Staff for Intelligence (DCSINT) in 2001. Though initially in favor of LIWA participating in sensitive operations such as ABLE DANGER, chose in 2000 to protect his promotion to lieutenant general rather than protect both the LIWA support to, and data created for, SOCOM and the ABLE DANGER project.

(U) MG Rod Isler, MG Bob Harding replacement as Deputy Director for Operations overseeing Defense HUMINT in the spring of 2001, who opposed every sensitive operation that my unit, STRATUS IVY, was conducting for DoD and other U.S. Government agencies. In a spring 2001 confrontation over several controversial, cutting edge operations, to include one directed by the then Vice Admiral Tom Wilson to seek out information on a specific classified target, a processes that paralleled the ABLE DANGER methodology, MG Isler ordered STRATUS IVY and me to "cease all support" to ABLE DANGER in the February 2001 timeframe. At the point of near insubordination, I fought the decision – this action cost me my job as chief of STRATUS IVY.

(U) COL Mary Moffitt, the spring 2001 replacement of COL Gerry York who dismantled the Defense HUMINT support to ABLE DANGER just months before the 9-11 attacks. COL Moffitt became focused on shutting down our support to ABLE DANGER under the guise of "reorganization" and in

UNCLASSIFIED DRAFT

the end, disestablished STRATUS IVY and its cutting edge focus.

(U) A senior DoD officer, Mr. Robert Giesler, who was in charge of a classified DoD element, that I cannot discuss in open testimony, who's behind the scenes opposition to the project resulted in widespread difficulties with senior DoD leadership on this and related initiatives. In essence, this Mr. Giesler's official's attitude was the "not invented here" syndrome – if he or his folks did not think of it or control it, it was not worthwhile. At one point, when STRATUS IVY had to reduce direct support his unit in favor of supporting the ABLE DANGER effort, Mr. Giesler accused me of being "Like Kelly" – the Clint Eastwood character in the movie "Kelly's Heroes" – and that I had "hijacked" DoD capabilities for my own personal effort as he felt we had no business to be targeting Al Qaeda as "they will never attack us here". As background, in "Kelly's Heroes" a band of deserting U.S. Army soldiers go after millions of dollars in Nazi gold with the interest of getting rich...I found the comparison to be insulting at the time, and, on retrospect, shows the attitude of the era that was common to all DoD senior leaders on the topic of Al Qaeda.

(U) The 9-11 Commission Staff, et al. After contact by two separate members of the ABLE DANGER team, Captain Scott Phillipott and me, separated by both time and distance (Oct 03 in Afghanistan in my case, Jul 04 in Washington DC in Captain Phillipott's case) the 9-11 staff refused to perform any in-depth review or investigation of the issues that were identified to them. Instead they note in their accounts of Captain Phillipott and I that we "complained" about issues,

UNCLASSIFIED DRAFT

and “had no evidence” to back up our claims”. It was their job to do a thorough investigation of these claims – to not simply dismiss them based on what many now believes was a “preconceived” conclusion to the 9-11 story they wished to tell. Further, through their failure to conduct basic investigative rigor, they did not speak to other members of the ABLE DANGER team to further define and confirm our experience. I consider this a failure of the 9-11 staff – a failure that the 9-11 Commissioners them selves were victimized by – and continue to have perpetrated on them by the staff as is evidenced by their recent, groundless conclusions that ABLE DANGER’s findings were “urban legend”.

(U) I will now layout a timeline of ABLE DANGER for the committee – please note that my testimony will be provided directly from memory as DIA has refused to allow me any and all access to my e-mail, background documents and briefings. They have done this under the guise of “security” by using three false allegations that the Army long ago resolved in my favor – I come before you as a lieutenant colonel – promoted defacto on 1 October 2004, after the Army examined and resolved the allegations.

(U) As many of you are aware, an officer in the military cannot be promoted if there is pending adverse action, or judicial punishment. Despite this fact, DIA continues to “pretend” that the allegations have not been resolved, and revoked my security clearance as of 21 September 2005. I have not been allowed to review of critical background information on ABLE DANGER that was contained in my

UNCLASSIFIED DRAFT

files and e-mail, and do not even have their permission to prepare this formal testimony. Therefore, I cannot be 100% sure of dates, times or locations. I suggest that the committee subpoena these documents at some point so I may prepare a more precise record of events regarding both my personal involvement and the overall project history of ABLE DANGER.

(U) The Pentagon's Mr. James Dugan testified on 25 September 2005 in front of Senator Specter's Judiciary Committee that it was his opinion that the ABLE DANGER data and background documents were destroyed because of the Pentagon being "overly careful" with U.S. person information and how it was collected. He is wrong. The fact is this: there was no legal reason to destroy the 2.5 terabyte database that was being used to support the ABLE DANGER in 2000 – it was openly obtained via the Internet or public sources – there was no expectation of privacy that had to be assigned to the data – plus, it was clear that the data had produced information that identified individuals who had credible links to Al Qaeda leadership. Further, all the classified systems and data bases that were used to confirm the ABLE DANGER information have also been destroyed. Why?

