PANEL I OF THE EIGHTH PUBLIC HEARING OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES RE: FORMULATION AND CONDUCT OF U.S. COUNTERTERRORISM POLICY CHAIRED BY: THOMAS KEAN, FORMER GOVERNOR (R-NJ) WITNESS: FORMER SECRETARY OF STATE MADELEINE ALBRIGHT LOCATION: 216 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. TIME: 9:02 A.M. EST DATE: TUESDAY, MARCH 23, 2004

MR. KEAN: Good morning. As chairman of the National Commission on Terrorist Attacks on the United States I hereby convene our eighth public hearing. This hearing is going to run over the course of two days, from 9:00 a.m. to 5:00 p.m. today and from 8:30 to 5:30 tomorrow.

The focus of this two-day hearing will be the counterterrorism policy of the United States. We will take as our principal focus the period between the embassy bombings of 1998 and the September 11th, 2001 terrorist attacks. In particular, this commission will review how our government responded to the increasing threat from Osama Bin Ladin and al Qaeda. We'll also examine the global war on terrorism today and seek from our witnesses perhaps some recommendations on how today we can do things to make America safer.

Over the next two days we'll hear from senior officials from both the Clinton and the Bush administrations on the topic of terrorism, Bin Ladin and al Qaeda. We will hear from former Secretary of State Madeleine Albright; current Secretary of State Colin Powell; former Secretary of Defense William Cohen; current Secretary of Defense Donald Rumsfeld; the director of Central Intelligence, George Tenet; former National Security Advisor Samuel Berger and former National Counterterrorism Coordinator Richard Clarke.

This commission had invited current National Security Advisor Dr. Condoleezza Rice to appear today. But the Administration has declined that invitation. We're disappointed that she's not going to appear to answer our questions about national policy coordination. But in her place the Administration has designated Deputy Secretary of State Richard Armitage. We have had extended private meetings with Dr. Rice. We have received a lot of information from her and she's been a very cooperative witness in that circumstance. We will reserve the right today to ask each of our witnesses, as well as Dr. Rice, to appear before this commission again and answer further questions.

It's not possible for this hearing to cover everything we've learned. We know more than we're able to present to the

public today. Yet we believe that we'll be able to bring before the American public a significant body today of new information. We'll present more, of course, in our final report.

Just one additional word. Our hearing today is on policy issues leading up to 9/11, and a number of our witnesses were also involved in the events of that particular day. We're going to hold a later hearing in June that will address in detail how our government responded to the attacks on that particular day of 9/11.

Our first panel today will examine how the U.S. government used diplomacy as an instrument of national power to try and disrupt the al Qaeda network and in particular what it did to persuade the Taliban regime to arrest and to hand over Bin Ladin and his lieutenants, or at least to expel them from Afghan territory.

As we did in January, we will proceed to introduction of panels, with staff statements. These statements are informed by the work of the Commissioners, as well as staff, represent the staff's best effort to reconstruct the factual record. I'll say judgments and recommendations are for commissioners, and the Commission will make those recommendations during the course of our work and, of course, in our final report.

I would now like to recognize Dr. Philip Zelikow, the Commission's executive director, who will introduce the first staff statement. He will be followed by Mr. Mike Hurley, who directs the investigation that pertains to the topic of today's hearing.

Mr. Zelikow.

PHILIP ZELIKOW (executive director): Members of the Commission, with your help, your staff has developed initial findings to present to the public on the diplomatic efforts to deal with the danger posed by Islamic extremist terrorism before the September 11th attacks on the United States. We will specifically focus on the efforts to counter the danger posed by the al Qaeda organization and its allies. These findings may help frame some of the issues for this hearing and inform the development of your judgments and recommendations.

This report reflects the results of our work so far. We remain ready to revise our understanding of these topics as our work continues. This staff statement represents the collective

effort of a number of members of our staff. Scott Allan, Michael Hurley, Warren Bass, Dan Byman, Thomas Dowling and Len Hawley did much of the investigative work reflected in this statement.

We are grateful to the Department of State for its excellent cooperation in providing the Commission with needed documents and in helping to arrange needed interviews, both in the United States and in nine foreign countries.

We are also grateful to the foreign governments who have extended their cooperation in making many of their officials available to us as well. The Executive Office of the President and the Central Intelligence Agency have made a wealth of material available to us that sheds light on the conduct of American diplomacy in this period.

I'd now like to introduce Michael Hurley of our staff, noting that Michael is employed by an agency of the United States government and did three tours in Afghanistan after 9/11. He will now present an abbreviated version of this staff statement, omitting some of the historical background. Michael?

MICHAEL HURLEY: Counterterrorism and U.S. foreign policy. Terrorism is a strategy. As a way to achieve their political goals, some organizations or individuals deliberately try to kill innocent people, noncombatants. The United States has long regarded such acts as criminal.

For more than a generation, international terrorism has also been regarded as a threat to the nation's security. In the 1970s, and 1980s, terrorists frequently attacked American targets, often as an outgrowth of international conflicts like the Arab-Israeli dispute. The groups involved were frequently linked to states. After the destruction of Pan American Flight 103 by Libyan agents in 1988, the wave of international terrorism that targeted Americans seemed to subside.

The 1993 attempt to blow up the World Trade Center called attention to a new kind of terrorist danger. A National Intelligence Estimate issued in July 1995 concluded that the most likely threat would come from emerging transient terrorist groupings that were more fluid and multinational than the older organizations and state- sponsored surrogates. This new terrorist phenomenon was made up, according to the NIE, of loose affiliations of Islamist extremists violently angry at the United States. Lacking strong organization, they could still get weapons, money and support from an assortment of governments,

factions and individual benefactors. Growing international support networks were enhancing their ability to operate in any region of the world.

Since the terrorists were understood as loosely affiliated sets of individuals, the basic approach for dealing with them was that of law enforcement. But President Clinton emphasized his concern about the problem as a national security issue in a presidential decision directive -- PDD 39 in June 1995 -- that stated the U.S. policy on counterterrorism. This directive superseded a directive signed by President Reagan in 1986. President Clinton's directive declared that the United States saw terrorism "as a potential threat to national security as well as a criminal act, and will apply all appropriate means to combat it. In doing so, the U.S. shall pursue vigorously efforts to deter and preempt, apprehend and prosecute, or assist other governments to prosecute individuals who perpetrate or plan to perpetrate such attacks."

The role of diplomacy was to gain the cooperation of other governments in bringing terrorists to justice. PDD 39 stated, "When terrorists wanted for violation of U.S. law are at large overseas, their return for prosecution shall be a matter of the highest priority and shall be a continuing central issue in bilateral relations with any state that harbors or assists them." If extradition procedures were unavailable or put aside, the United States could seek the local country's assistance in a rendition, secretly putting the fugitive in a plane back to America or some third country for trial. Counterterrorism in foreign policy in practice, four examples from 1995 to 1996. The staff's statement describes the first two examples -- Ramzi Yousef in 1995 and Khalid Sheikh Mohammed in 1996 -- in more detail.

Please turn to the middle of page three, where I will now discuss the third example, Osama Bin Ladin. In 1996 he was based in Sudan. Under the influence of the radical Islamist Hassan al Turabi, Sudan had become a safe haven for violent Islamist extremists. By 1995, the U.S. government had connected Bin Ladin to terrorists as an important terrorist financier. Since 1979 the secretary of State has had the authority to name state sponsors of terrorism, subjecting such countries to significant economic sanctions. Sudan was so designated in 1993.

In February 1996, for security reasons, U.S. diplomats left Khartoum. International pressure further increased as the regime failed to hand over three individuals involved in a 1995 attempt to assassinate Egyptian President Hosny Mubarak. The

United Nations Security Council imposed sanctions on the regime. Diplomacy had an effect.

In exchanges beginning in February 1996, Sudanese officials began approaching U.S. officials asking what they could do to ease the pressure. During the winter and spring of 1996, Sudan's defense minister visited Washington and had a series of meetings with representatives of the U.S. government.

To test Sudan's willingness to cooperate on terrorism, the United States presented eight demands to their Sudanese contact. The one that concerned Bin Ladin was a request for intelligence information about Bin Ladin's contacts in Sudan.

These contacts with Sudan, which went on for years, have become a source of controversy. Former Sudanese officials claim that Sudan offered to expel Bin Ladin to the United States. Clinton administration officials deny ever receiving such an offer. We have not found any reliable evidence to support the Sudanese claim.

Sudan did offer to expel Bin Ladin to Saudi Arabia and asked the Saudis to pardon him. U.S. officials became aware of these secret discussions certainly by March 1996. The evidence suggests that the Saudi government wanted Bin Ladin expelled from Sudan but would not agree to pardon him. The Saudis did not want Bin Ladin back in their country at all.

U.S. officials also wanted Bin Ladin expelled from Sudan. They knew the Sudanese were considering it. The U.S. government did not ask Sudan to render him into U.S. custody.

According to Samuel Berger, who was then the deputy national security adviser, the inter-agency Counterterrorism Security Group, CSG, chaired by Richard Clarke, had a hypothetical discussion about bringing Bin Ladin to the United States. In that discussion, the Justice Department representative reportedly said there was no basis for bringing him to the United States since there was no way to hold him here absent an indictment.

Berger adds that in 1996 he was not aware of any intelligence that said Bin Ladin was responsible for any act against an American citizen. No rendition plan targeting Bin Ladin, who was still perceived as a terrorist financier, was requested by or presented to senior policymakers during 1996.

Yet both Berger and Clarke also said the lack of an indictment made no difference. Instead they said the idea was not worth pursuing because there was no chance that Sudan would ever turn Bin Ladin over to a hostile country.

If Sudan had been serious, Clarke said, the United States would have worked something out. However, the U.S. government did approach other countries hostile to Sudan and Bin Ladin about whether they would take Bin Ladin. One was apparently interested. No hand-over took place.

Under pressure to leave, Bin Ladin worked with the Sudanese government to procure a safe passage and possibly funding for his departure. In May 1996, Bin Ladin and his associates leased an Ariana Airlines jet and traveled to Afghanistan, stopping to refuel in the United Arab Emirates. Approximately two days after his departure, the Sudanese informed the U.S. government that Bin Ladin had left. It is unclear whether any U.S. officials considered whether or how to intercept Bin Ladin.

The fourth example, which I'll paraphrase from the staff statement, is Khobar Towers. In June 1996, an enormous truck bomb was detonated in the Khobar Towers residential complex for Air Force personnel in Dhahran, Saudi Arabia. The Khobar bombing began as a law enforcement case. The Khobar bombing also was an intelligence case.

As we stated in the middle of page five, the Khobar case highlights a central policy problem in counterterrorism -- the relationship between evidence and action. Secretary of State Madeleine Albright emphasized to us, for example, that even if some individual Iranian officials were involved, this was not the same as proving that the Iranian government as a whole should be held responsible for the bombing.

National Security Adviser Berger held a similar view. He stressed the need for definitive intelligence judgment. The evidence might be challenged by foreign governments. The evidence might form a basis for going to war. Therefore, he explained, the DCI and the director of the FBI must make a definitive judgment based on the professional opinions of their experts.

In the Khobar case, as in some others, the time lag between terrorist acts and any definitive attribution grew to months, then years, as the evidence was compiled.

I'll now discuss the Afghanistan problem, beginning with the fourth paragraph on page six.

After suffering some disruption from his relocation to Afghanistan, Osama Bin Ladin and his colleagues rebuilt. In August 1996, he issued a public declaration of jihad against American troops in Saudi Arabia. In February 1998, this was expanded into a public call for any Muslim to kill any American, military or civilian, anywhere in the world. By early 1997, intelligence and law enforcement officials in the U.S. government had finally received reliable information disclosing the existence of al Qaeda as a worldwide terrorist organization. That information elaborated a command-and-control structure headed by Bin Ladin and various lieutenants, described a network of training camps to process recruits, discussed efforts to acquire weapons of mass destruction, and placed al Qaeda at the center among other groups affiliated with them in its Islamic army.

This information also dramatically modified the picture of inchoate new terrorism presented in the 1995 National Intelligence Estimate. But the new picture was not widely known. It took still more time before officials outside the circle of terrorism specialists or in foreign governments fully comprehended that the enemy was much larger than an individual criminal, more than just one man, UBL, and his associates.

For example, in 1996 Congress passed a law that authorized the secretary of State to designate foreign terrorist organizations that threaten the national security of the United States, a designation that triggered economic, immigration and criminal consequences.

Al Qaeda was not designated by the secretary of State until the fall of 1999. While Afghanistan became a sanctuary for al Qaeda, the State Department's interest in Afghanistan remained limited. Initially, after the Taliban's rise, some State diplomats were, as one official said to us, "willing to give the Taliban a chance because it might be able to bring stability to Afghanistan."

A secondary consideration was that stability would allow an oil pipeline to be built through the country, a project to be managed by the Union Oil Company of California, or UNOPAL.

During 1997 working levels, State officials asked for permission to visit and investigate militant camps in Afghanistan. The Taliban stalled, then refused. In November 1997, Secretary

Albright described Taliban human rights violations and treatment of women as "despicable."

A Taliban delegation visited Washington in December. U.S. officials pressed them on the treatment of women, negotiating an end to the civil war, and narcotics trafficking. Bin Ladin was barely mentioned.

U.N. Ambassador Bill Richardson led a delegation to South Asia and Afghanistan in April 1998. No U.S. official of this rank had been to Kabul in decades. Ambassador Richardson used the opening to support U.N. negotiations on the civil war.

In light of Bin Ladin's new public fatwa against Americans in February, Ambassador Richardson asked the Taliban to turn Bin Ladin over to the United States. They answered that they did not control Bin Ladin and that, in any case, he was not a threat to the United States. The Taliban won few friends. Only three countries recognized it as the government of Afghanistan: Pakistan, Saudi Arabia and the United Arab Emirates.

The Saudi effort and its aftermath. As we saw on the middle of page eight, Saudi Arabia was a problematic ally in combating Islamic extremism. Yet the ruling monarchy also knew Bin Ladin was an enemy. Bin Ladin had not set foot in Saudi Arabia since 1991, when he escaped a form of house arrest and made his way to Sudan.

Bin Ladin had fiercely denounced the rulers of Saudi Arabia publicly in his August 1996 fatwa, but the Saudis were content to leave him in Afghanistan so long as they were assured he was not making any trouble for them there.

Events soon drew Saudi attention back to Bin Ladin. In the spring of 1998, the Saudi government successfully disrupted a major Bin Ladin organized effort to launch attacks on U.S. forces in the Kingdom using a variety of manned portable missiles. Scores of individuals were arrested. The Saudi government did not publicize what had happened, but U.S. officials learned of it.

Seizing this opportunity, DCI Tenet urged the Saudis to help deal with Bin Ladin. President Clinton in May designated Tenet as his representative to work with the Saudis on terrorism. Director Tenet visited Riyadh a few days later, then returned to Saudi Arabia in June.

Crown Prince Abdullah agreed to make an all-out secret effort to persuade the Taliban to expel Bin Ladin for eventual delivery to the United States or another country. Riyadh's emissary would be the Saudi intelligence chief, Prince Turki Bin Faisal. Director Tenet said it was imperative now to get an indictment against Bin Ladin.

A sealed indictment against Bin Ladin was issued by a New York grand jury a few days later, the product of a lengthy investigation. Director Tenet also recommended that no action be taken on other U.S. options, such as the covert action plan. Vice President Gore thanked the Saudis for their efforts.

Prince Turki followed up in meetings during the summer with Mullah Omar and other Taliban leaders. Employing a mixture of possible bribes and threats, he received a commitment that Bin Ladin would be handed over.

After the embassy bombings in August, Vice President Gore called Riyadh again to underscore the urgency of bringing the Saudi ultimatum to a final conclusion.

In September 1998, Prince Turki, joined by Pakistan's intelligence chief, had a climactic meeting with Mullah Omar in Kandahar. Omar reneged on his promise to expel Bin Ladin. When Turki angrily confronted him, Omar lost his temper and denounced the Saudi government. The Saudis and Pakistanis walked out.

The Saudi government then cut off any further official assistance to the Taliban regime, recalled its diplomats from Kandahar and expelled Taliban representatives from the Kingdom. The Saudis suspended relations without a final break.

The Pakistanis did not suspend relations with the Taliban. Both governments judged that Iran was already on the verge of going to war against the Taliban. The Saudis and Pakistanis feared that a further break might encourage Iran to attack. They also wanted to leave open room for rebuilding ties if more moderate voices among the Taliban gained control.

Crown Prince Abdullah visited Washington later in September. In meetings with the President and Vice President, he briefed them on these developments. The United States had information that corroborated his account. Officials thanked the prince for his efforts, wondering what else could be done.

The United States acted, too. In every available channel, U.S. officials, led by State's aggressive counterterrorism coordinator, Michael Sheehan, warned the Taliban of dire consequences if Bin Ladin was not expelled. Moreover, if there was any further attack, he and others warned, the Taliban would be held directly accountable, including the possibility of a military assault by the United States. These diplomatic efforts may have had an impact. The U.S. government received substantial intelligence of internal arguments over whether Bin Ladin could stay in Afghanistan. The reported doubts extended from the Taliban to their Pakistani supporters and even to Bin Ladin himself. For a time, Bin Ladin was reportedly considering relocating and may have authorized discussion of this possibility with representatives of other governments. We will report further on this topic at a later date.

In any event, Bin Ladin stayed in Afghanistan. This period may have been the high-water mark for diplomatic pressure on the Taliban. The outside pressure continued, but the Taliban appeared to adjust and learned to live with it. Employing a familiar mix of stalling tactics again and again, urged on by the United States, the Saudis continued a more limited mix of the same tactics they had already employed, Prince Turki returned to Kandahar in June 1999 to no effect.

From 1999 through early 2001, the United States also pressed the United Arab Emirates, one of the Taliban's only travel and financial outlets to the outside world to break off its ties and enforce sanctions, especially those relating to flights to and from Afghanistan. Unfortunately, these efforts to persuade the UAE achieved little before 9/11. As time passed, the United States also obtained information that the Taliban was trying to extort cash from Saudi Arabia and the UAE with various threats and that these blackmail efforts may have paid off.

