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Why did the 9/11 Commission ignore "Able Danger"?

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BY LOUIS FREEH

It was interesting to hear from the 9/11 Commission again on Tuesday. This self-perpetuating and privately funded group of lobbyists and lawyers has recently opined on hurricanes, nuclear weapons, the Baltimore Harbor Tunnel and even the New York subway system. Now it offers yet another "report card" on the progress of the FBI and CIA in the war against terrorism, along with its "back-seat" take and some further unsolicited narrative about how things ought to be on the "front lines."

Yet this is also a good time for the country to make some assessments of the 9/11 Commission itself. Recent revelations from the military intelligence operation code-named "Able Danger" have cast light on a missed opportunity that could have potentially prevented 9/11. Specifically, Able Danger concluded in February 2000 that military experts had identified Mohamed Atta by name (and maybe photograph) as an al Qaeda agent operating in the U.S. Subsequently, military officers assigned to Able Danger were prevented from sharing this critical information with FBI agents, even though appointments had been made to do so. Why?

There are other questions that need answers. Was Able Danger intelligence provided to the 9/11 Commission prior to the finalization of its report, and, if so, why was it not explored? In sum, what did the 9/11 commissioners and their staff know about Able Danger and when did they know it?

The Able Danger intelligence, if confirmed, is undoubtedly the most relevant fact of the entire post-9/11 inquiry. Even the most junior investigator would immediately know that the name and photo ID of Atta in 2000 is precisely the kind of tactical intelligence the FBI has many times employed to prevent attacks and arrest terrorists. Yet the 9/11 Commission inexplicably concluded that it "was not historically significant." This astounding conclusion--in combination with the failure to investigate Able Danger and incorporate it into its findings--raises serious challenges to the commission's credibility and, if the facts prove out, might just render the commission historically insignificant itself.

The facts relating to Able Danger finally started to be reported in mid-August. U.S. Army Col. Anthony Shaffer, a veteran intelligence officer, publicly revealed that the Able Danger team had identified Atta and three other 9/11 hijackers by mid-2000 but were prevented by military lawyers from giving this information to the FBI. One week later, Navy Capt. Scott J. Phillpott, a U.S. Naval Academy graduate who managed the program for the Pentagon's Special Operations Command, confirmed "Atta was identified by Able Danger by January-February of 2000."

On Aug. 18, 2005, the Pentagon initially stated that "a probe" had found nothing to back up Col. Shaffer's claims. Two weeks later, however, Defense Department officials acknowledged that its

"inquiry" had found "three more people who recall seeing an intelligence briefing slide that identified the ringleader of the 9/11 attacks a year before the hijackings and terrorist strikes." These same officials also stated that "documents and electronic files created by . . . Able Danger were destroyed under standing orders that limit the military's use of intelligence gathered about people in the United States." Then in September 2005, the Pentagon doubled back and blocked several military officers from testifying at an open Congressional hearing about the Able Danger program.

Two members of Congress, Curt Weldon and Dan Burton, have also publicly stated that shortly after the 9/11 attacks they provided then-Deputy National Security Adviser Stephen Hadley with a "chart" containing preattack information collected by Able Danger about al Qaeda. A spokesperson for the White House has confirmed that Mr. Hadley "recalled seeing such a chart in that time period but . . . did not recall whether he saw it during a meeting . . . and that a search of National Security Council files had failed to produce such a chart."

Thomas Kean, the chairman of the 9/11 Commission, reacted to Able Danger with the standard Washington PR approach. He lashed out at the Bush administration and demanded that the Pentagon conduct an "investigation" to evaluate the "credibility" of Col. Shaffer and Capt. Phillpott--rather than demand a substantive investigation into what failed in the first place. This from a former New Jersey governor who, along with other commissioners, routinely appeared in public espousing his own conclusions about 9/11 long before the commission's inquiry was completed and long before all the facts were in! This while dismissing out of hand the major conflicts of interest on the commission itself about obstructions to information-sharing within the intelligence community!

Nevertheless, the final 9/11 Commission report, released on July 22, 2004, concluded that "American intelligence agencies were unaware of Mr. Atta until the day of the attacks." This now looks to be embarrassingly wrong. Yet amazingly, commission leaders acknowledged on Aug. 12 that their staff in fact met with a Navy officer 10 days before releasing the report, who "asserted that a highly classified intelligence operation, Able Danger, had identified Mohammed Atta to be a member of an al Qaeda cell located in Brooklyn." (Capt. Phillpott says he briefed them in July 2004.) The commission's statement goes on to say that the staff determined that "the officer's account was not sufficiently reliable to warrant revision of the report or further investigation," and that the intelligence operation "did not turn out to be historically significant," despite substantial corroboration from other seasoned intelligence officers.

This dismissive and apparently unsupported conclusion would have us believe that a key piece of evidence was summarily rejected in less than 10 days without serious investigation. The commission, at the very least, should have interviewed the 80 members of Able Danger, as the Pentagon did, five of whom say they saw "the chart." But this would have required admitting that the late-breaking news was inconveniently raised. So it was grossly neglected and branded as insignificant. Such a half-baked conclusion, drawn in only 10 days without any real investigation, simply ignores what looks like substantial direct evidence to the contrary coming from our own trained military intelligence officers.

No wonder the 9/11 families were outraged by these revelations and called for a "new" commission to investigate. "I'm angry that my son's death could have been prevented," seethed Diane Horning, whose son Matthew was killed at the World Trade Center. On Aug. 17, 2005, a

coalition of family members known as the September 11 Advocates rightly blasted 9/11 Commission leaders Mr. Kean and Lee Hamilton for pooh-poohing Able Danger's findings as not "historically significant." Advocate Mindy Kleinberg aptly notes, "They [the 9/11 Commission] somehow made a determination that this was not important enough. To me, that says somebody there is not using good judgment. And if I'm questioning the judgment of this one case, what other things might they have missed?" This is a stinging indictment of the commission by the 9/11 families.

The chairman of the Senate Judiciary Committee, Arlen Specter, has led the way in cleaning up the 9/11 Commission's unfinished business. Amid a very full plate of responsibilities, he conducted a hearing after noting that Col. Shaffer and Capt. Phillpott "appear to have credibility." Himself a former prosecutor, Mr. Specter noted: "If Mr. Atta and other 9/11 terrorists were identified before the attacks, it would be a very serious breach not to have that information passed along . . . we ought to get to the bottom of it." Indeed we should. The 9/11 Commission gets an "I" grade--incomplete--for its dereliction regarding Able Danger. The Joint Intelligence Committees should reconvene and, in addition to Able Danger team members, we should have the 9/11 commissioners appear as witnesses so the families can hear their explanation why this doesn't matter.

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