(U) STRATUS IVY, my special mission task force that I was running in the 2000 timeframe, did provide direct support to the ABLE DANGER effort by providing both concierge support and operational support that I cannot discuss at the unclassified level.

(U) DIA has admitted to House Armed Services Committee

UNCLASSIFIED DRAFT

(HASC) on 8 September 2005 that my ABLE DANGER documents had been destroyed in 2004; there was no U.S. person information in these documents, and they relate to what we now have identified as a major, relevant operation regarding 9-11. Why were these documents destroyed? Why is it that these documents, many that were Top Secret collateral information, not properly accounted for when they were destroyed? I am hopeful that the current DoD IG investigation of DIA's use of frivolous issues to attempt to discredit me and terminate my access to classified information at the cost to the U.S. taxpayer upwards of \$2 million will be held accountable – and their purposeful destruction of my set of ABLE DANGER documents will result in their criminal prosecution for illegal destruction of documents.

(U) Let me now run through my recollection of the timeline of the life and death of the ABLE DANGER project:

- (U) I became involved with the project in September 1999. DoD has classified my entire timeline and therefore, I cannot discuss this information in open session. My deputy, COL Teresa McSwain later in the 2000 timeframe created a full library of operational documents at STRATUS IVY that included all critical authority document.
- (U) During a briefing to GEN Schoomaker in September 1999, he specifically assigned me and STRATUS IVY to "help out on a special project". [] the DIA Representative went about making sure that DIA was specifically requested in the JCS planning

UNCLASSIFIED DRAFT

order to assign STRATUS IVY to support this special project, which he did. The next day I was briefed by Captain, then Lieutenant Commander, Scott Phillpott on ABLE DANGER. When Scott, briefed me, I felt that this was the “E” ticket mission – the ultimate assignment.

- (U) Based on my knowledge of US Army’s Land Information Warfare Activity (LIWA) and its Information Dominance Center (IDC), I recommended to SOCOM leadership that they look at IDC’s capabilities for potential use on ABLE DANGER. Capt Phillpott visited LIWA in the late November 1999 timeframe and accepted my recommendation – SOCOM chose to partner with LIWA/IDC for ABLE DANGER.

- (U) In the January/February 2000 timeframe, Captain Phillpott briefed GEN Schoomaker and GEN Shelton on the LIWA capability, using the chart that I had brought down to him from LIWA, focusing on the methodology, and suggested that SOCOM partner with LIWA to establish the intelligence baseline of ABLE DANGER. This request was approved and LIWA became the full intelligence/analytical partner in the effort.

- (U) In the late January early February 2000 timeframe, when SOCOM lawyers review the LIWA data, all information relating to Atta, and the other terrorist that are identified as working and living in the U.S. or have connections to U.S. Persons become “off limits” due to their “U.S. Person” status. The ABLE DANGER team members, according to Captain Phillpott, are restricted

UNCLASSIFIED DRAFT

from review, use or exploitation of the information because of their (SOCOM Lawyers) policy that we could not use "U.S. Person" information in the planning effort. I witness this effect directly through my repeated reserve tours with ABLE DANGER and did see one of the original runs of LIWA information charts that had a quadrant of "yellow stickies" that covered the faces of the individuals whom the SOCOM lawyers had determined were "off limits" to the ABLE DANGER effort.

- (U) Feb/Mar 2000. I am invited to attend a briefing of MG Lambert, SOCOM J3 and COL Riley, the first chief of the ABLE DANGER effort to Mr. Jerry Clark, SES, Deputy Director of DIA. During the briefing, I am frequently asked by MG Lambert to "fill in details" that COL Riley was not able to provide – at the end of the briefing, Jerry Clark, comments afterward that I "seemed to know a great deal about ABLE DANGER – I confirmed to him that I had been working directly with SOCOM in Tampa as a reservist on the project. At the conclusion of the briefing, and when the SOCOM officers leave the room, Mr. Clark give guidance to the DIA officers present, especially the DIA Senior Executive in charge of Information Technology, to drag their feet and slow down the process of providing both infrastructure (data pipes) and data to the SOCOM effort as he did not see the need to "share" DIA's best resources. It was clear that DIA, my own organization, did not want to provide all the support necessary to preclude SOCOM getting ahead of DIA's analytical effort on the Al Qaeda target.

UNCLASSIFIED DRAFT

- (U) April 2000. After the ABLE DANGER project picked up momentum and looked to become a success, Mr. Art Zuelike, SIS, Chief of the Transnational Warfare Directorate of DIA's Directorate of Intel, calls me in and "demands" that my unit, STRATUS IVY, give up primacy on the DIA role in support of ABLE DANGER effort, and we subordinate our role under his Transnational Counterterrorism (TWC) Division []- both of whom I had "read-in" to the ABLE DANGER effort in an earlier briefing. With permission of the Directorate of Operations (MG Harding), I refuse his request. Mr. Zuelike then begins to withdraw his support for the effort, choosing instead to "create his own" - secretly. We (SOCOM and I) find out later that he sends [], one of his analysts, to spy on SOCOM at the Garland, Texas site to learn the methodology so that they could re-create their own effort in the DC area.
- (U) Apr-May 2000. Army LIWA/IDC gets cold feet due to "oversight" and U.S. Person issues. Despite a "personal for" message from GEN Schoomaker, Commander SOCOM to GEN Shinseki, Chief of Staff of the Army, to allow LIWA/IDC to continue to support the ABLE DANGER effort, the message is never answered and Army lawyers (in particular, Tom Taylor from the information I was provided at the time by Army staff officers) effectively shuts down all army support. Gen Schoomaker directs the establishment of a replica of the LIWA/IDC technology -at a classified location.