After months of heated internal debate about whether this step would burn remaining bridges to the Taliban, President Clinton issued an executive order in July 1999, effectively declaring that the regime was a state sponsor of terrorism. U.N. economic and travel sanctions were added in October 1999 in U.N. Security Council Resolution 1267. None of this had any visible effect on Mullah Omar, an illiterate leader who was unconcerned about commerce with the outside world. Omar had no diplomatic contact with the West, since he refused to meet with non-Muslims. The United States also learned that at the end of 1999, the Taliban Council of Ministers had unanimously reaffirmed that they would stick by Bin Ladin. Relations with Bin Ladin and Taliban

leadership were sometimes tense, but the foundation was solid. Omar executed some subordinates who clashed with his pro-Bin Ladin line.

By the end of 2000, the United States, working with Russia, won U.N. support for still broader sanctions in U.N. Security Council Resolution 1333, including an embargo on arm sales for the Taliban. Again, these had no visible effect. This may have been because the sanctions did not stop the flow of Pakistani military assistance to the Taliban. In April 2001, State Department officials in the Bush administration concluded that the Pakistani government was just not concerned about complying with sanctions against the Taliban.

Reflecting on the lack of progress with the Taliban, Secretary Albright told us that we had to do something. In the end, she said it didn't work, but we did, in fact, try to use all the tools we had. Other diplomatic efforts with the Saudi government centered on letting U.S. agents interrogate prisoners in Saudi custody in cases like Khobar. Several officials had complained to us that the United States could not get direct access to an important al Qaeda financial official, Madani al Sayeed, who had been detained by the Saudi government in 1997.

American officials raised the issue, the Saudis provided some information. In September 1998, Vice President Gore thanked the Saudis for the responsiveness on this matter, though he renewed the request for direct U.S. access. The United States never obtained this access.

The United States also pressed Saudi Arabia and the UAE for more cooperation in controlling money flows to terrorists or organizations linked to them. After months of arguments in Washington over the proper role of the FBI, an initial U.S. delegation on terrorist finance visited these countries to start working with their counterparts in July 1999. U.S. officials reported to the White House that they thought the new initiatives to work together had begun successfully. Another delegation followed up with Saudi Arabia and other Gulf states in January 2000. In Saudi Arabia the team concentrated on tracing Bin Ladin's assets and access to his family's money, exchanges that led to further fruitful work.

Progress on other topics was limited, however. The issue was not a consistent U.S. priority; moreover, the Saudis were reluctant or unable to provide much help. Available intelligence was also so non- specific that it was difficult to confront the

Saudis with evidence or cues to action. The Bush administration did not develop any diplomatic initiatives on al Qaeda with the Saudi government before the 9/11 attack. Vice President Cheney apparently called Crown Prince Abdullah on July 4, 2001, only to seek Saudi help in preventing threatened attacks on American facilities in the kingdom.

Pressuring Pakistan. Please go to the bottom of page 11.

Secretary Albright hoped to promote a more robust approach to South Asia when she took office, but the Administration had a full agenda of concerns, including a possible nuclear weapons program, illicit sales of missile technology, terrorism, an arms race, danger of war with India, and a succession of weak democratic government. The American ambassador to Islamabad in most of the immediate pre-9/11 period, William Milam, told us that U.S. policy had too many moving parts and could never determine what items had the highest priority.

A principal envoy to South Asia for the Administration, Deputy Secretary of State Strobe Talbott, explained the emphasis on nuclear weapons, both because of the danger of nuclear war and because nuclear proliferation might increase the risk that terrorists could access such technology. In May 1998, both Pakistan and India had tested nuclear weapons. These tests marked a setback to non-proliferation policy and reinforced U.S. sanctions on both countries. But the tests also spurred more engagement in order to reduce the threat of war.

Bin Ladin and terrorist activity in Afghanistan were not significant issues in high-level contacts with Pakistan until after the embassy bombings of August 1998. After the U.S. missile strikes on Afghanistan, Bin Ladin's network and the relationship with the Pakistani-supported Taliban did become a major issue in high-level diplomacy.

After the strikes, President Clinton called Pakistani President, Nawaz Sharif, and he was sympathetic to America's losses, but the Pakistani side thought the strikes were overkill -- the wrong way to handle the problem. The United States asked the Saudis to put pressure on Pakistan to help. A senior State Department official concluded that Crown Prince Abdullah put a tremendous amount of heat on Sharif during his October 1998 visit to Pakistan. Sharif was invited to Washington and met with President Clinton on December 2, 1998. Tension with India nuclear weapons topped the agenda, but the leaders also discussed Bin Ladin. Pakistani officials defended Mullah Omar and thought the

Taliban would not object to a joint effort by others to get Bin Ladin.

In mid-December President Clinton called Sharif, worried both about immediate threats and the longer-term problem of Bin Ladin. The Pakistani leadership promised to raise the issue directly with the Taliban in Afghanistan, but the United States received word in early 1999 that the Pakistani army remained reluctant to confront the Taliban, in part because of concerns about the effect on Pakistani politics. In early 1999, the State Department Counterterrorism Office proposed a comprehensive diplomatic strategy for all the states involved in the Afghanistan problem, including Pakistan. It specified both carrots and sticks, including the threat of certifying Pakistan as not cooperating on terrorism. A version of this diplomatic strategy was eventually adopted by the State Department. Its author, Ambassador Sheehan, told us that it had been watered down to the point that nothing was then done with it.

By the summer of 1999, the counterterrorism agenda had to compete with cross-border fighting in Kashmir that threatened to explode into war. Nevertheless, President Clinton contacted Sharif in June urging him strongly to get the Taliban to expel Bin Ladin. Clinton suggested Pakistan use its control over oil supplies to the Taliban and its access to imports through Karachi. The Pakistani leadership offered instead that Pakistani intelligence services might try to capture Bin Ladin themselves.

President Clinton met with Prime Minister Sharif in Washington on July 4th. The prime subject was resolution of the crisis in Kashmir. The President also complained to the prime minister about Pakistan's failure to take effective action with respect to the Taliban and Bin Ladin. Later, the United States agreed to assist in training a Pakistani special forces team for the Bin Ladin operation. Particularly since the Pakistani intelligence service was so deeply involved with the Taliban and possibly Bin Ladin, U.S. counterterrorism officials had doubts about every aspect of this new joint plan. Yet while few thought it would do much good, fewer thought it would do any actual harm. Officials were implementing it when Prime Minister Sharif was deposed by General Pervez Musharraf in October 1999. General Musharraf was scornful about the unit and the idea.

At first, the Clinton administration hoped that Musharraf's takeover might create an opening for action on Bin Ladin. National security advisor Burger wondered about a trade of getting Bin Ladin in exchange for softer treatment of a relatively

benign military regime, but the idea was never developed into a policy proposal. Meanwhile, the President and his advisors were anxious about a series of new terrorist threats associated with the Millennium and were getting information linking these threats to al Qaeda associates in Pakistan, particularly Abu Zubaydah. President Clinton sent the message asking for immediate help on Abu Zubaydah and another push on Bin Ladin, renewing the idea of using Pakistani forces to get him.

Musharraf told Ambassador Milam that he would do what he could, but he preferred a diplomatic solution on Bin Ladin. Though he thought terrorists should be brought to justice, he did not find the military ideas appealing.

Administration officials debated whether to keep working with the Musharraf government or confront the general with a blunter choice, to either adopt a new policy or Washington will draw the appropriate conclusions. One such threat would be to cancel a possible presidential visit in March. U.S. envoys were given instructions that were firm, but not as confrontational as some U.S. officials had advocated. Musharraf was preoccupied with his domestic agenda, but replied that he would do what he could, perhaps meeting with the Taliban himself.

Despite serious security threats, President Clinton made a one- day stopover in Islamabad on March 25th, 2000, the first presidential visit since 1969. The main subjects were India-Pakistan tensions and proliferation, but President Clinton did raise the Bin Ladin problem. The Pakistani position was that their government had to support the Taliban, and that the only way forward was to engage them and try to moderate their behavior. They asked for evidence that Bin Ladin had really ordered the embassy bombings a year-and-a-half earlier.

In a follow-up meeting the next day with Undersecretary of State Thomas Pickering, President Musharraf argued that Pakistan had only limited influence over the Taliban. Musharraf did meet with Mullah Omar and did urge him to get rid of Bin Ladin. In early June, the Pakistani interior minister even joined with Pickering to deliver a joint message to Taliban officials, but the Taliban seemed immune to such pleas, especially from Pakistani civilians like the interior minister. Pakistan did not threaten to cut off its help to the Taliban regime. By September, the United States was again criticizing the Pakistani government for supporting a Taliban military offensive to complete the conquest of Afghanistan.

Considering new policies towards Afghanistan and Pakistan. The civil war in Afghanistan posed the Taliban on one side, drawn from Afghanistan's largest ethnic community, the Pashtuns, against the Northern Alliance. Pashtuns opposing the Taliban, like the Karzai plan, were not organized into a political and military force. The main foe of the Taliban was the Northern Alliance, led by Ahmad Shah Massoud, a hero of the Afghan jihad and a leader of ethnic Tajiks. The Taliban were backed by Pakistan. The Northern Alliance received some support from Iran, Russia and India. During 1999, the U.S. government began thinking harder about whether or how to replace the Taliban regime. Thinking in Washington divided along two main paths. The first path, led by the South Asia bureau at the State Department, headed by Assistant Secretary of State Karl Inderfurth and his counterpart on the NSC staff, was for a major diplomatic effort to end the civil war and install a national unity government.

The second path, proposed by counterterrorism officials in the NSC staff and the CIA, was for the United States to take sides in the Afghan civil war and begin funneling secret military aid to the Taliban's foe, the Northern Alliance. These officials argued that the diplomatic approach had little chance of success and would not do anything, at least in the short term, to stop al Qaeda. Critics of this idea replied that the Northern Alliance was tainted by associations with narcotics traffickers, that its military capabilities were modest, and that an American association with this group would link the United States to an unpopular faction that Afghans blamed for much of the misrule and war earlier in the 1990s.

The debate continued inconclusively throughout the last year-and-a-half of the Clinton administration. The CIA established limited ties to the Northern Alliance for intelligence purposes. Lethal aid was not provided.

The Afghan and Pakistani dilemmas were handed over to the Bush administration as it took office in 2001. The NSC counterterrorism staff, still led by Clarke, pushed urgently for a quick decision in favor of providing secret military assistance to the Northern Alliance to stave off its defeat. The initial proposed amounts were quite small, with the hope of keeping the Northern Alliance in the field tying down Taliban and al Qaeda fighters.

National security advisor Condoleezza Rice discussed the issue with DCI Tenet. In early March 2001, Clarke presented the issue of aid to the Northern Alliance to Rice for action. Deputy

National Security Advisor Stephen Hadley suggested dealing with this as part of the overall review they were conducting of their strategy against al Qaeda. In the meantime, lawyers could work on developing the appropriate authorities. Rice agreed, noting that the review would need to be done very soon, but that the issue had to be connected to an examination of policy towards Afghanistan. Rice, Hadley, and the NSC staff member for Afghanistan, Zalmay Khalilzad, told us that they opposed aid to the Northern Alliance alone, contending that the program needed to include Pashtun opponents of the regime and be conducted on a larger scale. Clarke supported the larger program, but he warned that delay risked the alliance's defeat.

The issue was then made part of the reviews of U.S. policy towards Afghanistan and Pakistan. The government developed formal policy papers that were discussed by sub-cabinet officials, the deputies, on April 30th, June 27th and 29th, July 16th, and September 10th. During this same time period, the Administration was developing a formal strategy on al Qaeda to be codified in the national security presidential directive, NSPD. The al Qaeda elements of this directive had been completed by deputies in July. On September 4th, the principals apparently approved the submission of this directive to the President.

The Afghanistan options debated in 2001 ranged from seeking a deal with the Taliban to overthrowing the regime. By the end of the deputies' meeting on September 10th, the officials had formally agreed upon a three-phase strategy. It called first for dispatching an envoy to give the Taliban an opportunity to expel Bin Ladin and his organization from Afghanistan, even as the U.S. government tried to build greater capacity to pressure them. If this failed, pressure would be applied on the Taliban both through diplomacy and by encouraging anti-Taliban Afghans to attack al Qaeda bases, part of a planned covert action program, including significant additional funding and more support for Pashtun opponents of the regime.

If the Taliban's policy failed to change after these two phases, the deputies agreed that the United States would seek to overthrow the Taliban regime through more direct action.

MR. ZELIKOW: Excuse me, Mike. We've been asked to wrap up the staff segment so that we can proceed with the witnesses. Let me move immediately to the conclusion of the staff statement from here.

In conclusion, from the spring of 1997 to September 2001, the U.S. government tried to persuade the Taliban to expel Bin Ladin to a country where he could face justice and stop being a sanctuary for his organization. The efforts employed included inducements, warnings and sanctions. All these efforts failed. The U.S. government also pressed to successive Pakistani governments to demand that the Taliban cease providing a sanctuary for Bin Ladin and his organization, and failing that, to cut off their support for the Taliban. Before 9/11, the United States could not find a mix of incentives or pressure that would persuade Pakistan to reconsider its fundamental relationship with the Taliban.

From 1999 through early 2001, the United States pressed the UAE, one of the Taliban's only travel and financial outlets to the outside world, to break off ties and enforce sanctions, especially related to air travel to Afghanistan. These efforts achieved little before 9/11.

The government of Saudi Arabia worked closely with top U.S. officials in major initiatives to solve the Bin Ladin problem with diplomacy. On the other hand, before 9/11, the Saudi and U.S. governments did not achieve full sharing of important intelligence information or develop an adequate joint effort to track and disrupt the finances of the al Qaeda organization.

Thank you. MR. KEAN: Thank you very much.

(Pause to switch witnesses.)

MR. KEAN: Our first witness today is Dr. Madeleine K. Albright, formerly our secretary of state. She is, I believe, well known to all in this audience, and has a distinguished career in public service. We are very pleased to have her appear before the Commission this morning, so welcome to you, Madam Secretary. She is accompanied by undersecretary -- former undersecretary for political affairs and one of the great public servants this country has, in my opinion, Ambassador Thomas Pickering, who has had, as I say, a very distinguished career in public service.

Madam Secretary and Ambassador Pickering, we would like to ask you if you could raise your hands so we may place you under oath.

Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth.

MADELEINE K. ALBRIGHT: I do.

CHAIRMAN KEAN: Thank you very much. Madame Secretary, your prepared statement will be entered into the record in full, and we would ask you to summarize your statement. And, please proceed.

MS. ALBRIGHT: Thank you very much, Mr. Chairman, Vice Chairman Hamilton and members of the Commission. I'm very pleased to be here. As you've just mentioned, Tom Pickering, the former undersecretary of state for political affairs and one of our most experienced and respected foreign service officers in U.S. history, is here with me. During my years as secretary of state, if I were traveling or otherwise occupied, Ambassador Pickering was the department's representative at White House meetings related to terrorism. We thought it would help in providing the most complete answers if Ambassador Pickering were available, as appropriate, to add his recollections to mine.

I would also like to emphasize at the outset my desire to be of as much help as possible to the Commission. We can't turn back the clock to before September 11th, but we must do everything we can to prevent similar tragedies, and we owe it to the families of the victims of 9/11 and to us all.

Mr. Chairman, we all know that history is lived forward and written backward. Much seems obvious now that was less clear prior to September 11. But I can say with confidence that President Clinton and his team did everything we could, everything that we could think of, based on the knowledge we had, to protect our people and disrupt and defeat al Qaeda. We certainly recognized the threat posed by the terrorist groups.

Although terror was not new we realized we faced a novel variation. Instead of being directed by a hostile country, the new breed of terrorist was independent, multinational and well versed in modern information technology. During our time in office, the transnational threat was a dominant theme in public statements, private deliberations and foreign relations. This was reflected in the Administration's decision to expand the CIA's counterterrorism center, intensify security cooperation with other countries, enlarge counterterrorism training assistance, double overall counterterrorism expenditures, increase anti-terrorist rewards, freeze terrorist assets, train first responders here at home, plan for the protection of infrastructure against cyber attacks, and reorganize the National Security Council with a

mandate to prepare the government to shield our people from unconventional dangers.

As early as 1995, President Clinton said that, and I quote: "Our generation's enemies are the terrorists who kill children or turn them into orphans," unquote. The President repeatedly told the United Nations that combating terrorism topped America's agenda and should top theirs. He urged every nation to deny sanctuary to terrorists and to cooperate in bringing them to justice.

Before Y2K we undertook the largest counterterrorism operation in U.S. history to that time. Cabinet members or their representatives met virtually every day for the sole purpose of detecting and preventing terrorist attacks. I fully embraced an aggressive policy before and especially after August 7th, 1998, when terrorist explosions struck our embassies in Kenya and Tanzania. This was my worst day as secretary of State. Within a week, we had clear evidence that Osama Bin Ladin was responsible. The question for us was whether to rely on law enforcement or take military action. We decided to do both. We prosecuted the conspirators we had captured, but we also launched cruise missiles at al Qaeda training camps in Afghanistan.

The timing of the strikes was prompted by credible, predictive intelligence that terrorist leaders, possibly including Bin Ladin, would be gathering at one of the camps. The day after the strikes, the White House convened a meeting to study further military options. Our primary target, Bin Ladin, had not been hit, so we were determined to try again.

In subsequent weeks the President specifically authorized the use of force, and there should have been no confusion that our personnel were authorized to kill Bin Ladin. We did not, after all, launch cruise missiles for the purpose of serving legal papers. To use force effectively, we placed war ships equipped with cruise missiles on call in the Arabian sea. We also studied the possibility of sending a U.S. Special Forces team into Afghanistan to try and snatch Bin Ladin. But success in either case depended on whether we know where Bin Ladin would be at a particular time.

