

PANEL ONE OF THE TENTH HEARING OF THE NATIONAL COMMISSION ON  
TERRORIST ATTACKS UPON THE UNITED STATES  
SUBJECT: "LAW ENFORCEMENT AND THE INTELLIGENCE COMMUNITY"  
THOMAS H. KEAN, CHAIR; LEE H. HAMILTON, VICE CHAIR PHILIP D.  
ZELIKOW, COMMISSION EXECUTIVE DIRECTOR, AND KEVIN SCHEID PRESENT  
STAFF STATEMENT: "THE PERFORMANCE OF THE INTELLIGENCE COMMUNITY"  
WITNESS: GEORGE TENET, DIRECTOR OF CENTRAL INTELLIGENCE

216 HART SENATE OFFICE BUILDING  
9:03 A.M. EDT, WEDNESDAY, APRIL 14, 2004

MR. KEAN: (Strikes gavel.) Good morning. As chair of the National Commission on Terrorist Attacks Upon the United States, I hereby convene our second day of hearings on "Law Enforcement and the Intelligence Community."

And as I did yesterday, I'd like to make two announcements. First, for viewers watching this hearing at home, you can obtain staff statements at [www.911commission.gov](http://www.911commission.gov). Second, I would ask our audience again to please limit your enthusiasms or lack of enthusiasms, to be polite to our witnesses, and give our commissioners more time to ask their questions and get their responses.

We'll now hear the first staff statement of the day, "The Performance of the Intelligence Community." Philip Zelikow and Kevin Scheid are the Commission staff who are going to read this particular statement.

MR. ZELIKOW: Members of the Commission, with your help, your staff has developed initial findings on the performance of the intelligence community against the danger of Islamic extremist terrorism before the September 11th attacks on the United States. These findings may help frame some of the issues for this hearing and inform your work.

In Staff Statement Number 7, we discussed our initial findings on the work of the CIA as an instrument of national policy in the areas of clandestine and covert action. Today we focus on intelligence analysis and warning, the collection of intelligence and the overall management of the intelligence community before September 11th, 2001.

This report reflects the results of our work on these issues so far. We remain ready to revise our understanding of these topics as our work continues. The staff statement represents the collective efforts of a number of members of our staff. Kevin

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it, but it's in the right place. The most important thing about its success is we need to make sure that the domestic data shows up.

That's the most important thing, because unless you have all the data in one place, you can't talk about competitive analysis, you can't talk about red-teaming, it all has to be there. So the most important thing that has to happen is that architecture to ensure that the data shows up. And we need to keep pressure to make sure that happens. Otherwise, you're going to have a lot of data and no left hand to meet the right hand.

**MR. GORTON:** Thank you. Those were all precise and enlightening answers.

**MR. KEAN:** One final question, Commissioner Ben-Veniste has asked, and told me he can do it in 30 seconds.

**MR. BEN-VENISTE:** I never said that. (Laughter.) But I do have one question, Mr. Director.

First, the Commission was provided with the SEIBs, the Senior Intelligence -- Executive Intelligence Brief, and I want to refer to the one of August 7, 2001. And I want to compare it to the PDBs, and particularly the PDB of August the 6th, 2001.

Let me just tell you that the information, in comparison, has deleted from the SEIB -- in the sentence, "Al Qaeda members, including some who are U.S. citizens, have resided or traveled to the U.S. for years and the group apparently maintains a support structure," the words "that could aid in attacks" doesn't appear in the SEIB, nor does the final two paragraphs of the PDB, which contain all of the updated and current information.

Now, the attorney general of the United States testified yesterday that he was out of the loop, did not receive the PDBs, but he did receive the SEIB, as did other Cabinet officials who have responsibility for law enforcement, such as Customs, INS and so forth.

Can you tell us who it was that makes the decision to send material on to the other executives who do not get the PDBs?

**MR. MCLAUGHLIN:** Commissioner, the -- it's a little difficult to reconstruct all of that looking back, but in talking to people about it, a couple of factors on the table here. The SEIB

was a very new publication at that time. We were still developing the rules for how to do it. I think the first omission you mentioned I'm guessing was probably an editorial change by someone on the staff who was shortening the article for the SEIB. The latter changes that you referred to -- the rule that we were using at the time was that information we did not have written documentation for, which in this case some of that information fell into that category --

MR. BEN-VENISTE: But others --

MR. MCLAUGHLIN: -- because the analyst had gotten it on the phone from her FBI colleague, we didn't put in the SEIB unless we had written documentation. And other information we didn't put in if it had an operational content; that is, there was an ongoing operational matter, as there was in the case of the call-in in Dubai, where we were aggressively following up, trying to find this person. And those are essentially the reasons that we -- sometimes we will also not include information if there's a law enforcement dimension to it that could be affected by disseminating it widely. But a mix of reasons like that was behind it, and the decision is made in our Directorate of Intelligence, where these publications are put together.

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MR. BEN-VENISTE: Thank you, Mr. Chairman.

MR. KEAN: Thank you, Commissioner.

Director Tenet, Mr. McLaughlin, thank you again for your cooperation. Thank you for all your help today.

MR. TENET: Thanks.