UNCLASSIFIED DRAFT

- (U) Jun 2000. At the request of SOCOM ([], DIA's Rep to SOCOM), with the permission of the DIA/DO leadership, I approach MG Noonan, Commander of Army Intelligence and Security Command (INSCOM) to request that Dr. Eileen Preisser be attached to my unit, STRATUS IVY so that she could continue to support ABLE DANGER. This request is denied – I am told later, privately, that MG Noonan felt that by trying to take Dr. Preisser that I was trying to “steal his capability”!!!
- (U) Aug 2000. DIA's Directorate of Intelligence (DI) refuses at first to provide SOCOM 100% of all DIA information. Eventually, the DI gives in, but forces the DO to “pick up and sign for” the DIA information. The DIA/DI provides the information in an “unusable” format – but due to an experienced Raytheon programmer being assigned, she is able to create an algorithm that corrects the problem; it is believed that DIA provided the data in an unusable form intentionally.
- (U) Late Spring/ Early Summer 2000. [] Based on my unit's enhanced relationship with the FBI, I set up three separate meetings between SOCOM (COL Worthington, the then ABLE DANGER chief) and FBI Counterterrorism Special Agents in Washington DC.
- (U) SOCOM cancels all three meetings – reason: SOCOM lawyers would not permit the sharing of the U.S. person information regarding terrorists located domestically due to “fear of potential blowback” should the FBI do something with the information and

UNCLASSIFIED DRAFT

something go wrong. The lawyers were worried about another "Waco" situation. The critical counterterrorism information is never passed from SOCOM to the FBI before 9-11; this information did include the original data regarding Atta and the terrorist cells in New York and the DC area.

- (U) Sep-Oct 2000: The ABLE DANGER effort is established and up and running. GEN Schoomaker retires in Oct 2000, to be replaced by Air Force GEN Holland. GEN Holland, in my judgment, did not understand the concept, and orders the effort (Dec 2000) to terminate its activities in Garland, TX and for the personnel to return to Tampa – there he directs the ABLE DANGER effort become a J2/intelligence effort and the Special Operations Joint Intelligence Center (SOJIC) is created in its place.
- (U) January- March 2001. DIA is requested to provide updated info for the effort to be re-established in Tampa. DIA begins to drag its feet across the board with the departure of LTG Hughes, MG Harding and COL York. STRATUS IVY is prohibited by DIA/DO's new leadership, MG Isler, from participating in the NSA and DIA data transfer.
- (U) January- March 2001 –[]
 - o (U) DCI George Tenet – During this briefing, the DCI approved our conduct of this special project – I did specifically mention the ABLE DANGER effort

UNCLASSIFIED DRAFT

to him regarding the use of its methodology to separate out U.S. Person issues.

- (U) Chairman of the JCS, GEN Hugh Shelton – During this briefing, GEN Shelton approved the project [] His comment was “The people of this country think we are doing things like this. We should be doing things like this”.
- (U) Director of the Joint Staff, LTG Peter Pace – he was briefed, seemed impressed, and supported the project. He did not seem to be aware of ABLE DANGER when I mentioned the name of the project as part of the briefing.
- (U) []
- (U) The National Security Counsel (twice) – Shortly after the briefing to Dr. Cambone, Mark Garlasco and I were directed to brief the National Security Counsel (NSC) on the operation on two separate occasions. I cannot recall the specific dates of, or individuals present at, the briefing.
- (U) 2001 spring. The Special Operations Joint Integration Center (SOJIC) is created – watered down by Mitre contractors – the teeth and operational focus were removed and the capability to do the complex data mining and mission planning support (leadership support) is eliminated.

UNCLASSIFIED DRAFT

- (U) May 2001. Scott Phillpott calls me in desperation in the May 2001 timeframe on my mobile phone. He asked if he can bring “the ABLE DANGER options” that ABLE DANGER had come up with to DC and to use one of my STRATUS IVY facilities to do the work. I tell him with all candor that I would love nothing better than to loan him my facility and work the options with him (to exploit them for both Intel potential and for actual offensive operations) but tell him that my DIA chain of command has directed me to stop all support to him and the project. In good faith, I ask my boss, COL Mary Moffitt if I can help Scott and exploit the options – and that there would be a DIA quid pro quo of obtaining new “lead” information from the project. She takes offense at me even mentioning ABLE DANGER in this conversation, tells me that I am being insubordinate, and begins the process of removing me from my position as chief of STRATUS IVY. As a direct result of this conversation, she directs that I be “moved” to a desk officer position to oversee Defense HUMINT operations in Latin America.