Although we consumed all the intelligence we had, we did not get this information; and instead, we occasionally learned where Bin Ladin had been or where he might be going or where someone who appeared to resemble him might be. It was truly maddening. I compared it to one of those arcade games where you

manipulate a lever hooked to a claw- like hand that you think, once you put your quarter in, will actually scoop up a prize. But every time you try to pull the basket out, the prize falls away.

The Africa embassy bombings intensified our efforts to neutralize Bin Ladin and also to protect our own people. Every morning that I was in Washington I personally reviewed the latest information about threats to our diplomatic posts. I was struck by the number of danger signals we received and also by the difficulty of making a clear judgment about whether a threat was credible enough to warrant closing an embassy. Even as we took protective measures and looked for ways to use force effectively, we pressed ahead diplomatically.

Shortly after our cruise missile strikes, the Taliban called the State Department to complain. This led to a prolonged dialogue during which we repeatedly pushed for custody of Bin Ladin. The Taliban replied by offering a menu of excuses. They said that surrendering Bin Ladin would violate their cultural tradition of hospitality and that they would be overthrown by their own people if they yielded Bin Ladin in response to U.S. pressure. Perhaps, they said, Bin Ladin will leave voluntarily. At one point, they told us he had already gone. In any case, we were assured that Bin Ladin was under house arrest. That was a lie since he continued to show up in the media threatening Americans.

In 1999 we developed a new strategy aimed at pulling all the diplomatic levers we had simultaneously. We went to each of the countries we thought had influence with the Taliban and asked them to use that influence to help us get Bin Ladin. One such country was Pakistan, whose leaders were reluctant to apply real pressure to the Taliban because it would alienate radicals within their own borders. There was a limit to the incentives we could offer to overcome this reluctance. Pakistan's nuclear tests in 1998 had triggered one set of sanctions; a military coup in 1999 triggered more.

Nevertheless, in our discussions with Pakistani leaders we were blunt. We told them that Bin Ladin is a murderer who plans to kill again; we need your help in bringing him to justice. Our ambassador delivered this message. So did Tom Pickering. So did I. So did the President of the United States. In return, we received promises but no decisive action. We couldn't offer enough to persuade Pakistani leaders such as General Musharraf to run the risks that would have been necessary. It was not until September 11th that Musharraf had the motivation in his own mind

to provide real cooperation, and even that has not yet resulted in Bin Ladin's capture, though it apparently has led to several attempts on Musharraf's life.

The other two countries we went to were Saudi Arabia and the United Arab Emirates, and both agreed to deliver the right message. The Saudis sent one of their princes to confront the Taliban directly, and he came back and told us the Taliban were idiots and liars. The Saudis then downgraded diplomatic ties with the Taliban, cut off official assistance, and denied visas to Afghans traveling for non-religious reasons, and the UAE did the same.

Our diplomats, including Ambassador Pickering, also met directly with Taliban leaders. We told them that if we did not get Bin Ladin, we would impose sanctions, both bilaterally and through the U.N., which we did. We also warned them clearly and repeatedly that they would be held accountable for any future attacks traceable to al Qaeda. In retrospect, we know that the Taliban and Bin Ladin had a symbiotic relationship. The Taliban needed the money and muscle al Qaeda provided. Bin Ladin needed space for his operatives to live and train. And there was never a real chance the Taliban would turn Bin Ladin over to us or to anybody else.

Mr. Chairman, I would like now to offer briefly some of the recommendations for the future. We must begin by thinking clearly about what it is we need to do. We were not attacked on September 11th by a noun, terrorism. We were attacked by individuals affiliated with al Qaeda. They are the enemies who killed our fellow citizens and other -- and foreigners, and defeating them should be the focus of our policy. If we pursue goals that are unnecessarily broad, such as the elimination not only of threats but also of potential threats, we will stretch ourselves to the breaking point and become more vulnerable, not less, to those truly in a position to harm us.

We also need to remember that al Qaeda is not a criminal gang that can simply be rounded up and put behind bars. It is the center of an ideological virus that has wholly perverted the minds of thousands and distorted the thinking of millions more. Until the right medicine is found, the virus will continue to spread, and that remedy begins with confidence. Bin Ladin and his cohorts have absolutely nothing to offer their followers except destruction, death and the illusion of glory. Puncturing this illusion is the key to winning the battle of ideas.

The problem is not combating al Qaeda's inherent appeal, for it has none. The problem is changing the fact that major components of American foreign policy are either opposed or misunderstood by much of the world. According to the State Department's Advisory Group on Public Diplomacy, published recently, the bottom has indeed fallen out of support for the United States. This unpopularity has handed Bin Ladin a gift that he has eagerly exploited. He is viewed by many as a leader of all those who harbor anti-American sentiments, and this has given him a following that is wholly undeserved.

If we are to succeed, we must be sure that Bin Ladin goes down in history not as a defender of the faith or champion of the dispossessed, but rather as what he is: a murderer, a traitor to Islam, and a loser.

The tarnishing of America's global prestige will require considerable time and effort to undo, and that's why we need long-range counterterrorism plans that take advantage of the full array of our national security tools. This plan must include the comprehensive reform of our intelligence structures; a vastly expanded commitment to public diplomacy and outreach, especially within the Arab and Muslim worlds; a far bolder strategy for stabilizing Afghanistan; revised policies towards the key countries of Pakistan and Saudi Arabia; expansion of the Nunn-Lugar program to secure weapons of mass destruction materials on a global basis; a new approach to handling and sharing of information concerning terrorist suspects; and a change in the tone of American national security policy, to emphasize the value of diplomatic cooperation. And Secretary of State Powell has made a concerted effort to begin this.

Let me close by saying that I sympathize greatly with the President and others in positions of responsibility at this time. Each day brings with it the possibility of a new terrorist strike. The March 11 train bombings in Madrid remind us that despite all that is being done, our enemies have a broad range of targets. We should all expect and prepare ourselves for the likelihood that further strikes will take place on our own soil. And we must be united in making sure that if and when that happens, it will do absolutely nothing to advance the terrorists' goals; it will not cause divisions within and among the American people. On the contrary, it must bring us closer together and make us even more determined to fulfill our responsibilities.

For more than two centuries, our countrymen have fought and died so that liberty might live. And since September 11th, we

have been summoned, each in our own way, to a new round in that struggle. We cannot underestimate the risks or anticipate the final victories will come easily or soon, but we can draw strength from the knowledge of what terror can and cannot do. Terror can turn life to death, and laughter to tears, and shared hopes to sorrowful memories. It can crash a plane and bring down towers that scrape the sky. But it cannot alter the essential goodness of the American people or diminish our loyalty to one another or cause our nation to turn its back on the world.

Mr. Chairman and members of the Commission, thank you very much for the opportunity to be here with you this morning. And I'd be very pleased now to answer your questions.

MR. KEAN: Thank you very much, Madame Secretary.

The lead questioners for this panel are Commissioner Lehman and Commissioner Roemer. They will each have 15 minutes for their questions. Additional questioners on this panel will be held strictly to the five-minute rule.

And, Commissioner Lehman, I believe you're going to start the questioning on behalf of the panel.

MR. LEHMAN: Since my colleague, Tim Roemer, was one of the originators of this commission, I will yield the -- (word inaudible) -- position to Tim.

MR. KEAN: So yielded.

MR. ROEMER: I want to thank the secretary for that gracious gesture.

I want to start, Mr. Chairman, by, I believe, underscoring something you said in your opening statement. You said that we have invited Dr. Rice to talk to this 9/11 Commission. Well, we have a book issued by Richard Clarke which is a blistering attack on the Bush administration. We have Dr. Rice on the airwaves saying that she strongly condemns and disagrees with Mr. Clarke's assessments and analysis. I would hope that this discussion would not be for the airwaves and would not be a partisan type of discussion that we have, but belongs in this hearing room tomorrow in a substantive way so that the 10 Commissioners can ask factually-based questions, and so the American people have the access to those answers to try to make this country safer.

So I would underscore your comments, Mr. Chairman, that I hope Dr. Rice will reconsider and come before our commission for the sake of the American people tomorrow. (Applause.)

Madame Secretary, I want to mention your book, if I may, "Madam Secretary." I don't need to mention a best-seller. You say in a chapter called "A Special Kind of Evil" that the African bombings, our embassies there, were the worst day of your tenure as secretary of State. We lost 224 people, 12 Americans. "The devil breathed down our neck that day, and three years later 19 hijackers drove us into the jaws of hell" where we are today, trying to resolve some of these tough questions. The Clinton administration launched 79 cruise missiles 13 days after finding who did this. Had diplomacy run its course? Should we have taken the same kind of action that we took after the U.S. embassy bombings in Africa with the *U.S.S. Cole*?

MS. ALBRIGHT: Congressman Roemer, let me say that, as you pointed out, when the embassies were blown up it was my worst day. I went to Nairobi and Dar es Salaam. In Nairobi I saw the rubble and I saw the suffering of the African people, many of whom were in hospitals as a result of what had happened, and obviously many were dead. And I then brought the bodies home of the dead Americans, and sat with the coffins and talked with the families when I came back. And so for me this was a horrendous moment and one that I was bound and determined to figure out why it had happened and what we could do about it.

I asked Admiral Crowe to form a commission to determine various actions that we could take, and it was something that was on my mind constantly. I was very much in favor of the attack with the cruise missiles and was very much in favor, along with the rest of our team, to try to do everything we could to have further military attacks if and when we had predictable and actionable intelligence. And as I say in my statement, I believed fully that we were prepared to go. President Clinton had issued all the orders. We had kept armed submarines in the Arabian Sea and we were ready if there ever was actionable intelligence.

And so I did favor military action, but at the same time we had to continue to act diplomatically.

I have always believed that what is necessary is to use every tool in the American national security arsenal, whether it is military, diplomatic or economic, or legal. And we tried everything at the same time.

On the *U.S.S. Cole*, we were obviously prepared to respond, but we did not have definitive evidence that it really was committed by Osama Bin Ladin and al Qaeda; that evidence came after we were out of office. But had we had definitive evidence, I can assure you that we were prepared to act militarily.

MR. ROEMER: Let me ask you a question about that, Madame Secretary. There are three investigations going on with respect to the *U.S.S. Cole*: the Yemenis are doing one, the FBI is doing one and the CIA is doing one. In December the CIA comes forward, hedges the recommendation, comes forward with a preliminary judgment and says they can't, through command and control, prove that Osama Bin Ladin ordered it. Isn't it enough at this point to say al Qaeda did it, and respond in that kind of way, either in December, or certainly in the months that come after your administration?

MS. ALBRIGHT: Well, I think the real question is to try to figure out what really did happen, and when we left office we did not have all the answers to it, and as you point out, there were numerous investigations. I myself called the President of Yemen to help us in this issue and to press for additional investigations. I think the results came after we were out of office and I would have hoped that action could have been taken. But there was no definitive action of any kind at the time that we left office.

MR. ROEMER: In terms of the time that you spent as secretary of State on terrorism -- we'll have Secretary Powell follow you -- what percent of your time, if you can give us a rough estimation, did you spend? You had Middle East peace, you certainly were one of the driving forces in being a hawk with respect to Kosovo and using our military there. What percent of your time can you best estimate that you spent on counterterrorism policy?

MS. ALBRIGHT: It's very hard, Congressman, to give you an exact estimate. But I can tell you what I did, which is every morning, when I came into my office, I obviously read the intelligence, but I also met with the assistant secretary for security. I had changed the standard practice and named a law enforcement officer to that job, David Carpenter, who was a retired Secret Service agent, and so I had a real expert dealing with it. We spent whatever time was necessary in the morning, in order to go over the threats. Then either I or Ambassador

Pickering, depending upon who was in town, went to the small meetings that took place on counterterrorism issues.

We talked about issues to do with terrorism, Osama Bin Ladin, al Qaeda in so many meetings, whether they were official principals' meetings at the White House or the breakfasts that Mr. Berger and Secretary Cohen --

MR. ROEMER: ABC breakfasts -- Albright --

MS. ALBRIGHT: But the -- no, the --

MR. ROEMER: The lunch --

MS. ALBRIGHT: The ABCs were lunches.

MR. ROEMER: Okay.

MS. ALBRIGHT: (Chuckles.) The breakfasts were a little bit a larger, with the chairman of the Joint Chiefs and Mr. Tenet and the ambassador to the United Nations.

And so -- but we talked about this constantly, and therefore it's hard to give you an estimate of the time. But it was very much --

MR. ROEMER: Can you guess at all? Twenty percent? Fifty percent?

MS. ALBRIGHT: I would probably say somewhere about 35 percent, because it was something that was constant, and it was very hard to quantify.

But I can tell you I started every single day trying to assess what the terrorist threats were and also how to direct the diplomacy in order to be able to make sure that we were dealing with this. I think maybe Ambassador Pickering can also tell you how much time he spent on it, because our activities were seamless.

THOMAS PICKERING (former undersecretary of State for Political Affairs): I think that the secretary's judgment in this and -- she used to call me after the morning meetings and give me orders to carry things out and get things done.

Given the number of meetings, particularly in crises periods leading up to the Millennium, for example, sometimes most of the day would be occupied in dealing with this particular issue and to all the meetings that -- the secretary mentioned she had many internal meetings in the State Department to plan for not only what she should do with the ongoing meetings at an interagency basis but also to get us thinking about new ideas, thinking out of the hat on this issue and trying to come up with new and different ways to deal with the problem.

MS. ALBRIGHT: So on some days, it was a hundred percent. So I think it's very hard to give you a real percentage.

MR. ROEMER: Let me, in my 15 minutes, move quickly through some things. I mentioned Secretary Powell will be coming next. I imagine you briefed Secretary Powell as he came into office in a transition. Did you let the secretary know that al Qaeda was going to be the kind of threat that he would need to spend 35 percent or 50 percent or a hundred percent, in some days, of his time fighting new, fluid, dynamic threat to this country? And what was his reaction or what was Dr. Rice's reaction to these types of briefings?

MS. ALBRIGHT: Well, let me explain a little bit of what happened, and the transition in the State Department is something that is done many times and is well put together. So I had general meetings with Secretary Powell.

Then, when he moved into his offices in the first floor of the State Department, I arranged to make sure that every assistant secretary briefed him on whatever the issue was. And Ambassador Sheehan, who was in charge of counterterrorism, briefed Secretary Powell in detail about the kinds of things that we have been talking about, in terms of al Qaeda and Osama Bin Ladin, et cetera.

In my general discussions with Secretary Powell I did point out that this was a major issue that had occupied a large portion of my time. But --

MR. ROEMER: How did he react to that?

MS. ALBRIGHT: Well, I think he understood that this was a serious issue. And I am -- I only know what I've read in terms of Mr. Berger's conversations with Dr. Rice. But I know that I believe that Secretary Powell understood the dangers that were inherent.

MR. ROEMER: Let me move on to a very complicated relationship that the United States has with Saudi Arabia. I want to ask very bluntly and very frankly your opinion with regard to their cooperation to the United States, with the United States prior to 9/11. We were able to get the Saudis to cooperate on issues such as having Ambassador Turki go to yell at Mullah Omar in Afghanistan, but we could not get them to access al Qaeda's CFO. What kind of relationship was this? And did you personally press the Saudis hard in these kinds of instances when we needed access to high-level people like Madani al Tayyib?

MS. ALBRIGHT: I think, as you pointed out, our relationship with Saudi Arabia is a very complicated one. And the Saudi record is a mixed one, frankly. I think that they were helpful on a number of issues. I talked to Crown Prince Abdullah as well as Foreign Minister Saud about a number of issues, obviously including Bin Ladin and al Qaeda. We also spent a lot of time on Iraq, and we spent a lot of time in terms of issues to do around the Middle East peace process. They always did say that they would press and push on the Bin Ladin/al Qaeda front, but frankly, it's hard to say how effective it was at what times.

MR. ROEMER: Were you convinced they were pushing?

MS. ALBRIGHT: Well, I was convinced when they told me they were pushing. But the bottom line is that in effect, as you look at the record, there were questions about some of the financial aspects. And I do think that there is a mixed record. One of the things about the Saudis is that they often do more things in private than is evident publicly. But I would say the record was a mixed one. I would say we pushed as hard as we could.

MR. ROEMER: Let me ask you, Madame Secretary, in your book you say, and I quote, "Sadly, I was not surprised that we were attacked, or even shocked that the airplane hijacking was involved," unquote.

You were not surprised by that September 11th event? And you -- did you have intelligence or briefings indicating that hijackings were possible on September 11th? Why weren't you surprised? And did it include not being shocked that planes were used as missiles and weapons or that it was al Qaeda?

MS. ALBRIGHT: A number of responses to that, Congressman. I think that we were operating within an atmosphere

where we were watching all kinds of potential attacks, and in fact foiled a number of them in the years that we were in office -- I kind of call them the dogs that didn't bite or bark because people didn't hear about them, but we -- so I think that we were always on the lookout, which is why I said I wasn't surprised, because we knew that there were a variety of attacks possible and we foiled some. In various briefings, we were told that there were all kinds of ways to do things -- car bombs or suitcases or bio or chemical. And among the various parts of what we were briefed, there would be sometimes a mention of an airplane. But basically we were looking at all kinds of potential ways that there could be attacks. And so the sadness of this was that we always knew that some terrible -- we were always on the lookout for some terrible thing, and we were foiling many, many of the potential attacks.

MR. ROEMER: Madame Secretary, thank you very much. I've been slipped a note that my time has expired and I want to stick right to that, so that other commissioners can get in. Thank you, Mr. Chairman.

MR. KEAN: Thank you, Congressman.

Secretary Lehman.

MR. LEHMAN: Madame Secretary, welcome. I would like to follow up with -- on many of the same subjects here. One of the constant refrains we've had in the over a thousand interviews that we've done and through the documents that we have been studying is that there was a considerable dysfunction in the intelligence community, particularly with regard to sharing of information. A lot of people did not know about information that was in the government that was not shared -- "stove-piped" -- and many people were not playing with a full deck. So I'd like to -- (laughs) -- ask your own view -- (laughter) -- some even with intelligence -- (laughter) -- about starting with your entry as secretary of State.

You had been at the U.N. You were part of the inner circle, the NSC, the Cabinet. What was the picture that you had when you took over the reigns as secretary of State as to the nature of the threat, the terrorist threat?