- (U) 11 Sep 2001. We are attacked.

- (U) Late September 2001 Eileen Preisser calls me for coffee and tells me she has something she needs to show me. At coffee she shows me a chart she had brought with her – a large desk top size chart. On it she has me look at the ‘Brooklyn Cell’ – I was confused at first – but she kept telling me to look – and in the “cluster” I eventually found the picture of Atta. She

UNCLASSIFIED DRAFT

pointed out (and I recognized) that this was one of the charts I LIWA had produced in Jan 2000, and that I had taken down to Tampa. I was shocked – and had a sinking feeling at the pit of my stomach – I felt that we had been on the right track – and that because of the bureaucracy we had been stopped – and that we might well have been able to have done something to stop the 9/11 attack. I ask Eileen what she plans to do with the information/chart – she tells me that she does not know but she plans to do something.

- (U) Last week of September 2001. I am on my normal afternoon run from the Pentagon to the Lincoln Memorial –and I receive a call from Dr. Preisser. She tells me “you’ll never guess where I am” – she tells me about sitting in the outer office of Scooter Libby and the fact that she, Congressman Curt Weldon, Congressman Chris Shays and Congressman Dan Burton are going in to brief Steven Hadley on the Atta chart. I am both amazed and satisfied that the Atta information and our work on ABLE DANGER had been provided to proper government leadership and fully expected that the ABLE DANGER team might even be reconstituted. It was not.
- (U) Nov 2001-July 2003 – I accept recall to active duty as a Major in the Army and command a Defense HUMINT unit named Field Operating Base (FOB) Alpha. During this period I attempted to work with ASD/SOLIC to resurrect ABLE DANGER as part of FOB Alpha’s mission. When some sensitive information relating SOLIC was leaked to the press the effort to

UNCLASSIFIED DRAFT

**UNCLASSIFIED
DRAFT**

bring back ABLE DANGER was also terminated. Dr. Preisser was involved in this attempt to resurrect the project.

(U) I will now provide my recollection of my meeting with the 9-11 commission staff at Bagram, Afghanistan on 23 October 2003, and the subsequent DoD retaliation that has now been perpetrated on me based on my coming forward to the 9-11 commission.

(U) I have provided a copy of my testimony to Congressman Chris Shay's sub-committee on National Security (14 Feb 2006) as background to detail how DIA abused the DoD personal security system in an effort to discredit, silence and see me fired from my position as a senior intelligence officer. DoD and DIA officials are now subjects of an on-going investigation on this issue.

(U) While I was assigned to Bagram, AFG, I was given permission by my on the ground, Army chain of command to brief Mr. Zelikow and his investigators, at the SECRET level on ABLE DANGER. I prepared a page and ¼ of bullet points (that I've provided to the HASC) for use in briefing the staffers. There were probably about 10 people in the room when I conducted my briefing – four staffers and six DoD folks.

(U) I conducted an briefing of about 1 hour and a quarter to Dr. Zelikow and the staffers – covering the high points that I've noted in my testimony in the closed session. Dr Phillip Zelikow, staff director of the 9/11 commission approached me at the conclusion of the meeting and gave me his card

UNCLASSIFIED DRAFT

and said “What you have said her today is very important. Please contact me upon your return to the United States so we can continue this dialogue”. By the 9/11 commission’s own public statements made in September 2005 regarding ABLE DANGER, I was the first officer to tell them about the existence of the project.

- (U) Upon my return from Afghanistan, I took about 30 days of leave – and then, assigned to work as the Deputy Chief and Operations Officer of the Afghanistan Operations Task Force, I returned to duty the first week of January 2004 [] It was this first week of January 2004 that I called the number given to me on Dr. Zelikow’s card. I was told by the person who answered the phone that “yes – we remember you – let me talk to Dr. Zelikow to find out when he wants you to come in.” I also notify my DIA chain of command, both verbally and in writing, that I had been contacted by the 9/11 commission in Afghanistan and had re-contacted them, via phone the first week of January – and told my DIA chain to expect to be contacted with a request for me to meet with the 9/11 commission on ABLE DANGER. As I recall, I notified my immediate boss, Air Force COL John Longenecker and his boss Navy Captain Mike Andersen – and the e-mail I believe went even higher up the chain.

(U) I do not hear anything back from the 9/11 commission so I call them again about a week to 10 days after my initial call

UNCLASSIFIED DRAFT

(second/third week of Jan 2004). I speak to the same person again, but his tone is different – he tells me that “they have found all the information they need on ABLE DANGER so there would be no need for me to come in to speak to them”. I was shocked in a way – since they had never asked me to provide lead information (i.e. asked the question as to “who else knows this information, too?) – but figured they may have found Capt Phillipott or Dr. Preisser since they had similar knowledge of the project. I had moved my set of ABLE DANGER documents to the third floor of DIA’s Clarendon facility in anticipation that the 9/11 commission would want to see them so I kept them with me in my new office space.