MS. ALBRIGHT: When I came in as secretary, which was February 1997, there was no question that we knew about a variety of threats. I had, at the U.N., been involved with some of the issues to do with Sudan, where we were very concerned about the web of terrorist camps and support, et cetera, that were present

in Sudan. If you remember, the Sudanese were implicated in an assassination attempt on President Mubarak, and it was as a result of that that we instituted or put in sanctions against Sudan. And so I clearly was aware of issues and was briefed, and also briefed in terms of some of the investigations to do with the World Trade Center.

So one knew that there were various terrorist threats that we were dealing with, but on, as I pointed out in my remarks, kind of a whole new level of problems. And I did see, I have to say, something that you alluded to, which was a lack of communication already between the CIA and the FBI in terms of transmitting information to each other. And so what we tried to do was to bring them closer together, with some difficulty; I think some to do with the culture of both those agencies and something that I'd recommend, finally, that needs to be fixed. So I do think that there were issues in that regard, but on the whole I think there was a lot of intelligence available, and the question is how it was read.

MR. LEHMAN: Well, specifically on the '93 attack on the World Trade Center, we have been told by some very senior officials that the complete picture, the evidence of the al Qaeda links of the perpetrators were really not made known until after within -- shared within the government until after the trial of the blind Sheik, and the leaks of Abdul Rahman Yasin, for instance, were not widely known within the government. When did you, if you could think back, become aware of the close and many links between the '93 plotters and al Qaeda?

MS. ALBRIGHT: I can't remember exactly. I mean, I think that, you know, we began to know more about al Qaeda sometime in '96, '97. We knew Bin Ladin was a financier that was involved in a variety of activities.

But I honestly can't tell you exactly when I became aware of the various linkages.

MR. LEHMAN: Did you know about Abdul Rahman Yasin and his fleeing to Baghdad and his support and cooperation with Saddam's intelligence service? Did you see any significance in that? He being, of course, one of the main plotters of the '93 bombing.

MS. ALBRIGHT: I can't say that I remember that.

MR. LEHMAN: Just on that theme, the fact that Abu Nidal and Abu Abbas were there, along with Yasin, was -- would this have been a reason to begin to look a bit at what the Iraqi secret service was doing with al Qaeda and with or without Saddam's knowledge?

MS. ALBRIGHT: Again, I -- my sense of all of this was that there were shadowy connections among a variety of groups. But in terms of this kind of specificity, frankly, that was not something that as secretary of State I would have been looking into.

MR. LEHMAN: One of the questions, again, that have often been raised is after -- as -- almost as soon as the Clinton administration came in, there was an attempt to assassinate President Bush. There was a very minor strike launched against the intelligence service of Saddam, intelligence headquarters, and with the insurance (sic) that no one would be there, so it would be in the middle of the night. After the Khobar bombing, there were many in the Administration who wanted to retaliate, but in fact nothing was done. After the '93 WTI (sic) attack, there essentially was nothing done pending the five-year trial. After the embassy bombing, there was, again, an attempt to make cruise missile attacks against the training camps and then against the pharmaceutical plant in Sudan.

As you'll recall, there were criticisms at the time that this was a "Wag the Dog" scenario, that it was during the various stages of the President's problems, and that there was no real evidence there, that it was an innocent pharmaceutical plant.

You were part of the inner sanctum at the time. In your view, was there real evidence that this was part of a Bin Ladin network?

MS. ALBRIGHT: You've said a lot of different things.

Let me just say that I do believe that when we had evidence, we used force. And the response on the '93 -- on the attempted assassination of President Bush we reacted, I think, very strongly. That's certainly what the Iraqis thought. And I was the one that had the rather peculiar moment of delivering the message to the Iraqi ambassador at the United Nations, while sitting in his residence under a portrait of Saddam Hussein, that we were bombing Baghdad. So -- and then went to the Security Council with the proof of it.

So I think that we acted very well on that, and it should be a sign that we were prepared to use military force when it was appropriate and we had intelligence in order to make it effective.

I think on the issue of '98, we were prepared to use force, and did use it immediately after the bombings of the embassies, as I said earlier, on actionable intelligence. I believed and continue to believe that the plant in Sudan was connected to this network that Osama Bin Ladin had had in Sudan and that it was an appropriate strike.

And as you point out -- and I think this is the very hard part for all of us, Mr. Secretary, is that we have to put ourselves into the pre-9/11 mode, and that it was -- and it's hard because we've all been in our post-9/11 prism, where we should be, and yet things were very different before 9/11. And as you point out, we were mostly accused of overreacting, not under-reacting. And I believe we reacted appropriately. And as I said earlier, we would have acted more had we had actionable intelligence. And so I think we dealt very appropriately with the issue and I think our record stands well.

MR. LEHMAN: The reports at the time, and subsequently, have appeared in various places that the evidence involved with the pharmaceutical plant not only involved al Qaeda, and specifically Osama, but also the Iraqi -- various programs within the Iraqi government, let us say. Did you see any significance in that as something to worry about, perhaps the Iraqis' involvement with Osama might be a bit more than might appear?

MS. ALBRIGHT: I did not make the connection. But let me just say this; is that if you look at the record, I was as hawkish on Saddam Hussein as anybody; made more statements and took more actions, whether I was ambassador at the United Nations or secretary of State, in terms of trying to contain Saddam Hussein and make sure that he proceeded in terms of trying to live up to or fulfill the Security Council resolutions. And so I did not -- or do not remember making a link between what was happening in Sudan and the Iraqis.

I don't know, Tom, whether you have any.

MR. PICKERING: Mr. Secretary, I also participated in the meetings leading up to that decision. There were two pieces of evidence only that I was aware of that I thought were very, very important that helped, I believe, to crystallize the decision.

One was the report we had following chemical analysis of the actual sample of a precursor to VX nerve gas that did not occur in nature. It was very unique and was not used for any other known purpose.

And the other was the connection that the secretary just talked to you about of the plant with investments and activities of Saddam -- excuse me, of Osama Bin Ladin in Sudan. As you know, he spent time in Sudan prior to the attack on the plant. And I was not aware of any Iraqi connection until after the attack.

MR. LEHMAN: Thank you. Let me shift to Saudi Arabia. As I'm sure you all know, it is sort of common wisdom, or in the State Department one would say an urban myth, that the culture of the department is ruled by a pro-Saudi, pro-Sunni bent. And there are things that certainly give credence to that in the record leading up to 9/11: The fact that State never made any demarche to get after the Saudis had perhaps the second-most powerful man in al Qaeda in their possession from '95 on and didn't tell us for some time, and to this day has not been turned over to us; the fact that the activities of the Saudi ministry of religious affairs have really never gotten even onto the scope of the agenda between Saudi Arabia and the United States; the flow, this constant promotion of jihadist ideology around the world.

In your time -- and the fact, of course, which has recently become an issue, that despite the fact that the priests and ministers are in jail in Saudi for having Christian services, they are nevertheless -- Saudi was never listed on the annual list of State Department states who don't offer religious freedom.

In your time, did you find -- oh, one last; in our last hearing, Ms. Ryan, who headed the consular service, explained that the reason special attention was not given to Saudis seeking visas, even after Khalid Sheikh Mohammed, for instance, was indicted and he was given a visa, was because the State Department had Saudi Arabia in a most-favored-nation status. And indeed, when we had the officer who did stop one of the hijackers, he said that he came under pressure from his colleagues because picking on a Saudi was very much not acceptable.

Do you find this was a problem? Is there a cultural problem, or is this purely a myth?

MS. ALBRIGHT: Well, I don't think there's a cultural problem. I think that basically there are those in the department that are responsible for our relationships with Saudi Arabia and

there are people in the department who are responsible for our relationships with Israel or another country. And I think that, as secretary and as undersecretary, we took all those issues under consideration, obviously.

I do think, as I said earlier, our relationship with Saudi Arabia is an incredibly complicated one. We had forces stationed there. We were trying to figure out how to deal with Iraq. We understood the role of Saudi Arabia within the Arab world. And we pressed them. I personally pressed them on issues to do, believe it or not, on women's rights. I pressed them on the religious issues. I pressed them on questions to do with how they were using their charitable money. And we did push them at a variety of times. And as I said earlier, the record is mixed. But the relationship is complicated, and there are divisions within Saudi society. And I think it will continue to be a highly complex relationship for the United States.

MR. PICKERING: Also, Mr. Secretary, on the visa cases, I know all of you know from your own work and some of the work that has been done ahead of time, the State Department officers issuing visas relied on something called a watch list. And, in fact, the State Department had taken the initiative to develop the watch list in connection with certain criminal activities, and then expanded it in cooperation with the intelligence community to try to deal with terrorism, as we all saw terrorism becoming a much more serious problem.

And the tragedy of the issue is that apparently there was information available to the intelligence community, but it did not get into the watch list, something that every State Department officer in Saudi Arabia issuing visas had to consult before even thinking about issuing a visa, and that, unfortunately, the intelligence we had in our possession -- again, some of the stovepiping problem you related earlier, some of the compartmentation issue or some of the, I think, maybe uncertainty in the intelligence community about the importance of getting that information to the visa officers.

These officers interview people often to determine whether they're going to overstay their visa, become immigrants without going through the appropriate processes. I don't know that visa officers, except by happenstance, have any particular ability to detect terrorists, but maybe we have new profiles now that will help. But the watch list was the basis for that. And unfortunately, in that particular case the watch list was not up-

to-date, and therefore we missed those individuals that should have been caught by the visa process.

MR. LEHMAN: Thank you very much.

MR. KEAN: I just had one question. It seems to me that for years, at the end of the Clinton administration and into the Bush administration, we seemed to have a hope, which I don't quite understand, that the Taliban somehow would agree, through diplomatic pressure or through some other pressure, to give up Osama Bin Ladin in some way or other.

And it seems to go on for a few years, even though I can't find in anything I've read any justification, really, for that hope. I understand trying for a while. But weren't you probably coming to the end of your rope on those attempts, recognizing that this was a man who was leader of the Taliban, was somebody who wasn't even talking to people because they weren't Muslims, diplomatically?

MS. ALBRIGHT: I do think that we later learned about the very kind of, as I said, symbiotic relationship between the Taliban and Osama Bin Ladin. And if you look at it, it's hard to -- vain hope is the way, as you review it, that you feel. But at the time, you have to realize what our options were in terms of we needed to have them cough him up, so to speak. And basically we used every pressure point that we could. There were a variety of meetings that we had with them. We thought that we could either threaten or induce them to give him up. But even -- and I have to say, the options, let's say, of bombing them has not produced Osama Bin Ladin. So I think that you do have to look at the options that you have. And if we did not have the leverage, then perhaps the Pakistanis, for instance, who had closer relations with them, or the Saudis, we had hoped, would have that kind of relationship. But clearly this very knitted relationship was not something that was evident that we had good intelligence on.

MR. KEAN: Senator Kerrey.

MR. KERREY: Madam Secretary, first of all, it's very nice to see you again.

MS. ALBRIGHT: Thank you.

MR. KERREY: It seems to me during the Clinton administration there were two big mistakes, and I wonder if you'd comment on them. The first is that from 1993 through 2001, the

United States of America was either attacked or we prevented attack by radical Islamists close to a dozen times, either where the attack was successful or where we interrupted the attack.

And during that period of time, not only did we not engage in any single military attack other than the 20th of August, 1998, there was no attack against al Qaeda during that entire period of time. Indeed, the presidential directive that was the operative one of '62, that was signed in May of 1998, didn't give the military primary authority in counterterrorism. They were still responsible for supporting the states and local governments if we were attacked, and they were still providing support for the Department of Justice in doing investigations.

And, it seems to me, especially -- you cited the '93 case with Iraq, the bombing of Iraq -- it seems to me that that was a terrible mistake. Indeed, the Commission has seen evidence that people at lower levels in the Department of Defense and Dick Clarke, himself, were preparing analyses suggesting more aggressive military efforts, and it went nowhere. So that's mistake Number 1 that I think was a big one.

The second one was after we had reason to believe that the Saudis were financing terrorists who were at least indirectly connected, if not directly connected, with killing Americans on the 7th of August 1998, that we didn't threaten to freeze their assets or actually freeze their assets. Something that, my guess is, would have a dramatic impact on the Kingdom's willingness to continue to behave in that fashion. Those are the two mistakes that I think were made during the Clinton administration.

The first one, I think, is a really large one, and I don't -- honestly, I don't understand -- if we're attacked and attacked and attacked, why we continue to send the FBI over like, you know, like Khobar Towers was a crime scene or these African embassy bombings was a crime scene. You said we had balance between military effort and diplomacy and, frankly, I've got to say, it seems to me, it was very unbalanced in favor of diplomacy against military effort.

MS. ALBRIGHT: I think, Senator -- or -- Mr. President -- is that it is very difficult to assess what the targets would have been and, in many cases, some of the linkages that have been made now were not evident at the particular time and, to bomb at random, or use military force, I think, would have created a situation that would have made our lives, American lives, even more difficult within the Muslim world. These are judgments that

have to be made, and I think I'm known well enough inside and outside the government as somebody who was always willing to match diplomacy with force.

And so I do believe that we used force when it was appropriate and strongly. So I think that --

MR. KERREY: Madam Secretary, with great respect, after August of '98, you and I both know what we did. We led the North Atlantic Alliance to an effort against Kosovo, and that was the choice that was made. That was the threat that was considered to be the most important, and we used the military force against Belgrade. I think it's a straw man to say that we're going to have random bombing or indiscriminate bombing. That's not what we're proposing at all. We had -- I keep hearing the excuse, "We didn't have actionable intelligence." Well, what the hell does that say to al Qaeda? Basically, they knew, at the beginning of 1993, it seems to me, that there was going to be limited, if any, use of military, and that they were also free to do whatever they wanted.

MS. ALBRIGHT: Senator, there never, as far as I know, was a discussion as to whether there was a choice between using force in the Balkans and using force against al Qaeda. That was not a choice that ever was discussed or made. There was not one or the other, and I think that the executive orders that President Clinton put out about using lethal force against Osama Bin Ladin -- everything that we did in terms of the structure that we put together to freeze various assets and to go after them with every conceivable tool that we had, you, Senator, I know, were the only person that I know of who suggested declaring war. You were -- you know, in retrospect, you were probably right, but we used every single tool we had in terms of trying to figure out what the right targets would be and how to go about dealing with what we knew to be a major threat, and I reviewed it, and I am satisfied that we did what we could, given the intelligence that we had and pre-9/11, if I might say. I think that we have to keep being reminded of that, because there were whole questions, as Secretary Lehman said, that we'd overreacted, not the other way around.

MR. HAMILTON: Commissioner Fielding?

MR. FIELDING: Madam Secretary, Ambassador Pickering, thank you both very much for being here and for your service to our commission and to the country.

I have a follow-up question very similar to the two that have just been asked you. There was broad consensus among officials, civilian and military, prior to 9/11 that there was little or no congressional support or even public support for a large-scale U.S. military action against al Qaeda in the Afghan territory. Likewise, there was skepticism that we've been told about frequently within the U.S. government that the military really was reluctant to engage in any military action against bin Ladin in the Afghan and, in fact, as Senator Kerrey just said, but for the retaliatory strike after the East African Embassy bombings, there was no follow-up.

So we have the State Department communicating threats to the Taliban saying that -- and I guess it was around 1999 -- that they would be held accountable and that there would be military force, among other things, for any attack by al Qaeda against the United States. Now, that leads to me question -- did the Taliban have reason to believe that we would make good on that threat, that it was a valid threat? And, likewise, what steps -- when you formulate a policy to make that kind of a threat, what steps did you take to ensure that we, in fact, had a credible military force that could enforce that?

MS. ALBRIGHT: Well, first of all, as I said, President Clinton had ordered that lethal force be used. There were armed submarines in the Arabian Sea and a variety of bombers on standby and ready to go so that -- the orders were there. The President also asked for a variety of options from the Pentagon in terms of special forces, a variety of -- as far as I know, there was no option off the table, and that there were questions about the Pentagon saying that these were not viable.

You will have Secretary Cohen here, and you can ask him these questions, but I do know that, from the perspective of one of the members of the principals committee and I, as secretary of state, can assure you that the President asked for a variety of military options. And so I, again, think that you have to -- from my perspective, the Pentagon did not come forward with viable options in response to what the President was asking for.

MR. PICKERING: I also think, Mr. Fielding, that the record is pretty clear on the intensive looks that we were giving to the target lists and what could be found and how to find Osama and could we see him? And we found that we may have seen him, but he wasn't there. Or perhaps he was going to be someplace, but it never panned out. But there are very clear indications using Afghan irregulars who were prepared to work with us, using the

kinds of strikes that we used against the camps, looking at all of the other alternatives. This was a constant preoccupation that we had many times when I would phone the secretary on the secure phone and say, "We think it's about to happen," only to call her back 24 hours later and say, "No, it didn't work. The intelligence wasn't secure enough to know that we would be there to hit that particular target," who was Osama Bin Ladin, obviously.

So it was not something that, sort of, was done once and put aside and never thought about again.

MR. FIELDING: Oh, I appreciate that. But to get back to the second part of my question -- when you formulate a diplomatic policy, if you will, which says we are going to use force against you, and we're going to use our military if you don't resolve this in a diplomatic sense, my real question is -- what process do you go through before that decision is made to ensure that we really did have a credible military plan and force that could react to that to make our threat to the Taliban credible?

MS. ALBRIGHT: Well, we did, and Ambassador Pickering participated in many of these meetings. We had inter-agency meetings to talk about what our various options were, and I think we all felt it was appropriate to let the Taliban know that they would be held responsible if further action were held. And, as we made that -- the truth is that they didn't do anything in between the time that we made that point to them, and it was a threat that was out there, a Damocles sword, and we did have various options to deal with them with the cruise missiles off the submarines and other ways of bombing. I, personally, am not satisfied that we were able to get all the right answers out of the Pentagon. I think that is a question, and one of the issues always, in any inter-agency meeting, whether it was starting when I was ambassador at the United Nations, I would ask for a variety -- although at that case, not as appropriate as when I was secretary -- for a variety of options in terms of what could be done militarily, and I think you will have to ask Secretary Cohen, because we all dealt on this issue together, and I think -- the thing that is very hard to explain to people now is how much time we spent on all this, and we are constantly debating what we could do, given a pre- 9/11 atmosphere. It really was very, very different, and most people thought that we had made up the issues of terrorism, as Secretary Lehman pointed out.