- (U) However, life did not go back to normal. Immediately after I notified the chain of command on my contact with the 9/11 commission, my life became strange. I was scrutinized and harassed on virtually every issue I had to deal with – I volunteered to return to serve with the Rangers in Afghanistan (based on a written request from their G2, LTC Mo Morrison) – and was given a written negative counseling by Mike Andersen telling me that I could not volunteer to return to a combat zone!!! I was now being constantly harassed, and my request to return to Afghanistan to continue the fight was initially denied [] I was threatened with disciplinary action if I did not show up everyday in military uniform. In other words I was treated like a brand new recruit rather than a seasoned two decade professional who was

UNCLASSIFIED DRAFT

preparing a team and himself for a deployment into a combat zone.

(U) My senior rater, Captain [], the chief of the Pacific Division of Defense HUMINT (who's oversight included Afghanistan) told me behind closed doors that "they (leadership) are really upset with you this time – they are really out to do something to you" – I asked him to identify who "they" were by name, and what the issue was – he would not answer the questions. He did say that he wanted me to lead the ADVON to show them my abilities and importance to the war – which he did – he pushed me to lead the team and return to Afghanistan in the end. But it was clear that he was getting constant questions and directives regarding me from his leadership. His immediate boss was COL [], and above him was Mr. Bill Huntington.

o (U) []

(U) While deployed in Afghanistan on this second tour, I was offered a new job by [] (GS-15) – the chief of the Iraq Combat Support Task Force. The Afghanistan and Iraq Combat Support Task Forces were to be merged and he asked if I'd serve as the operations officer of the new combined task force. It would mean an extension of active duty for one to two years. After thinking about it for a day, I sent him an e-mail and accepted the position. He sent a confirmatory e-mail saying he'd let Defense HUMINT leadership know of his decision to select me. Just days before I was due to return to DC (probably the last week of February 2004) Bill sent me a note telling me that he could not offer me the position – that something was going on that

**UNCLASSIFIED
DRAFT**

he could not talk about and said that I would not be extended on active duty. I requested him to clarify this change of heart and he would not – he would only say that “leadership” would not allow him to put me into the position.

(U) At the conclusion of this fully successful ADVON mission (by all accounts from leadership at both standing task forces in Afghanistan, and from [] at DHS HQs), and my return to Washington the first week of March 2004 without warning or reason, my Top Secret/SCI clearance was suspended. Upon my return to DIA, I was called in to Army COL [] office, told that the DIA IG had “substantive allegations” against me that required that my clearance be suspended and that I was being transferred to the Headquarters and Headquarters Company (HHC) Ft Meyer, VA for the duration of my active duty. My DIA badge was confiscated and I was sent to Ft. Meyer to report in to the HHC Company Commander.

(U) Upon reporting in, though the HHC commander Captain Vic Harris could not tell me the content, he did say that he had read the DIA IG report and the allegations against me – and his assessment was simple – they were nothing major – I had pissed someone off. He felt that there was nothing to the allegations, but could not tell me what they were. He allowed me casual duty for the remainder of my active duty period (until 1 Jun 2004).

(U) I then dealt with the Army Trial Defense Service (TDS) for the next 90 days – and they were equally confused by the issue as the Army Judge Advocate General (JAG) who had been given the DIA IG report would not share with them any

UNCLASSIFIED DRAFT

information – and in the end, no charges of any sort were made against me by the Army. I received an honorable discharge and a favorable DD-214 in June 2004, and returned to my civilian GS-14 status to DIA, Defense HUMINT. DIA continued to refuse to return my access to classified information and placed me on “administrative leave” (which I remain on today).

(U) Instead of trying to resolve the issue DIA chose to go through my entire personal security jacket and drag up every issue they could regarding derogatory allegations and revived them as if they were new – purposely leaving out all positive, exculpatory information regarding the favorable outcome of independent investigations that resolved the allegations in my favor.

(U) I finally learned about what the three allegations were after I had come off of Active Duty in a meeting with USMC Brig Gen Mike Ennis, director of Defense HUMINT in mid June 2004.

(U) For the record, the three DIA IG Investigation issues, from their investigation concluded on me in March of 2004, were the following:

- 1) (U) Undue award of the Defense Meritorious Service Medal (DMSM). DIA claimed that I received a major decoration unlawfully – despite the fact that the award was for, among service in other reserve leadership positions, my work on ABLE DANGER. Though I provided classified performance evaluations and other background documents that

UNCLASSIFIED DRAFT

showed the justification for the award, the information was ignored by DIA Security. There was no evidence in the DIA IG report that I did anything wrong, and the Army, after reviewing the data, has allowed me to keep the award.