So I hope, very much, that in considering all this, you do -- I know how hard it is for me, and I'm sure it's hard for you -- is to get back into the pre-9/11 mode.

MR. FIELDING: Thank you both very much. Thank you, Mr. Chairman.

MR. HAMILTON: Thank you. Commissioner Gorelick.

MS. GORELICK: Madam Secretary and Ambassador Pickering, thank you for being here and thank you for your service to this country.

I would like to probe a little bit further the issue of use of military force in Afghanistan. You, I think, once famously said, in a different context, "What's the use of having this state-of-the-art military if we can never use it?" So I would like to know what your reaction was when there was developed a plan to use special forces to invade Afghanistan and to go and get Bin Ladin post the '98 -- the '98 embassy bombings when DOD opposed using this plan as unworkable and unwieldy. What was your view on their posture?

MS. ALBRIGHT: Well, let me say, and as I said in my opening remarks, the embassy bombings were something that was very -- deeply touched everything that I did at the State Department and affected, you know, when -- when Admiral Crowe presented his report, it was, I think, devastating in many ways. And he blamed me personally, so believe me it was something that as secretary of state I did feel responsible -- these were people who worked for me. And I felt very much that we needed to do everything we could to make sure that there was a retaliation against those who had done it, and that we had to pursue so that this would not happen again.

And I did press, as did others, for a variety of options. And the explanation about the special forces that was always hard was you either had a very small group that was then not able to protect itself, or one that was so large that would be detectable. And so the balance of trying to find the right special operations group was very difficult. But, you have to ask the military people this question, because --

MS. GORELICK: Oh, we will.

MS. ALBRIGHT: -- President Clinton and I and Sandy Berger, we all pushed and pressed, as did Ambassador Pickering,

because I think that we did see the linkage between diplomacy and the threat of force and the use of force. I spent most of my eight years in office thinking and talking about the linkages between diplomacy and the use of force, and that one underlines the other. And so I was -- I did my best, in fact, to question on this.

MS. GORELICK: Would you agree with the statement that Deputy Secretary of Defense Wolfowitz gave us, that if the DOD had gone to Congress before 9/11 and asked to invade Afghanistan, that we would -- they would not have been taken seriously?

MS. ALBRIGHT: I think I do agree with that, because it was very hard to get congressional support for military action. We had a hard time in various other areas, whether it was supporting peacekeeping operations or generally in terms of trying to get support, because I think there was a whole question about how serious this all was, despite the fact that I think we made many statements to the effect, as I said President Clinton, and Ambassador Pickering and I, and Sandy Berger, and Secretary Cohen spoke very often about the continuing danger of terrorism. But I, on this particular subject, I do agree with Undersecretary Wolfowitz.

MS. GORELICK: I appreciate the caveat. (Laughter.) You issued a demarche or a warning to the Taliban before the *Cole*, saying that you would hold, or the U.S. government would hold the Taliban responsible for any harm to Americans, is that correct?

MS. ALBRIGHT: We did, yes.

MS. GORELICK: And -- and after the *Cole*, you -- you, in answer to a question from -- from Secretary Lehman said -- or maybe it was Congressman Roemer, you said, well, we didn't know, by the time we left office, you didn't know that the attack on the *Cole* was the responsibility of Bin Ladin. Is that correct?

MS. ALBRIGHT: That is correct.

MS. GORELICK: But having made that threat, what is your view on the necessity for the U.S. government to have responded to the *Cole* forcefully when that conclusion of responsibility was in fact made?

MS. ALBRIGHT: Well, as I said, and you repeated, we did not have definitive proof. The definitive proof came during the Bush administration, and they had repeated the threat. So, I

think you have to, again, ask them, in terms of how they saw whether they reacted appropriately once it was proven that the *Cole* was linked to al Qaeda, and -- but -- but I -- in our case, there was not definitive proof by the time we left office that it was, and we stood with our threat.

MS. GORELICK: Thank you.

MR. LEHMAN: Just to set the record straight, however, our investigations have indeed proved that the conclusion was reached in CIA at a much earlier time, in fact, as early as November, and certainly by December --

MS. GORELICK: But not conveyed to decision-makers.

MR. LEHMAN: But not conveyed to decision-makers. That's --

MS. ALBRIGHT: And I think that is a general issue that people need to look at, is how material comes up the system and who knows what at what time. I think, you know, that is an issue, how it is conveyed and at what time.

MR. KEAN: Senator Gorton.

MR. GORTON: Same general subject, Madam Secretary. I take from page six of your written statement. There would have been no reason to justify a military action, that is, an invasion of Afghanistan, but without the mega-shock of September 11th, there -- excuse me -- there would have been reason to justify military action, but without the mega-shock of September 11th, we would not have had a local staging ground to support such an attack, and diplomatic backing would have been virtually non-existent. Would you not -- would you not say that exactly the same situation existed during the first eight months of the Bush administration, i.e., prior to 9/11?

MS. ALBRIGHT: I -- I do think that clearly 9/11 affected them as it did us, and, therefore, the question is, how they looked at the particular material. They seem to have felt also that there was not a justification. I think the question comes down to one of the last issues that Ms. Gorelick raised with us is whether when there was proof that al Qaeda and Osama Bin Ladin were connected with the *U.S.S. Cole*, the threat having been made, why there was not a response at that time. I think that is the question --

MR. GORTON: We're speaking of -- I'm asking this question, as this question relates to an invasion of Afghanistan to depose the Taliban and disperse al Qaeda.

MS. ALBRIGHT: I -- I do think -- this is my personal opinion -- that it would be very hard, pre-9/11, to have persuaded anybody that an invasion of Afghanistan was appropriate. I think it -- it did take the mega-shock, unfortunately, of 9/ll to make people understand the considerable threat, plus, there was not a staging area in Pakistan, and the variety of problems that we faced, I do think that this Administration faced also.

MR. GORTON: And pre-9/11, the only military response to any al Qaeda attack, whether successful or one of the many that you said was frustrated during your period of time, the only military response was the response in the immediate aftermath of the embassy backing, and while many other potential covert or cruise missile kinds of responses were considered, all ran up against an objection that the intelligence wasn't actionable, that you didn't know what the -- there was no appropriate target, or there could be collateral damage, so every such suggestion, you know, was frustrated and came to naught before 9/11, is that not correct?

MS. ALBRIGHT: Well, I have no way of judging what happened inside the Bush administration from January to September.

MR. GORTON: Well, you do know that nothing happened.

MS. ALBRIGHT: Well, I do know that. But I also do know that many of the policy issues that we had developed were not followed-up. And I have to say with great sadness to watch a -- an incoming Administration kind of take apart a lot of the policies that we did have, whether it had to do with North Korea or the Balkans, was difficult. So, I think -- I think you have to ask people that were in the Bush administration as to how they saw things on this particular issue. But I do think, in all fairness, that 9/11 was a cataclysmic event that changed things and that it -- they must have had similar reactions. But clearly there are many issues and many questions now about how they were responding to the terrorist threat and how seriously they took it. You are going to have some other witnesses here who will be more capable of responding to that question than I because I know nothing beyond what I read.

SEN. GORTON: So, at least during probably the year 2000, if not earlier, and 2001 up to 9/11, a rational al Qaeda could

determine that terrorism was essentially cost free, or only at a cost so modest that it was well worthwhile.

MS. ALBRIGHT: I don't believe that, actually. I think that if you look at what we were doing, we were on an upward trajectory of ramping up our dealing with terrorist activities, whether it was putting the infrastructure into place that the Bush administration is using on tracking finances, on trying to get more money into the CIA, of developing counterterrorism centers and activities. So, I think no -- I mean, it's hard for me to get inside the head of al Qaeda, but no, I do not think they must have thought it was cost free.

MR. GORTON: Well, there we certainly disagree. I guess my time is up.

MR. KEAN: Yes. Our last question for this panel from Governor Thompson.

MR. THOMPSON: Madam Secretary, thank you for being here today. And thank you for your service to our country.

I must say that I am impressed with not only your record but the record of the Clinton administration in its efforts to pursue and stop al Qaeda, to provide appropriate responses on behalf of our country, and for the vigor and determination with which your administration acted in these affairs during the time that you were in office.

But I'd like to turn to -- to a subject that everybody else in Washington is talking about, so we might as well recognize the elephant in the room --

MS. ALBRIGHT: So to speak.

MR. THOMPSON: Understanding as I do all the things that your administration did, I'm perplexed that even though you followed many of Mr. Clarke's suggestions, whether it was frequent principals meetings, frequent meetings of the small group, pressure on the Saudis, pressure on the Pakistanis, preparation of the Predator for military action, going after financing, issuing demarches, all of that, and where you didn't follow his advice you had reasonable and logical explanations for it, some of which you've talked about today, and some of which you've talked about in your written testimony -- for example, not providing military aid to the Northern Alliance or -- or putting boots on the ground in Afghanistan. But, none of the years of the Clinton effort, as

vigorous as it was, either stopped the spread of al Qaeda, brought us Osama Bin Ladin or prevented September 11th. And it's really hard for me to see how a criticism can be leveled against the Bush administration which was brand-new, and had only seven months to try and look at and in many cases continue the policy of the Clinton administration towards al Qaeda and Osama Bin Ladin. This was not one of those things that blew up like the Balkans or North Korea. Is that a fair conclusion?

MS. ALBRIGHT: I think that fighting terrorism is a very difficult job, and it is clear from our experience of eight years I think it's very hard to find Osama Bin Ladin. We had a hard time. I regret that they have not been able to find him. It is very difficult. We are dealing with a brand-new threat in a way that spreads through these variety of groups where people are given sanctuary and where in fact I think there is a question in the long term how we deal with it in terms of educational issues, in terms of trying to get the moderate Muslims to help us -- some of the suggestions that I made.

I think what I consider, if I may say so, the great value of this commission is that you are going -- you are asking exactly these kinds of questions in terms of not just trying to place blame, but trying to learn lessons. When I was first told about the mandate of this commission, that is what it is, and so to get answers and learn lessons without in fact just trying to place blame.

I do think that it is important to understand how much attention was paid to fighting terrorism in the Bush administration. I can only talk about what we did, and that is that it was constantly on our minds, that President Clinton spoke about it all the time -- privately in meetings to foreign leaders as well as publicly -- that we did in fact create the national security system that allowed somebody like Dick Clarke in the job of being the coordinator, and that I think our record in dealing with this is one that established a variety of policies that I think were on the way towards helping us fight terrorism. But I am not going to say that it is easy, and it is the threat of our time. And the devil's marriage between these shady groups and the spread of weapons of mass destruction is unfortunately the problem that we are all dealing with that we cannot deed to our children and grandchildren.

So I am very glad that this commission is looking into this, because it is the lessons learned -- not so much the blame placing.

MR. THOMPSON: Thank you, Madam Secretary. Thank you, Mr. Chairman.

MR. KEAN: Thank you again for your testimony very much. And thank you for all your public service, Secretary Albright.

MS. ALBRIGHT: Thank you, governor.

MR. KEAN: And thank you, Ambassador Pickering, for being here with us. We are submitting a few, perhaps if we could, a few more questions for the record.

MS. ALBRIGHT: Absolutely.

MR. KEAN: And we look forward to your responses.

MS. ALBRIGHT: Thank you so much. Thank you.

MR. KEAN: Thank you very, very much. END.

PANEL II OF THE EIGHTH PUBLIC HEARING OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES RE: FORMULATION AND CONDUCT OF U.S. COUNTERTERRORISM POLICY CHAIRED BY: THOMAS KEAN, FORMER GOVERNOR (R-NJ) WITNESS: SECRETARY OF STATE COLIN POWELL; ACCOMPANIED BY DEPUTY SECRETARY OF STATE RICHARD ARMITAGE LOCATION: 216 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. TIME: 11:06 A.M. EST DATE: TUESDAY, MARCH 23, 2004

MR. KEAN: Our next witness is, I think, familiar to everybody in this room. He, too, has a record of tremendously distinguished service to this country in a number of different ways, both in a volunteer level as well as in the public service level. We welcome a senior member of the Cabinet, Secretary of State Colin Powell, of course accompanied by the distinguished deputy secretary of State, Richard Armitage. Thank you very much for coming. Mr. Secretary, Mr. Deputy Secretary, we would like, if we could, to ask you to raise your right hand that we may put you under oath.

Do you swear or affirm to tell the truth, the whole truth and nothing but the truth?

SEC. POWELL: I do.

MR. KEAN: Thank you very much. Secretary Powell, your prepared statement will be entered into the record in full. We would ask you, therefore, if you could summarize your remarks.

SEC. POWELL: Thank you very much, Mr. Chairman. It's a great pleasure to be before the Commission today, and I thank you for the opportunity to appear before you regarding the events leading up to and following the murderous terrorist attacks of September 11th, 2001. It is my hope, as I know it is yours, that through the hard work of this commission, our country can improve the way we wage the war on terror, and in particular, better protect our homeland and the American people.

I'm pleased to have, of course, with me today Deputy Secretary Richard Armitage -- Rich Armitage. Secretary Armitage was sworn in on March 26th of 2001, two months into the Administration, and he's been intimately involved in the interagency deliberations on our counterterrorism policies. And of course he also participated in what are known as principals, as well as National Security Council meetings whenever I was on travel or otherwise unavailable.

Mr. Chairman, members of the Commission, I leave Washington this evening to represent President Bush and the American people at the memorial service in Madrid, Spain, honoring the over 200 victims of the terrorist attacks of 3/11, March 11th, 2004. With deep sympathy and solidarity, our heart goes out to their loved ones and to the people of Spain.

And just last Thursday, in the garden of our embassy in Islamabad, Pakistan, I presided at a memorial service in honor of two State Department family members, Barbara Green and her daughter Kristen Wormsley, who were killed two years ago by terrorists while they worshipped in a church on a bright, beautiful spring morning.

I know that the families and friends of the victims of 9/11, some of whom are listening and watching today, grieve just as the Spanish are grieving, and just as we at the Department of State did and still do for Barbara and Kristen.

Mr. Chairman, I am no newcomer to the horrors of terrorism.

In 1983, Secretary Armitage and I were working for Secretary of Defense Cap Weinberger, as was Secretary Lehman at that time, when 243 wonderful, brave Marines and Navy corpsmen

were killed in Beirut, Lebanon. I was chairman of the Joint Chiefs of Staff in 1993 when the first bombing of the World Trade Center took place. In 1996 I may have been out of government, but I followed closely the events surrounding the Khobar Towers bombing in Saudi Arabia.

Khobar and all the other terrorist attacks over the years were very much a part of my consciousness as I prepared to assume the office of secretary of State under President George Bush. I was well aware of the fact that I was going to be sworn into office just three months after the *U.S.S. Cole* was struck in the harbor at Aden, Yemen, taking the lives of 17 sailors and wounding 30 others. I was well aware -- very well aware -- that our embassies in Kenya and Tanzania had been blown up in 1998, injuring some 4,000 people and killing 220, 12 of them Americans -- the highest number of casualties in a single incident in the State Department's history.

As the new chief executive officer of the Department of State, I was acutely aware that I would be responsible to President Bush -- he made this clear that this was my responsibility -- for the safety of the men and women serving at our posts overseas as well as for the safety and welfare of private American citizens traveling and living abroad. The 1999 Crowe Commission report on embassy security became our blueprint for upgrading the security of all of our facilities.

Admiral Crowe had done an extensive review and made some scathing criticisms on how lax our country was in protecting our personnel who were serving abroad from terrorist attacks, and one of my first actions was to ask retired Major General Chuck Williams of the Army Corps of Engineers to come into the department and head our building operation. We wanted him to move aggressively to implement the Crowe recommendations and to protect our people and our installations, and he has done a tremendous job of that. At the beginning of this Administration we were building one new secure embassy a year. Today we are building 10 new secure embassies every single year.

As the President's principal foreign policy advisor I was well aware, as was the President and all the members of the new national security team, that communism and fascism, our old foes of the past century, had been replaced by a new kind of enemy, terrorism. We were well aware that no nation is immune to terrorism. We were well aware that this adversary is not necessarily a state and it often has no clear return address. We knew that this monster is hydra-headed, many-tentacled.

We knew that its evil leaders and followers espoused many false causes but have one common purpose, to murder innocent people.

Mr. Chairman, President Bush and all of us on his team knew that terrorism would be a major concern for us, as it has been for the past several administrations. During the transition from the Clinton to the Bush administration, we were pleased to receive the briefings and information that Secretary Albright and her staff provided us on President Clinton's counterterrorism policies and what they had done for the previous eight years before we came into office.

Indeed, on December 20th, four days -- four days -- after President Bush announced that I would be the next secretary of State, I asked for and got a briefing on our worldwide terrorism actions and policies from President Clinton's counterterrorism security group, headed by Mr. Dick Clarke. In addition to Mr. Clarke at this briefing, my very first briefing during the transition, also present were the CIA's counterterrorism director, Mr. Cofer Black; from the FBI, Dale Watson; also present were representatives from the Department of Defense, the Joint Chiefs of Staff, and from within the State Department, representatives of our own Bureau of Intelligence and Research, as well as our acting coordinator for counterterrorism. A major component of this briefing was al Qaeda's growing threat to the United States, our interests around the world and Afghanistan's role as a safe haven for al Qaeda. As a matter of fact, that part of the briefing got my attention, so much so that later I asked Mr. Armitage when he got sworn in to get directly involved in all these issues, and he did.

In addition, in my transition book that was provided to me by Secretary Albright, there was a paper from Mike Sheehan, Secretary Albright's counterterrorism coordinator. And I read it very carefully. That transition paper, under the rubric, "Ongoing Threat Environment," stated that, quote, "In close coordination with the intelligence community, we must ensure that all precautions are taken to strengthen our security posture, warn U.S. citizens abroad and maintain a high level of readiness to respond to additional incidents that might come along." The paper informed me that, quote, "The joint U.S.-Yemeni investigation of the *U.S.S. Cole* bombing continues to develop new information and leads but that it is still too early to definitely link -- definitively link the attack to a sponsor, i.e., Osama Bin Ladin." And under Taliban, the paper records that we must continue to

rally international support for a new round of U.N. sanctions, including an arms embargo against the Taliban. The paper further stated we should maintain the momentum of getting others, such as the G-8, Russia, India, the Caucasus states, Central Asia, to isolate and pressure the Taliban.

It continued: "If the *Cole* investigation leads back to Afghanistan, we should use it to mobilize the international support needed for further pressures on the Taliban."

Let me emphasize that the paper covered a range of terrorism- related concerns and not just al Qaeda and the Taliban.

So the outgoing administration provided me and others in the incoming Administration with transition papers, as well as briefings, based on their eight years of experience, that reinforced our awareness of the worldwide threat from terrorism. All of us on the Bush national security team, beginning with President Bush, knew we needed continuity in counterterrorism policy. We did not want terrorists to see the early months of a new administration as a time of opportunity.

And for continuity, President Bush retained Director Tenet at the CIA. Director Tenet's Counterterrorism Center remained under the leadership of Cofer Black. He was kept on there until he joined the State Department last year to become my assistant secretary for Counterterrorism.

Dick Clarke was retained at the National Security Council. I retained Ambassador Edmund Hull as acting coordinator for Counterterrorism until I was able to bring a new team in a little bit later in the year, under the leadership of former Brigadier General Frank Taylor of the United States Air Force's Office of Special Investigations. He was Cofer Black's immediate predecessor.

I also retained David Carpenter as assistant secretary for Diplomatic Security and kept Tom Fingar on as acting assistant secretary for Intelligence and Research. Christopher Kojm, now a staff member of your commission, was a political appointee from the prior administration, and we kept him on as well, in order to show continuity during this period. And of course, FBI Director Louie Freeh provided continuity on the domestic side.

Early on we made clear to the Congress and to the American people that we understood the scope and compelling nature of the threat from terrorism. For example, on February 7th, 2001,

just a few weeks into the Administration, my acting assistant secretary for Intelligence, Tom Fingar, who had served in the same capacity in the previous administration, testified before the Senate Select Committee on Intelligence regarding threats to the United States. In the first part of his testimony, he highlighted the threat from unconventional forces, saying, "The magnitude of each individual threat is small, but in aggregate, unconventional threats probably pose a more immediate danger to Americans than do foreign armies, nuclear weapons, long- range missiles, or the proliferation even of weapons of mass destruction and delivery systems."

Fingar then went on -- Mr. Fingar then went on to single out Osama Bin Ladin, saying that plausible, if not always credible, threats linked to his organizations target Americans and America's friends or interests on almost every continent.

Mr. Chairman, members of the Commission, the Department of State was well aware of the terrorist threat.

The new Bush administration, as had the Clinton administration, created counterterrorism and regional interagency committees to study the counterterrorism issue in a comprehensive way. The committees, in turn, reported to a Deputies Committee chaired by Deputy National Security Adviser Stephen Hadley, on which Mr. Armitage was my representative. The deputies, in turn, reported to Cabinet-level Principals Committees, which answered to the National Security Council chaired by the President.

These committees, however, were not by any means the sum and substance of our interagency discussions on counterterrorism, nor did they represent all that was happening within the Administration on a day-to-day basis.

In order to keep in constant touch on counterterrorism issues, as well as all of the other items on our agenda, Secretary Rumsfeld, Dr. Rice and I held a daily coordination phone call meeting on every morning that were in town at 7:15. In addition to our regular and frequent meetings at the State Department, every morning at 8:30 I met with my staff and immediately had available at 8:30 information from my INR section, my intelligence people, as well as my counterterrorism coordinator, as well as the assistant secretary in charge of diplomatic security. We formalized regular luncheons with Dr. Rice, myself, the Vice President and Secretary Rumsfeld in order to make sure that we stayed in closest touch with each other not only on terrorism, but on all issues.

Above all, from the start, the President, by word and deed, made clear his interests and his intense desire to protect the nation from terrorism. He frequently asked and prodded us to do more. He decided early on that we needed to be more aggressive in going after terrorists, and especially al Qaeda. As he said in early spring, as we were developing our new comprehensive strategy, quote, "I'm tired of swatting flies." He wanted a thorough, comprehensive, diplomatic, military, intelligence, law enforcement and financial strategy to go after al Qaeda. It was a demanding order, but it was a necessary one.

There were many other compelling issues that were on our agenda that a new administration has to take into account: a Middle East policy that had just collapsed; the sanctions on Iraq had been unraveling steadily since 1998; relations with Russia and China were complicated by the need to expel Russian spies in February, and the plane collision with the Chinese fighter in April. There were many foreign leaders who were coming to the United States or wanted us to visit them to get engaged with the new administration. Yes, we had to deal with all of these pressing matters and more, but we also were confident that we had an experienced counterterrorism team in place.

President Bush and his entire national security team understood that terrorism had to be among our highest priorities, and it was.

Now, what did we do to act on that priority? Our counterterrorism planning developed very rapidly considering the challenges of transition and of a new administration. We were not given a counterterrorism action plan by the previous administration. As I mentioned, we were given good briefings on what they had been doing with respect to al Qaeda and with respect to the Taliban. The briefers as well as the principals conveyed to us the gravity of the threat posed by al Qaeda, but we noted early on that the actions that the previous administration had taken had not succeeded in eliminating the threat. As a result, Dr. Rice directed a thorough policy review, aimed at developing a comprehensive strategy to eliminate the al Qaeda threat, and this was in her first week in her new position as national security advisor. This decision did not await any deputies' or principals' committee review. She knew what we had to do and she put us to the task of doing it.

We wanted the new policy to go well beyond tit-for-tat retaliation. We felt that lethal strikes that largely missed the

terrorists if you don't have adequate targeting information, such as the cruise missile strikes in 1998, might lead al Qaeda to believe that we lack resolve. These strikes had obviously not deterred al Qaeda from subsequently attacking the *U.S.S. Cole*. We wanted to move beyond the rollback policy of containment, criminal prosecution and limited retaliation for specific terrorist attacks. We wanted to destroy al Qaeda.

We understood that Pakistan was critical to the success of our long-term strategy. To get at al Qaeda, we had to end Pakistan's support for the Taliban, so we had to recast our relations with that country. But nuclear sanctions caused by Pakistan's nuclear weapons tests and the nature of the new regime, the way President Musharraf took office, made it difficult for us to work with Pakistan. We knew, however, that achieving sustainable new relations with Pakistan meant moving more aggressively to strengthen our -- shape our relations with India as well. So we began this rather more complex diplomatic approach very quickly upon assuming office, even as we were putting the strategy on paper and deciding its other, more complicated elements.

For example, in February of 2001 Presidents Bush and Musharraf exchanged letters. Let me quote a few lines from President Bush's February 16th letter to President Musharraf of Pakistan. This was just a few weeks after coming into office. Quote, the President said to President Musharraf, "Pakistan is an important member of the community of nations and one with which I hope to build better relations, particularly as you move ahead to return to civilian constitutional government. We have concerns of which you are aware, but I am hopeful we can work together on our differences in the years ahead."

"We should work together," the President continued, "to address Afghanistan's many problems. The most pressing of these is terrorism, and it inhibits progress on all other issues.

The continued presence of Osama Bin Ladin and his al Qaeda organization is a direct threat to the United States and its interests that must be addressed.

"I believe al Qaeda also threatens Pakistan's long-term interest. We join the United Nations in passing additional sanctions against the Taliban to bring Bin Ladin to justice and to close the network of terrorist camps in their territory."

The President concluded: "I urge you to use your influence with the Taliban to bring this about."

President Bush was very concerned about al Qaeda and about the safe haven given them by the Taliban. But he knew that implementing the diplomatic road map we envisioned would be difficult. The deputies went to work, reviewing all of these complex regional issues. Early on, we realized that a serious effort to remove al Qaeda's safe haven in Afghanistan might well require introducing military force, especially ground forces. This without the cooperation of a Pakistan would be out of the question. Pakistan had vital interests in Afghanistan and was deeply suspicious of India's intentions. Pakistan's and India's mutual fears and suspicion threatened to boil over into nuclear conflict as the Administration got into the early months of its existence. To put it mildly, the situation was delicate and dangerous. Any effort to effect change had to be calibrated very carefully to avoid misperception and miscalculation. Under the leadership of Steve Hadley, deputy national security advisor, the deputies met a number of times during the spring and summer to craft a strategy for eliminating the al Qaeda threat and dealing with the complex implications for Afghanistan, Pakistan and India.

So we began to develop this more aggressive and more comprehensive strategy, and while we did so, we continued activities that had been going on in the previous administration aimed at al Qaeda and other terrorist groups, including intelligence activities. For example, during the summer of 2001 the CIA succeeded in a number of disruption activities against terrorist groups. These are activities where our agents create turmoil among those groups they know to be associated with terrorists so that the terrorists cannot assemble, cannot communicate, can't effectively plan, receive any support or money, and are generally unable to act in a coordinated fashion. You will hear more about these activities from Director Tenet tomorrow, but I want to emphasize that notwithstanding all these intelligence activities that were under way, at no time during the early months of our administration were we presented with a vetted, viable, operational proposal which would have led to an opportunity to kill, capture or otherwise neutralize Osama Bin Ladin.

We never received any targetable information.

Let me return now to our diplomatic efforts. From early 2001 onward, we pressed the Taliban directly and sought the assistance of the government of Pakistan and other neighboring

states to put additional pressure on the Taliban to expel Bin Ladin from Afghanistan and to shut down al Qaeda.

On February 8th, 2001, less than three weeks into the Administration, we closed the Taliban office in New York, implementing the U.N. resolutions passed the previous month, I must say with the strong support and the dedicated efforts of Secretary Albright and Undersecretary Pickering.

In March we repeated the warning to the Taliban that they would be held responsible for any al Qaeda attack against our interests.

In April 2001, senior department officials traveled to Uzbekistan, Kazakhstan, the Kyrgyz Republic, Tajikistan, to lay out our key concerns, including about terrorism and Afghanistan. We asked these Central Asian nations to coordinate their efforts with the various Afghan players who were opposed to the Taliban. We also used what we call the Bonn group of concerned countries to bring together Germany, Russia, Iran, Pakistan and the United States to build a common approach to Afghanistan. At the same time, we encouraged and supported the Rome group of expatriate Afghans to explore alternatives to the Taliban.

In May, Deputy Secretary Armitage met with First Deputy Foreign Minister Trubnikov of the Russian Federation to renew the work of the U.S.-Russia Working Group on Afghanistan. These discussions had previously been conducted at a lower level. We focused specifically on what we could do together about Afghanistan and about the Taliban. This, incidentally, laid the groundwork for obtaining Russian cooperation on liberating Afghanistan immediately after 9/11.

In June --

MR. KEAN: Mr. Secretary, we are going to run out of time, if --

SEC. POWELL: Yes. I will get shorter.

MR. KEAN: Thank you, sir.

SEC. POWELL: I just wanted to make the point that in June and July and August, we took every effort that was available to us to put pressure on Pakistan to cut its losses with the Taliban and to take every effort possible to make sure that Pakistan understood the need to bring Afghanistan around to

eliminating the threat provided by al Qaeda and its presence in Afghanistan.

We also put into play a number of other options that were available to us.

As we know, during this period we looked at some of the ideas that Mr. Clarke's team had presented that had not been tried in the previous administration. These activities fit the long-term time frame of our new strategy and were presented to us that way by Mr. Clarke; in other words, these were long-term actions that he had in mind and not immediate actions that would produce immediate results. If his ideas made sense, we explored them. If they looked workable, we adopted them.

For example, we provided new counterterrorism aid to Uzbekistan because we knew al Qaeda was sponsoring a terrorist effort in that country, led by the Islamic Movement. We looked at the Predator. The Predator, at that time, in early 2001, was not an armed weapon that could be used to go after anyone. And Mr. Rumsfeld and Mr. Tenet will talk more about this, but by the end of summer period and as we entered September and October, it was a weapon that was useable and it was used extensively and effectively after 9/11, when it was ready. Other ideas such as arming the Northern Alliance with significant weaponry or giving them an added capability did not seem to be a practical thing to do at that time for the same sorts of reasons that Secretary Albright discussed earlier.

The basic elements of our new strategy, which came together during these early months of the Administration -- first and foremost, eliminate al Qaeda. It was no longer to roll it back or reduce its effectiveness. Our goal was to destroy it. The strategy would call for ending all sanctuaries given to al Qaeda. We would try to do this first through diplomacy, but if diplomacy failed and there was a call for additional measures, including military operations, we would be prepared to do it, and military action would be more than just launching cruise missiles at already-warned targets. In fact, the strategy called for attacking al Qaeda and the Taliban's leadership, their command and control, their ground forces and other targets. The strategy would recognize a need for significant aid not only to the Northern Alliance, but to other tribal groups that might help us with this. It would also include greatly expanding intelligence authorities, capabilities and funding.

While all this was taking place, Mr. Chairman, members of the committee, we did everything we could to protect the lives of American citizens around the world. As you know, the threat information that we were receiving from the CIA and other sources suggested that we were increasingly at risk, and the risk was looked to be mostly overseas. And while that is my responsibility, others in our administration were looking at the threat within the United States. But in response to these overseas threats, we issued threat warnings constantly. Every time the threat level went up, we would respond with appropriate threat warnings to our embassies, to our citizens around the world who were traveling or were living in foreign countries, warning them of the nature of the threat and encouraging them to take the necessary cautions.

So it is not as if we weren't responding to the threat. We were responding to the threat in the way that we could respond to the threat: with warnings, with emergency action, committee meetings in our embassies to make sure that we were buttoning down and buttoning up.

Mr. Chairman, this all continued throughout the summer. It reached a conclusion in early September, when all the pieces of our strategy came together -- the intelligence part, the diplomatic part, military components of it, law enforcement, the nature of the challenge we had before us, which was to eliminate al Qaeda. It all came together on the 4th of September at a principals' meeting, where we concluded our work on the National Security Directive that would be telling everybody in the Administration what we were going to do as we moved forward. It took us roughly eight months to get to that point, but it was a solid eight months of dedicated work to bring us to that point.

And then, as we all know, 9/11 hit, and we had to accelerate all of our efforts and go on to a different kind of footing altogether.

I just might point out that with respect to Pakistan, consistent with the decisions that we had made in early September, after 9/11, within two days, Mr. Armitage had contacted the Pakistani intelligence chiefs, who were -- happened to be in the United States, and laid out what we now needed from Pakistan. The time for diplomacy and discussions were over; we needed immediate action. And Mr. Armitage laid out seven specific steps for Pakistan to take to join us in this effort.

We gave them 24, 48 hours to consider it, and then I called President Musharraf and said, "We need your answer now. We need you as part of this campaign, this crusade." And President Musharraf made a historic and strategic decision that evening when I spoke to him, and changed his policy and became a partner in this effort, as opposed to a hindrance to the effort.

Mr. Chairman, I have to also say that we were successful during this period in rounding up international support. The OAS, Organization of the Islamic Conference, the United Nations, NATO, the entire international community rallied to our effort.

To summarize all of this, Mr. Chairman, I might say that this Administration came in fully recognizing the threat presented to the United States and its interests and allies around the world by terrorism. We went to work on it immediately. The President made it clear it was a high priority. The interagency group was working. We had continuity in our counterterrorism institutions and organizations. We kept demarching, as was done in the previous administration. But while we were demarching and while we were doing intelligence activities to disrupt, we were putting in place a comprehensive strategy that pulled all of these things together in a more aggressive way and in a way that would go after this threat in order to destroy it and not just keep demarching it.

We had eight or so months to do that, and in early September that strategy came together. And when 9/11 hit us and brought us to that terrible day that none of us will ever forget, that strategy was ready, and it was the basis upon which we went forward and we could accelerate all of our efforts.

While I was warning embassies and taking cover in our embassies in response to the threats, Secretary Rumsfeld was doing the same thing with military forces. Director Tenet was doing the same thing with his assets around the world. And our domestic agencies -- the FBI, the FAA -- were also looking at what they needed to protect the nation. Most of us still thought that the principal threat was outside of the country. We didn't know, while we were going through this procedure and through these policies and putting together this comprehensive strategy, that those who were going to perpetrate 9/11 were already in the country, had been in the country for some time, and were hard at work. Anything we might have done against al Qaeda during this period or against Osama Bin Ladin may or may not have had any influence on these people who were already in the country, already had their instructions, already burrowed in and were getting ready to commit the crimes that we saw on 9/11. Nevertheless, we knew

that al Qaeda was ultimately the source of this kind of terror, and we determined to go after it.

As Secretary Albright said earlier, we have many others things we have to do in the months and years ahead. We have to get our message out. We have to do more with public diplomacy. We have to do more with our allies and with our partners around the world. We are working on all of these issues.

But al Qaeda no longer has a safe haven in Afghanistan. The people of Afghanistan are on their way to democracy. I was there last week. There are going to be no more weapons of mass destruction or safe havens in Iraq. The people of Iraq have been liberated and they're on their way to a democracy.

And so I think we're trying to create conditions where we will bring the whole civilized world together against the threat of terrorism.

Mr. Chairman, I will end at this point, and my entire statement is available for your record.

MR. KEAN: Mr. Secretary, thank you very much for your testimony.

We'll begin this round of questioning with Commissioner Thompson, followed by Commissioner Gorelick.

MR. THOMPSON: Mr. Secretary, your testimony delivered here this morning, and in written form, has come close to this issue, but let me ask you directly. In the seven months between the time the Bush administration took office and September 11th, to your knowledge, did Mr. Clarke ever present to the Bush administration a new plan for dealing with al Qaeda, or was he, along with the rest of the NSC staff and the counterterrorism group, working on the NSPD that was eventually produced in September, without any complaint that things had to be done before that time?