- 2) (U) Misuse of a government telephone adding up to \$67.00. While in charge of a DIA operating base in which I was responsible for millions of dollars of equipment and the activities of more than a dozen people the government phones were issued to my unit. During an 18 month period, I would periodically program the government phone to forward phone calls to my personal mobile phone – for a .25 cent charge for every call forwarded. This added up to \$67.00. As many of you know, while in command of any activity, many things can go wrong – out of my 18 months of command this was the only issue they could get me on – and in the end, I did have the authority to approve the expenditure since I was the unit’s commanding officer.
- 3) (U) Filing a False Voucher for \$180.00. I attended Army training a Ft Dix, New Jersey that was required for my promotion to lieutenant colonel. Despite this being a wholly legal claim – one processed through the DIA financial system – and one that had it been rejected I could have claimed as a professional deduction from my taxes – DIA’s IG falsely stated that it was an illegal claim because I was authorized to attend the Command and General

**UNCLASSIFIED
DRAFT**

Staff School at “no expense to the government”.

- 4) (U) Summary of allegations – the total alleged loss was less than **\$300.00 – that is right \$300.00**. The DIA IG inspector, Mike Kingsley did falsely and without evidence, makes conclusions on his investigation in which the evidence did not support. There was factual evidence in the report that I followed the guidance given by my leadership in submission of the DMSM; despite an in-depth analysis of phone records, the only expense he could come up with was the call forwarding charge; and the false voucher is not false since I was due reimbursement for attendance of the school, either by direct remuneration or through filing for reimbursement through my income tax return.

(U) In the June 2004 meeting with BrigGen Ennis, he made it clear that he intended to try and influence MG Jackman, the commander of Army Military District of Washington (MDW) – who I had technically belonged to (administrative control) while on active duty- to take adverse action against me based on the DIA IG report. He told me in addition to the three DIA IG allegations that I had a “record” of bad behavior to wit he read a list of allegations he had been given by DIA’s General Counsel. I told him that every one of those allegations had been investigated as part of DSS investigations and resolved in my favor – and that he was not being given the whole story. He clearly did not want to hear “the rest of the story” and that ended the meeting.

UNCLASSIFIED DRAFT

(U) I was given “due process” regarding the clearance issue – a process that has no oversight within which DIA had no obligation to follow DoD regulations and guidelines, and patently ignored exculpatory data every step of the way. I have provided separate open testimony to the Government Reform Committee on this issue.

(U) BrigGen Ennis was true to his word – 30 days after I came of active duty (30 Jun 2004) the MDW JAG drafted for and got MG Jackman to sign a General Officer Letter of Reprimand (GOMOR). Because I had come off active duty on 1 Jun 2005, I was advised by my TDS attorney to not accept it unless recalled to active duty so that I could officially respond to the allegations or to allow MDW to forward it to my gaining command, Human Resource Command (HRC) St Louis, MO for their action. I refused “service” of the GOMOR – it was forwarded to HRC who sent it back telling MDW that it was not an appropriate legal action. I was promoted to lieutenant colonel on 1 Oct 2004. The GOMOR was and is an administrative document that is not punitive. DIA continued to put pressure on the MDW JAG to put the action into my official file – which they were finally successful in doing – it was placed into my official permanent file in November of last year, despite the fact that I was never given the opportunity to present the exculpatory information or letters from my former leadership that would have cleared me. All of this effort over less than \$300.00 of issues; by our estimate, the U.S. Government has spent \$2 million on the attempt to undermine me and suppress the ABLE DANGER information - \$2 million buys a whole lot of body armor – and could have paid for much of the

**UNCLASSIFIED
DRAFT**

technology needed to resurrect an ABLE DANGER type capability today.

(U) It was during this period (June/July 2004) my ostensible “supervisor” called me in to visit him at Clarendon on some administrative issues and notified me that my office documents and holdings had been moved and that all my classified documents had “been destroyed” – this was curious to me at the time since my clearance had only been suspended – and since there was a due process requirement in place, that, if fairly done, would see my access restored, and my right to have and view those documents restored, it was troubling to me that they had destroyed years of background information that I had kept regarding my [] activities. Plus – there were pertinent operational oversight documents that I had kept, such as ABLE DANGER, which were of legal significance.

(U) Based on the frivolous nature of the DIA IG allegations and the rapid destruction of my classified documents, there is no doubt that there was something more at work here.

(U) The fact that through my attorney, Mark Zaid, I provided to DIA exculpatory information to counter the DIA allegations not once but on three occasions – April 2005, June 2005 and in the last appeal in November 2005 – also were of no avail.

(U) The exculpatory letters of support from the Defense Security Service Agent who verified her positive/exculpatory investigations (for me) that were favorably adjudicated by Army’s Central Clearance Facility in the 1995 and before timeframe, and letters of support from my leadership, COL

UNCLASSIFIED DRAFT

Gerry York and MG Bob Harding that confirmed that I was indeed due the award for my work for them and provided statements that cleared me of the other allegations of wrongdoing that were alleged from 1997 through 2000. These were all ignored.

(U) In addition, it is a curious fact that DIA Security had purposely left issues “hanging” in my personal security records – issues that I had identified to an Office of Personnel Management (OPM) investigator who conducted my five year bring-up investigation – issues that he noted in his official report that I told him of but that he ‘could find no evidence that the events ever occurred’ - this information is all available to the committee to verify. In other words, DIA had stuck away adverse issues to use against me at the moment of their choosing which illustrates something even more sinister about the DIA security system; it is not focused on catching penetrations of the agency – it is focused on maintaining an Orwellian control on its personnel.

(U) It was clear that DIA leadership chose to take this course of action in retaliation for something – that something I and others now believe was because of my protected disclosures to the 9/11 Commission and to Congress. The DoD IG is currently investigating this issues based on a request from HASC Chairman Duncan Hunter.

(U) My first protected disclosure to Congress on the ABLE DANGER issue came in May of 2005.

(U) My meetings with congress occurred because the Navy sent me to Capital Hill. Army had cleared and promoted me,

UNCLASSIFIED DRAFT

and Navy (Scott Phillipott) was provided details of the allegations, and the exculpatory information and knew there was nothing to them; I was allowed to start doing reserve activities. Army leadership (Deputy G2 Mr. Terry Ford) provided verbal concurrence and approval for me to be attached to the Navy's DEEP BLUE (U) think tank (under the Navy N3/N5) to assist Capt Phillipott re-create an ABLE DANGER like capability, nicknamed KIMBERLITE MAGIC/MAZE (U) – this all unclassified and above board due to my lack of clearance. I pulled my reserve drill days with the Navy during the week and during my two week annual training (attached to the Navy) in May of 2005, I was asked to visit with Congressman Weldon in his office on Capital Hill to assist the Navy in asking for funds to establish their KIMBERLITE MAZE (U) project.

(U) During my first meeting with Congressman Weldon I was asked some questions about what became of the overall ABLE DANGER effort – he had heard some details from Capt Phillipott in their first meeting (that preceded my meeting with the Congressman by several days) – he asked me to provide my details – which I did. I gave him the same basic SECRET level briefing I had given the 9/11 Commission in Oct of 2003 at Bagram, AFG. During the briefing, Congressman Weldon asked Russ Caso, his chief of staff, to call the 9/11 commission and find out if they (the 9/11 commission) had ever heard of ABLE DANGER. Mr. Caso left the room and called Chris Cojm at the 9/11 Discourse Project and asked him if they had ever “heard of something called ABLE DANGER”. Chris quickly checked and told Russ “Yes – we had heard of it” – Russ then asked him why they had not put it in their final report – Cojm's

UNCLASSIFIED DRAFT

UNCLASSIFIED DRAFT

answer was this “It did not fit with the story we wanted to tell”. Russ came back in and told Congressman Weldon and me of the comment. Both Congressman Weldon and I could not hide our astonished looks at hearing the news. This was the beginning of the investigation as to why ABLE DANGER information was not examined or included in the 9/11 report that has brought us to where we are today.

(U) I soon called the Army Deputy G2, Mr. Ford and asked him for guidance as to what I should do about Congressman Weldon and his staff asking hard questions about ABLE DANGER and what had happened – his answer was simple and direct: **“Tell them the truth and answer their questions”**. To whit, I did.

(U) Over the next few weeks, I provided Congressman Weldon and his chief of Staff, Russ Caso, information regarding the timeline of activity and the overall ABLE DANGER effort up to the SECRET level. I then provided similar briefings to other members of congress with oversight responsibilities of DoD, Law Enforcement and Intelligence issues. These briefings and meetings included Congressman Pete Hoekstra, Chairman HPSCI; Congressman Frank Wolf; Congressman Jim Davis, Chairman, House Governmental Reform Committee; and Congressman Denny Hastert, Speaker of the House of Representatives. Information was also provided to the Senate Judiciary and Senate Intelligence Committees. In each instance I was encouraged to try and help congress get to the bottom of the ABLE DANGER issue to help insure that all the pre-9/11 issues were fixed – and things like ABLE DANGER needed to be reviewed as part of the process.

UNCLASSIFIED DRAFT

(U) It was during this time that the link between DIA's retaliation using my security clearance and effort to fire me became clear. It was my attorneys who first made the connection during their work with the Senate Judiciary Committee and the apparent effort to discredit me by DIA behind the scenes.

(U) Late in the summer, long after Congressman Weldon's 27 Jun 2005 "special order" on ABLE DANGER I was asked to go public. I did so, in August 2005 knowing that I could never go back to the intelligence world I had served in for the past 23 years – it was not an easy decision or one taken lightly – and one that troubled me greatly up to the point that it was clear that the need for public knowledge was greater than my own personal desires.

(U) As you can see from the testimony above, I have tried to make sure that all of the critical aspects and capabilities that were part of the ABLE DANGER planning effort have remained classified – undisclosed to the public – for obvious reasons. There is no one in this room that would question the need to protect real capabilities that will give us a leg up on our terrorist adversaries. However, this must not be an excuse to avoid or bypass accountability regarding failures and wrongdoing of DoD personnel.

(U) The classified methods and technology are not the key to the ABLE DANGER story – the key is the lack of individual and organizational accountability and their failure to have effectively utilized the intelligence and operational capabilities prior to 9/11; Perhaps to have even used these

**UNCLASSIFIED
DRAFT**

capabilities to have disrupted, minimized or prevented the 9/11 attacks.