SEC. POWELL: To the best of my knowledge -- and I'll ask Deputy Secretary Armitage to comment on this --

MR. THOMPSON: Please.

SEC. POWELL: -- because he was so intimately involved -- is that in the early part of the seven-month period, and coming to sort of a climax April, we started to pull together the various

threads of a new policy. But I'm not aware of a specific new plan that had been put forward. Dr. Rice had asked for a comprehensive study to be done of everything that we were doing up to that point from the previous administration, and any new ideas that would come along. But I'm not aware of a specific new plan that was presented for consideration by the principals for action by the National Security Council.

MR. ARMITAGE: No, I did not see a plan either, but it's quite clear, Governor, that Dick Clarke, who participated in most of the DC's in which -- Deputies Committee meetings in which I participated in, was quite impatient and was pushing the process quite well.

MR. THOMPSON: Mr. Secretary, taking into account both your military background and your present diplomatic position, in your opinion, would military aid to the Northern Alliance during the period February '91 to September '91 have prevented 9/11?

SEC. POWELL: No.

MR. THOMPSON: Would more frequent principals meetings in that period or more small-group meetings in that period prevented 9/11?

SEC. POWELL: No, and I'm not quite sure I've followed the rationale between more meetings and preventing 9/11. We met constantly. It wasn't always at principals level, but there was no lack of communication between the principals; there was no lack of exchange of information and data. I was briefed every morning by my intelligence people, so were all the other principals. The President got daily briefings from the director of Central Intelligence, and we consulted with each other about all of these issues. So I don't think it was a lack of meetings that resulted in 9/11, if that's the suggestion.

MR. THOMPSON: In your opinion, would an invasion of Afghanistan between February of '91 and September of '91 prevented September 11th?

SEC. POWELL: I can't answer that. But I can say that those who were perpetrators of 9/11, who were actually going to conduct the attacks of 9/11, already had their instructions; they had their plans in place and they were in the process of infiltrating themselves into the United States, or they were already here. And invading Afghanistan and cutting off the head -- if you succeeded in getting Osama Bin Ladin and destructing al

Qaeda at that point, I have no reason to believe that would have caused them to abort their plans.

MR. THOMPSON: In fact, NATO is in Afghanistan today, and yet everyone who has testified before this commission, or been interviewed before this commission, still fears that we may yet suffer another attack on our soil. Is that not correct?

SEC. POWELL: That's correct. Al Qaeda has tentacles in many different parts of the world. We've been very successful. We believe we have eliminated a significant portion of the senior leadership that we knew about, but this does not eliminate the entire organization, and it's not the only organization that means us ill.

MR. THOMPSON: Let me take you back to the time you took office, early in 1991. Would you give us a summary version of the most pressing foreign policy issues that the nation, in your opinion, faced; how you ranked them; and where counterterrorism fit into this order of priority?

SEC. POWELL: There's no question that counterterrorism was in the top tier on this list. It's very difficult to rank/order them because they just come rushing in at you and you have to deal with them as they come.

I would say the Middle East peace problem was right there, one of the top ones. The discussions that President Clinton and Mrs. Albright -- Dr. Albright were having with the Palestinians and Israelis had essentially fallen apart just before the inauguration. And in fact, President Clinton and I spoke about it in his last day in office, that afternoon of January 19th, and he expressed his disappointment they didn't work. So that was a top one. Sanctions were falling apart with respect to Iraq and we had to arrest that collapse of the sanctions policy. We were interested in a new relationship -- what our relationship would be with Russia, with China.

And so lots of things press in and you have to deal with all of them, but there's no doubt that counterterrorism and terrorism was high on that list. The very reason -- the very first briefing I got was on terrorism, and Dr. Albright -- Secretary Albright certainly made clear that she thought it was a high priority. I was announced on Saturday the 16th, and the very next day -- Sunday the 17th -- I met with Dr. Albright at her home for the first time to start talking about these issues.

MR. THOMPSON: In May of 1991 you testified before the Senate Appropriations Committee and you said, "In my first three months I'm very satisfied with the level of interagency coordination and cooperation." Then you made specific reference to the FBI and the CIA. Now I realize you're only on the job three months at that time, but in light of what we've all heard since that time about the difficulties in getting the FBI and the CIA together on the issue of al Qaeda, do you think you were being a little optimistic about the degree of coordination?

SEC. POWELL: I was getting a steady stream of information from Director Tenet. I read the same thing the President read every morning and -- the PBD as it's known, and you're well familiar with it. And the PBD regularly talked about terrorist activities. My own intelligence operation, INR, fed me with a steady stream. I met on a regular basis, occasional basis -- regular basis with Director Freeh. I had access to FBI information. So I didn't feel that there was a lack of coordination or a lack of communications and interchange between the principals.

MR. THOMPSON: All of us, I'm sure, have a strong desire to prevent another Afghanistan. And there are places in the world, are there not, Mr. Secretary, either in Africa or Southeast Asia, that prevent -- that present that threat. Would you tell us, please, what the Administration and you are doing, both diplomatically and militarily, to head off this threat of another Afghanistan?

SEC. POWELL: Right after 9/11 and even before 9/11, we started to work with the countries of Central Asia. Uzbekistan, we knew, would be an important nation in this regard. And after 9/11 we put a full court press on all of the nations of Central Asia, not only for access for our troops to do their work in Afghanistan, but to create new relations with them. And all of them have expressed a desire to have friendly relationship and, in some cases, a partnership with the United States.

And we did this, very sensitive to Russia's concerns about the United States being in that part of the world. But we were able to persuade the Russians over time that we had a common enemy in terrorism, and they should not fear the United States having these kinds of relations with Central Asian nations.

We also looked at some of the nations in Africa -- for example, Somalia, which is without a government. Secretary Rumsfeld -- and I'm sure he'll testify to this -- has been looking

at our footprint around the world to see how best we can deploy our forces to deal with those nations of the world and those regions of the world that have the potential of serving as safe havens for terrorist activities. For example, we have a presence in Djibouti now that we didn't have previously, because we're concerned about the possibility of terrorists finding safe havens in that part of the world.

And so I think we have, through our diplomatic efforts, our intelligence efforts and our military footprinting, been very sensitive to the need to get ahead of the terrorists and to dry up these fertile places. Part of our public diplomacy effort goes to this effort as well.

MR. THOMPSON: One last question.

MR. ARMITAGE: If I may --

MR. THOMPSON: Yes, go ahead, Mr. Armitage.

MR. ARMITAGE: -- there's one other element that the secretary has made a big part of our policy at the Department of State. And that is that a big portion of our assistance programs for almost every country is in good governance and democracy, because you're not going to have a failed state, we feel, if you have good, transparent governance and democracy. So -- it's not that it's new. It -- I think the amount of attention, the amount of money going to it is new and it's raised.

MR. THOMPSON: Prior to September 11th, would it have been possible, either for the Clinton administration or the Bush administration, to say to either the Saudis or the Pakistanis, as the President did after September 11th, "You're either with us or against us"?

SEC. POWELL: It's not clear how you would have communicated such a message and under what sort of circumstances. What would you have been saying to the Pakistanis at that point that would have persuaded them that it was a choice they had to make?

After 9/11, it was clear to the Pakistanis that we were going to take action against al Qaeda, and if that included taking action against the Taliban, if that included going into Afghanistan and removing that regime, we were going to do it. And what we were essentially saying to them at that point, "You've got to be with us." And I think without that kind of imperative --

9/11 plus the fact that we were determined to invade a country, if that's what it took to get rid of this threat -- I'm not sure you would have gotten the kind of response from the Pakistanis that we got on the 14th of September.

MR. THOMPSON: Thank you, Mr. Secretary.

MR. KEAN: Commissioner Gorelick?

MS. GORELICK: Thank you, Mr. Chairman.

And thank you, Secretary Powell and Secretary Armitage for being here today. Secretary Powell, it's been my pleasure over 25 years to have worked with you in two Democratic administrations. Just to protect you, I will note for the record you were in uniform. (Laughter.)

SEC. POWELL: (Chuckles.)

MS. GORELICK: So it's my pleasure to have the opportunity to question you today.

I'd like to return to some questions that Governor Thompson asked you at the outset, and they have to do with the appropriate role of the National Security Council in an area like terrorism, and particularly whether it is mostly a policymaking body, as it seems to have been in the policymaking process leading up to NSPD-9 directed to counterterrorism, or whether it has an operational role as well.

And you have been, I would say candidly, dismissive of the notion that more meetings would have been helpful. But I would note that by putting off until the perfect policy was in place a decision on flying the Predator, a decision on arming the Northern Alliance, a decision on the response to the *Cole*, there were operational implications to this -- in fairness -- prolonged policymaking process. There are gaps of six weeks between Deputies Committee meetings as this process unfolds. And then, during what has been called the "summer of threat," where you have the CIA director running around with his hair on fire, you all, the Cabinet, was never summoned to the White House to talk. Now, as I take it, your view is it wouldn't have made a difference. And Dick Clarke has said, well, actually, during the Millennium process it did make a difference.

So I'd like to ask you, were you aware, for example, that within your department visas were being issued to the plotters of

9/11 when these individuals in your consulate had no information from the CIA or the FBI that these were bad actors? Were you aware that your TIPOFF list, which had lists of terrorists who should be prevented from coming into this country, were not being given to the FAA so that those same people wouldn't fly on our aircraft? Did you -- did you sit in a meeting with the attorney general and say to him: Have you turned over every rock in your FBI so that I know how to respond as secretary of State to these threats?

SEC. POWELL: I wasn't being dismissive of meetings as not being useful. I was saying that there are many ways to communicate besides just having principals meetings. I could see the need for an almost daily meeting when I think of the Y2K situation just before New Year's Eve, when the whole world was sort of abuzz as to what was going to happen. That truly was a time that maybe you wanted to meet every single day. But we were not dismissive and did not fail to deal with issues like Predator or Northern Alliance.

The Predator was not ready as a weapon during the early months of 2001. Toward the latter part of that seven-month period, more information became available as to the capacity and the capabilities of the Predator as an armed weapon, and we all became more involved in it. And it was moved along at very, very rapid speed through the development process, almost through a "skunkworks" process, and it was used as soon as it was available. So having lots of principals meetings about whether the Predator was or was not armed wouldn't have served any particular purpose because that isn't the mechanism by which the Predator was being examined for use.

MS. GORELICK: Let me follow up just on that.

SEC. POWELL: The NSC -- if I just may, Ms. Gorelick.

MS. GORELICK: Sure.

SEC. POWELL: The NSC is principally a coordinating body, coordinating the development of policy, and in a crisis atmosphere, the NSC system also becomes somewhat operational as it pulls people together to deal with the crisis.

MS. GORELICK: Well, I would note that it was operational but only at the CSG level, which is, in most institutions and most organizations in the government, two, three, four levels down.

Let me just follow up very quickly on the Predator. The Predator had been used as a surveillance technique -- well, it hadn't been used, it had been tested -- up until the end of the Clinton administration, and then it literally was sat on the ground until it could be armed. Did you consider using it, as it had been used in Kosovo, to survey and then cue laser-guided missiles or other arms not on the Predator?

SEC. POWELL: You'll have to direct the question to Secretary Rumsfeld and Mr. Tenet, but my understanding is that it was used for reconnaissance purposes in the fall of 2000, and then during the winter season it was brought back to the United States for work and to start to determine its capability to handle a weapon. There was a time lag between the ability of the Predator to find something on the ground and then to deliver an ordnance from somewhere far away, like a cruise missile from one of the submarines or ships at sea. So there wasn't a direct action link in real time between "there's a target, hit it." That's what the Hellfire did. It gave you an immediate response. And it was not available until the fall of two thousand --

MS. GORELICK: I will direct that question to later witnesses. I think that's a good suggestion.

SEC. POWELL: On the Northern Alliance, since you raised it, the opinion of our group, in whatever form -- whatever form it took this opinion, was that the Northern Alliance only controlled a small portion of Afghanistan at this point. It had been pretty beaten up. It was involved in some activities that we had some serious reservations about, and we did not feel that at that time, during that period, it was ready for a massive infusion of American assistance and what it would have done with such a massive infusion.

We didn't think it had the capability to march on Kabul or to take down the Taliban. And that was a judgment. It wasn't a judgment deferred, it was a judgment made at that time. Things changed after 9/11, when we were actually going to put people in with the Northern Alliance to give them the kind of capability that they ultimately acquired with our people.

MS. GORELICK: And in that regard --

SEC. POWELL: On visas -- on visas, the 19 individuals who got into the United States -- it was nothing in the databases until the summer of 2001, when two of them were identified to us and we immediately took action against the visas that had allowed

them into the country. But otherwise, these individuals were -- would not have tripped anyone's database. There was some discrepancies on the forms they filled out, but they were not the kinds of discrepancies that would have said to you, this is a terrorist. And they could have easily corrected those errors on the application forms and resubmitted them, and there was nothing in our consolidated database that would have said don't let these individuals in the country because they're terrorists.

MS. GORELICK: And it's just those sort of gaps that I personally believe can be addressed by having all the relevant parties in the room in a state where there is an emergency.

I do want to go on, though. I was struck by your I think candid -- very candid statement of the degree to which you were apprised of the terrorist risk when you took office and really seized with it. But as I go back and I look at what President Bush listed as his priorities for your department -- I think on the day actually that your selection was announced -- they were Russia, NATO, China, alliances in the Far East, our hemisphere, the Middle East and Iraq. And then when I look at Condi Rice's piece in Foreign Affairs describing essentially the Bush campaign's view of the world, it barely mentions terrorism. So I guess my question is, are you saying that your personal priorities were different from that of the Administration's?

SEC. POWELL: No, I think the terrorism threat and counterterrorism was a priority of the President. If you look at his Citadel speech, while he was still a candidate -- in the campaign he touched on it, and throughout the early months; and increasingly, as we got into the year, he focused more and more on the intelligence information that he was being provided by Director Tenet. I think you'll hear from Director Tenet that a significant percentage of the items in the daily PDB dealt with terrorism.

MS. GORELICK: What percentage of your time do you think you spent on terrorism before 9/11?

SEC. POWELL: I really don't know that I can make such a calculation. It was embedded in almost everything we were doing, but I don't know that I could tell you what percentage of time I spent on that one issue, and probably couldn't tell you what percentage of time I spent on any other issue you asked me about.

MS. GORELICK: I know it's a difficult question. Our staff statement notes that the National Intelligence Estimate

described our enemy in terms of terrorism, as Islamic extremists angry at the United States. And so I was struck by the fact that the National Strategy for Combating Terrorism, which was issued last -- in February of '03, doesn't have a single word -- a single word -- about jihadists or Islamic extremists.

And it looks at terrorism as the enemy, but terrorism is a tool. It is not an enemy in itself; it's a tool. And really our enemy is quite distinguishable.

And you have been in this business, the national security business, for your entire life. So my question to you is, doesn't a strategy which blinks a reality like that doom us to failure? Don't we have to be focused on who the enemy is and have a strategy focused on getting that enemy?

SEC. POWELL: The enemy is not terrorism; it's terrorists or individuals, real live people out there who mean us ill. And we have studied them. We've designated them, put them on foreign terrorist lists. We've gone after them. We have gone after those countries diplomatically and militarily that support these kinds of terrorist organizations.

So I think we have a clear understanding of what we are going after, whether it's Abu Sayyaf, whether it's Hezbollah, whether it is al Qaeda. We have been working with friends around the world who are participating in this campaign against terrorism, whether it's President Uribe who is here today and the terrorist organizations he's fighting or whether it's with President Arroyo and the terrorist organizations she's fighting in the Philippines. And so it is not some esoteric term "terrorism," it's people we're after, terrorists, and they are the enemy.

MS. GORELICK: And would you agree that our principal adversary right now is Islamic extremists and jihadists?

SEC. POWELL: I would say that they are the source of most of the terrorist threats that we are facing. They fuel those individuals and organizations such as al Qaeda and Hezbollah. But principally al Qaeda right now I would say continues to be the number one organization we have to concern ourselves with.

MS. GORELICK: Your predecessor, who testified a few minutes ago, said that she issued a demarche, a threat to the Taliban before the *Cole*, saying if you permit people within your borders to do us harm you will face very serious consequences, by which she indicated she meant at least to consider military

responses; and yet after the *Cole* all we did was issue another demarche. Weren't you afraid that we would be viewed as having issued an empty threat?

SEC. POWELL: We also issued demarches to the Taliban. One has to be careful in issuing such threats. But one also has to be mindful that it's one thing to issue a threat, but if you don't have something targetable to go after -- and it was not the plan in the previous administration and was not part of our early plans to go after the entire Taliban regime; we were focusing on al Qaeda and Taliban support of al Qaeda -- we wanted to go after al Qaeda.

And so yes, one has to be careful about issuing demarches and threats that you don't have the ability to follow up on with a full range of actions. That's one of the reasons that as we went through this process of strategy development throughout that seven-month period, we came to the conclusion that the answer had to be the elimination of al Qaeda and the threat posed by al Qaeda, whatever it took --

MS. GORELICK: But you had the *Cole* -- pardon me. I'm sorry. You had the Cole hanging out there. They had done grievous harm to us. And we had previously threatened them with a response, and yet there was no response. Did you consider what to do in that intervening period to respond to the *Cole*?

SEC. POWELL: We did not take under advisement or take into account during that period the kinds of actions we were prepared to take after 9/11 because we knew that al Qaeda was responsible, but it wasn't clear how we could get at al Qaeda in a way that would destroy al Qaeda. And we had not yet reached the point of saying we're going to have to take down the Taliban regime. That came later.

MS. GORELICK: Well one -- one question. I was struck by your emphasis on the continuity from the Clinton administration and the number of people you carried forward and, frankly, the number of policies that you carried forward up until September 11th. And I found it to be -- and I'd just ask you for a comment on this -- a marked contrast to the rather pointed criticisms from Condoleezza Rice of the Clinton administration policies. I mean, she has given speeches, she has been on the airwaves essentially saying that the policies she inherited, and that you inherited, were bankrupt, that they were feckless, that there was no response.