(U) Since coming out publicly in support of Congress and the effort to get to the truth, I have been personally attacked, demonized by DIA security. Despite the fact that DIA security and DIA leadership have been given the exculpatory information that counter's their allegations – and despite the fact that there has been verification from other individuals the existence and effort that was being made within ABLE DANGER I remain on the sideline without a clearance – even preparing this testimony without formal approval. The system is broken – if they can do this to me – slander and malign me and ignore exculpatory evidence – only look at bad issues and consider none of the successes and good work I've done over the past 23 years, they can (and would) do this to anyone who stands up to try and set the record straight.

(U) In conclusion I will offer several points.

(U) In November 2004, Army Sgt Pat Tillman, a National Football League star turned Army Ranger was killed in Afghanistan. At first, it was reported that he was killed by Taliban fighters – and this fraudulent statement was perpetrated on the American people for nearly a year before someone came forward and blew the whistle – and revealed the fact that SOCOM and the Army lied – that Sgt Tillman was killed by friendly fire. I was personally attached to the [] Rangers [] in Nov of 2003 and went on a similar nighttime air assault looking for Al Qaeda leadership in the same exact region of Afghanistan in which Sgt Tillman was

UNCLASSIFIED DRAFT

killed – and I know first hand the chaos that is present on a “hot LZ” when you are being shot at from multiple directions and it is hard to make out the good guys from the bad - and how easy mistakes can be made. However, to lie about, and cover up, the grim reality of his death is an insult to his memory and the memory of the other soldiers who have fought and died in this war. I feel the same about ABLE DANGER. There has been a wholesale effort to casher me over allegations of less than \$300.00 – while DoD has spent nearly \$2 million to damage my reputation and remove me.

(U) If there can be a cover-up on a cut an dry issue like the truth about Sgt Tillman’s death, to what length do you think government bureaucrats, who were never held accountable for their failures to detect and prevent the 9/11 attack would do to suppress direct evidence that we had an offensive capability that could well have been used to pre-emptively target and destroy Al Qaeda a full year before we were attacked?

(U) It appears as if ABLE DANGER were in the middle of an Orwellian 1984 rewrite of history when Congressman Weldon found and got the story out. How is it that this information has been “disappearing” over the past five years? How could lawyers misinterpret the law and regulations so clearly as to “delete” the equivalent ¼ of the Library of Congress? How is it that just after I approach the 9-11 commission that I am suspended over three administrative issues that did no then, and do not now hold water, and that my entire issue of ABLE DANGER documents not only go missing, but are later revealed by DIA

UNCLASSIFIED DRAFT

leadership to have been “destroyed” by DIA without explanation. These are questions that beg to be answered.

(U) I was on the track of being ‘written out’ of history, just like a character in George Orwell’s book 1984 – it was initially a complete mystery as to why DIA was pushing so hard to revoke my clearance, with the clear intent to fire me to preclude my ever being able to say anything about ABLE DANGER and the issues at hand.

(U) During my tenure as chief of STRATUS IVY, I’ve conducted operations and ran projects that I cannot discuss in open session, but were disclosed in closed session to illustrate what we were doing – and the ‘out of the box’ nature of the efforts.

(U) My final three points are:

(U) First – we need to have out of the box thinkers who go against conventional conservative thinking – who oppose the bureaucracy’s lethargy and tendency to play it safe and protect itself. My only wrongdoing here is that I opposed the bureaucracy – and thought “out of the box” – and was given by proper military authority the opportunity, resources, and authority to achieve something. I am proud to say that we did achieve something – great things – which my folks and I did on multiple occasions – our greatest successes of which I cannot even discuss at the Top Secret SCI level. The terrorists are illusive, adaptive and persistent. We need folks who can literally out think them – to anticipate where they are going and get there ahead of them. We need to

**UNCLASSIFIED
DRAFT**

encourage, not discourage, this thinking, otherwise another, much broader and more destructive 9/11 attack is inevitable.

(U) Second – capabilities that will identify global “centers of gravity” of our adversaries. That is all I can say in open testimony.

(U) Third – We need an out of the box element such as we had in STRATUS IVY; to be adaptive and creative in its approaches to detect emerging threats – and detect existing threat’s change or adaptation of methodology and then engage the threats in new and creative ways to neutralize them.

(U) I hope the HASC hearings will pursue answers to the ABLE DANGER questions that I have identified in my testimony.

(U) Further, and more importantly, I hope the HASC will create legislation that will:

1) (U) Recreate an ABLE DANGER capability and insure that such a capability is able to withstand bureaucratic and political forces that oppose its existence.

2) (U) Recreate a STRATUS IVY type task force/unit [] using advanced and developing technology to conduct operations support both Title 50 intelligence collection and Title 10 military operations.

**UNCLASSIFIED
DRAFT**

3) (U) Establish better lines for protected communications of crucial oversight issues that protect whistleblowers.

(U) Thank you for this opportunity to have briefed you on the issues and aspects of my role in ABLE DANGER and the importance, scope and demise of the project.

Anthony Shaffer
LTC, MI, USAR