And yet, you have made, I think, a singular point here this morning of saying that up until September 11th, most of them were continued, at least until you completed this policy review, and then, in my observation, the policies that you indeed adopted as a Principals Committee on September 4th were actually following the trajectory of where the Clinton administration had been.

Would you care to comment on that?

SEC. POWELL: We took advantage of the expertise that existed with the individuals I listed, to include Dick Clarke. But in fact, the policy of the previous administration had not eliminated al Qaeda. It's a tough, tough target, as Dr. Albright said earlier.

And so we came in, kept many of these people in place. Over time, as we gained from their expertise and realized it was time to make a change, we brought in new people in Diplomatic Security, brought in a new director of INR, brought in new people in our counterterrorism branch and in other parts of the Administration. So we eventually brought in our people.

And I think that the policy that we came to and which was decided upon at that September 4th principals' meeting does take us to a new level of engagement and a new level of determination to eliminate this threat. And it reflected the kinds of discussions and judgments that were made by the deputies and the crisis group, the counterterrorism group, early in the year. And it did take us to a new level that said not just roll back but eliminate. And there is a clear distinction between what was going on at the end of the previous administration and what we were now prepared to do on 4th of September.

MS. GORELICK: Well, if I had more time, I would pursue that with you. But I thank you for your testimony today.

MR. KEAN: Just one brief question. You've been around government a long time in a number of administrations. Based on that experience, the period from March to August 2001 -- was that an exceptionally long time to develop a new policy of the kind of complexity of the President's policy on al Qaeda?

SEC. POWELL: Not really. It was a complex issue, and it's not as if we were not doing anything but sitting around working on NSPD. We were reaching out to Uzbekistan. We were continuing to work with Pakistan. We were engaged diplomatically.

We were following up on various U.N. actions that had been taken. And so there was work going on.

Ms. Gorelick made reference to visas. We were in the process of reviewing our visa policy. We had the TIPOFF system, but it was not really serving the full intended purpose. It was going to be the basis of the Terrorist Threat Information Center that came later.

And so there were many things that were going on, and not just everybody standing still, waiting for an NSPD to be finished. Keep in mind that we dealt with the issue of what's the status of the Predator, what's the status of the Northern Alliance. And you may want to add a word to that, Rich.

MR. ARMITAGE: Thank you. The development of this -- what we consider to be a comprehensive policy was one that the members who are sitting on the Commission who served on Capitol Hill will recognize the complexities of.

Some of the things we had to do in order to move forward with Pakistan involved removing an unbelievable number of sanctions, which were put on by people with very strong views on Capitol Hill. We were already in the process of working that out.

That does not happen in a week. The same is true of India, who were under sanctions. So, as the secretary said, we weren't just sitting around.

Now, the question of the Northern Alliance has come up several times and people wonder why it was so hard to come to a decision. Well, beyond the drug dealing that they did, well, that caused us some trouble, beyond the human rights tragedy that they inflicted in the 1996 time period, that took us a little time to get over, it's not sufficient to be the enemy-of-our-enemy to be our friend. To be our friend, you have to share or be willing to at least embrace to some extent our values. And that's why the question of the Northern Alliance wasn't an easy one. It was a tough one.

MR. KEAN: Commissioner Ben-Veniste.

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

And thank you, Secretary Powell, for your testimony here today and for your dedicated service to our country. As you know,

I have long been a personal admirer of yours, and thank you again for your commitment and service.

Secretary Armitage, the Administration has asked that you be allowed to testify tomorrow in place of Condoleezza Rice. No one could suggest that her role is not central to our inquiry and that her knowledge is different from yours, as she was a direct liaison between the President and the CIA and the FBI on issues directly relevant to our inquiry. That is why the Commission unanimously requested that Dr. Rice appear.

The only reason the Administration has advanced for refusing to make Dr. Rice available is a separation of powers argument: that presidential advisers ought not have to appear before the Congress. I would call to your attention a report by the Congressional Research Service dated April 5th, 2002, well before the controversy arose about Dr. Rice's appearance. In that report, there are many precedents involving presidential advisers. Lloyd Cutler, counsel to President Carter, testified, came up to Congress to answer questions. Zbigniew Brzezinski, assistant to the President for national security affairs, appeared in 1980. Samuel Berger appeared as a deputy assistant to the President for national security in May of 1994.

He reappeared as national -- in his function as national security adviser in September of 1997. John Podesta, chief of staff to President Clinton, and several others in the Clinton administration have appeared before congressional committees. And I may add that after this report was prepared, Governor Ridge appeared before two committees of the Congress.

So I would ask Mr. Armitage, without any disparagement of your service or of your knowledge, that when you leave here today you advise the Administration of this report. I've got an extra copy for you to take with you. (Laughter.) And we ask again, in all seriousness, that Dr. Rice appear. (Applause.)

Secretary Powell, let me ask you this. I'd like to turn your attention to the immediate events after 9/11. You were in Peru on that day. You flew back. It must have been a dreadfully painful experience on several levels, not the least of which was your inability during to communicate during that long trip back. Thereafter you met with members of the Cabinet and the President at Camp David. And my friend, Secretary Lehman, has brought up the subject of Iraq with Secretary Albright.

You and I met with other members of the Commission on the 21st of January of this year.

On that occasion, you advised us of a full-day meeting on Saturday, September 15th, in which the question of striking Iraq was discussed. You advised us that the deputy secretary of Defense advanced the argument that Iraq was the source of the problem, and that the United States should launch an attack on Iraq forthwith.

You advised us that Secretary Wolfowitz was unable to justify that position. Have I accurately described your recollection of what occurred?

SEC. POWELL: There was a meeting of the National Security Council that Mr. Wolfowitz also attended on that day at Camp David, as you describe. There was a full day of discussions on the situation we found ourselves in, and who was responsible for it. And as part of that full day of discussion, Iraq was discussed, and Secretary Wolfowitz raised the issue of whether or not Iraq should be considered for action during this time. And after fully discussing all sides of the issue, as I think it is appropriate for such a group to do, the President made a tentative decision that afternoon -- I would call it a tentative decision -- that we ought to focus on Afghanistan, because it was clear to us at that point that al Qaeda was responsible, the Taliban was harboring al Qaeda, and that that should be the objective of any action we were to take.

He did not dismiss Iraq as a problem, but he said first things first -- we will examine all of the sources of terrorism directed against the United States and the civilized world, but we'll start with Afghanistan.

Now, he confirmed that over the next couple of days in meetings we had with him. And when he came back down from Camp David, and we met on Monday, he made it a firm decision, and gave us all instructions as to how to proceed. And then he announced that to the nation later in the week.

And so he heard arguments -- as he should -- from all members of his administration on the different alternatives. And I think this is what a president would expect us to do.

MR. BEN-VENISTE: You have characterized --

SEC. POWELL: And we decided on Afghanistan.

MR. BEN-VENISTE: Excuse me, you have characterized that Secretary Wolfowitz --

MR. KEAN: This is the last question -- just time.

MR. BEN-VENISTE: -- Secretary Wolfowitz's position as whether or not we ought to attack Iraq. Is it not the case that he advocated for an attack on Iraq?

SEC. POWELL: He presented the case for Iraq, and whether or not it should be considered along with Afghanistan at this time. I can't recall whether he said instead of Afghanistan. We all knew that Afghanistan was where al Qaeda was.

MR. BEN-VENISTE: But was there any concrete basis upon which that recommendation was founded in your view to attack Iraq for 9/11?

SEC. POWELL: Secretary Wolfowitz was deeply concerned about Iraq being a source of terrorist activity. You will have a chance to talk to him directly about --

MR. BEN-VENISTE: I've asked for your view, with all due respect, Secretary Powell.

SEC. POWELL: With all due respect, I don't think I should characterize what Mr. Wolfowitz's views were.

MR. BEN-VENISTE: No, I asked for your view. In your view --

SEC. POWELL: My view --

MR. BEN-VENISTE: -- was there a basis?

SEC. POWELL: My view was that we listen to all the arguments at Camp David that day. And Mr. Wolfowitz felt that Iraq should be considered as part of this problem having to do with program, and he considered -- he wanted us to consider whether or not it should be part of any military action that we were getting ready to take. We all heard the argument fully. We asked questions back and forth. And where the President came down was that Afghanistan was the place that we had to attack, because the world and the American people would not understand if we didn't go after the source of the 9/11 terrorists.

MR. BEN-VENISTE: I'm out of time and I'm going to listen to my chairman.

MR. KEAN: Thank you, sir.

MR. KERREY: Well, Mr. Secretary, to both you and Secretary Armitage, I mean I do -- I would prefer that Dr. Rice would be here tomorrow, but Dick you would be a fabulous national security advisor. (Laughter.) And you would be a dynamite one. So, that said, let me say that with great respect I'm having difficulty with -- you know, we spent eight months developing a plan -- because I don't think that's the central problem here. And my recollection of the presidential campaign -- and, by the way, my history was -- my actions in presidential campaigns were kept intact in 2000 -- I supported the loser in the primaries, so my memory may not be very good. But I don't recall terrorism being much of even an issue at all in the 2000 campaign, in part because it really -- even though it was on the policymakers' minds -- they were aware of the threat and they were aware of what was going on, but I just don't recall it being a driving force in either one of the campaigns. Now, maybe I've got that wrong, but I don't think so.

And I think the central problem, Mr. Secretary, is something that all three of us have dealt with from time to time, and that was the use of military force in dealing with al Qaeda. I said earlier to Secretary Albright I think it was one of the big mistakes of the Clinton administration -- and, frankly, I think it was also a fault of the Bush administration, although I'm sympathetic that the secretary of Defense was not a primary actor in the war on terrorism. Indeed striking his recollection of the briefings on al Qaeda were considerably different than yours. His recollection may be different than he's testifying, but he just didn't -- it wasn't as clear. And it shouldn't be, because under Presidential Directive 62, which was signed by President Clinton in '68 -- in '98, excuse me -- that presidential directive didn't give the Department of Defense a primary role in the war on terrorism -- it just didn't -- in counterterrorism activities. So I -- and I've read the cautionary concern that General Zinni had, who was CINC of CENTCOM at the time, and other military leaders. I've had, in 12 years experience in the United States Senate, many times walked out wondering if I voted the right way. And among those moments was Desert Storm I, where I'm relatively certain today that I did vote the wrong way. But it came from a concern for body bags coming home, and would we be able to sustain the effort, the political effort. And I was likewise concerned about Bosnia -- ended up supporting the effort in Bosnia and Kosovo.

But those who say we shouldn't be skeptical or concerned about use of military force I think have got it wrong. We should be. And we should, it seems to me, always wonder.

But I wonder if you see it that way. I mean, I wonder if you see that if you look from '93, when the World Trade Center I was hit the first time, and through September of 2001, al Qaeda never suffered a military response from us -- never -- other than on August 20th, which was a relatively small military attack -- a very limited military attack with absolutely no anticipation of boots on the ground being involved. And I'm just wondering -- I appreciate -- I'm asking a question as if you were secretary of Defense, secretary of State, national security adviser and perhaps even president -- not just secretary of State -- but I wonder if you see it that way as well, that our reluctance to give the secretary of Defense and the military a more prominent role in counterterrorism efforts contributed to our lack of preparation. Because the bottom line for me is it pains me to have to say that on the 11th of September that 19 men with less than a half of million dollars defeated every single defensive mechanism we had in place -- utterly -- it wasn't even a close call. They defeated everything we had in place on the 11th of September with hardly, it seems to me, any doubt their chance of success. And I'd just stop there and give you a chance to tell me what you think went wrong.

SEC. POWELL: Let me speak to our Administration, and then I'll speak more generally to get at the heart of the question.

I think in our deliberations and our meetings -- and Mr. Armitage may wish to speak to this -- the Pentagon was starting to develop plans. It was looking at contingencies that it might have to deal with. And you can pursue this with Secretary Rumsfeld this afternoon. But in this whole period to say that use of military force to get al Qaeda, when it wasn't going to be a surgical strike -- anybody who thinks that Osama Bin Ladin might just be laying around somewhere and you can go pick him up --- well, maybe -- good luck -- but that's a wish, not a strategy or not a military action.

So you would have had really to go after al Qaeda by going after the Taliban -- and that meant invading another country and it meant invading another country without the support of any of the surrounding countries where you would need some access to get there. So I don't know that in this period from '93 through the summer of 2001 you had a sufficient political base and

sufficient political understanding -- both here and in the international community -- that would have given you a basis for saying that we know enough about al Qaeda, we know enough about the Taliban, that we are going into -- invade this country and remove this threat.

MR. KERREY: Could I respond to that, because I --

MR. KEAN: Just a minute response.

MR. KERREY: Yeah, a minute response, because Secretary Albright said the same thing. I was there in '91 when you and former President Bush and Secretary Cheney went to the world and persuaded the world that we needed to drive Iraq out of Kuwait. Public opinion wasn't on your side either when you began. Public opinion wasn't on the side of President Clinton when he suggested that we needed to intervene in Bosnia. It wasn't on the side of the Administration when they decided to intervene in Kosovo. It's rare that public opinion is on the side of a president or a political leader when it comes to using military force -- except after the fact. So it does seem to me to be -- and maybe it was sort of a strawman position to say, Gee, it would have been exceptionally difficult -- yes, it would have been exceptionally difficult, but history is replete of examples where political leaders made a decision in spite of public opinion being on the other side, and saying, I've got to persuade the people because I see it as being an urgent necessity.

SEC. POWELL: I don't think that in the case of al Qaeda and Afghanistan during this period. It came -- it rose to that level of urgent necessity. The people thought, we've got to go do this now, even if it includes a major invasion of a country without the support of the surrounding countries, do we have a sufficient cause or justification to undertake such action.

The previous administration can speak for itself, they spoke for themselves, they said they didn't see it. And, frankly, in our first seven months in office, as we looked at this, we realized that it might come to that, that's the realization we come to. And you come to these kinds of realizations after a great deal of study and debate, you don't walk in on the first day, and say, we have decided this is what has to be done. So, we discussed it with all of the experts who were in the previous administration and stayed over. We then brought over our new people, Mr. Armitage came in after two months, General Taylor came over after awhile, a lot of new people came in, and we put together a more comprehensive policy, and we reached conclusions

in early September that it might come to that. And we have to understand that we might have to go in and take this kind of large-scale military action if that was the only way to eliminate this threat.

MR. ARMITAGE: (Inaudible) -- our discussions with the deputies, in the July time frame, where we began to discuss actually using military measures, if all the rest was not successful, that's a long ways from having a plan, a military plan, but these were things that, as the secretary has indicated, we talked about, we debated, and we realized eventually we were going to have to have in our quiver.

MR. KEAN: Congressman Roemer.

MR. ROEMER: Thank you, Mr. Chairman. Welcome to both of you, Secretary Powell, and Secretary Armitage, and thank you again for your service and your time.

I join in the wide chorus of praise for you, Mr. Secretary, in your career, both in public service, but also in the private sector when you were trying to get the American people more engaged in volunteer service.

Let me pick somebody else who joins that praise of you who is widely condemning of almost everybody else in the Bush administration for not acting quickly enough on terrorism. Richard Clarke in his new book, on page 228, says, Colin Powell took the unusual steps during the transition of asking to meet with the CSG, the Counterterrorism Security Group, took notes, and was surprised at the unanimity of the recommendations, and the threat of al Qaeda. He paid careful attention and asked Mr. Armitage to follow up on it. Very blunt, very praiseworthy, very complimentary of your understanding the problem.

In that PowerPoint presentation that he made to you, he in fact said, they're here, one of the slides said that al Qaeda was in the United States. Doesn't that, in fact, say two things, that nine months is too long to act, that you have to do some interim things, you have to take some immediate steps. And, two, if you're going to go from a rollback strategy to an elimination strategy, if you're going to go from swatting flies to exterminating the flies, you've got to have something to exterminate them with, whether it's the Predator, the Northern Alliance, aid to Uzbekistan, covert operations, you have to be taking some of these actions.

The *U.S.S. Cole*, why didn't we take at least some of those actions in the meantime as this nine-month bottom up review took place?

SEC. POWELL: I don't remember the specific PowerPoint slide, and I didn't turn to Mr. Armitage because he wasn't there yet, he didn't show up for another two months. And if Mr. Clarke was aware --

MR. ROEMER: Just to be clear, he later asked Richard Armitage to get involved.

SEC. POWELL: But, there were others working for me at the time. At the time that he gave me the briefing, I was not the Secretary of State, this Administration was not in office, and if according to this slide Mr. Clarke and the members of the previous administration who were briefing me that day, this was the 20th of December, a month before inauguration, if they were aware that al Qaeda representatives were already in the country running around, and knew that, and knew that these 19, if that's the reference in that passage, were running around inside the country, the obligation, frankly, is on them. Not, why didn't we do something beginning a month later, why hadn't the done something while they were preparing the PowerPoint presentation. So I haven't read that section of the book.

MR. ROEMER: That's certainly in our questions to Mr. Clarke tomorrow, as he's a sworn participant tomorrow for over two hours, we intend to ask him many of those questions. As the Bush administration moved forward from January on, why not exercise some of these options?

SEC. POWELL: The options were not options. There was no option for an armed Predator. The armed Predator did not exist.

MR. ROEMER: The recon Predator?

SEC. POWELL: The recon Predator, it was analyzed very carefully, and I think Mr. Tenet will be speaking about this, that it was a waste of the asset at that point to have it fly around, and become identified, and its pattern of operation, method of operation become known to those on the ground who it was looking for, and the Taliban did have some aircraft that might have been capable of going up and taking the Predator down. A judgment was made that since we couldn't use the reconnaissance information from the Predator to immediately target that which the Predator found, let's not give away its signature and other aspects of its

operational capability until we could to that. And it was a crash effort all during 2001, the first seven months of this Administration, to get it armed. And it was armed in September, as soon as it was armed, as soon as it was tested, and we knew what it could do, it was used, and it was used effectively, and it was used repeatedly.

The Northern Alliance question we've answered. This was not a force that had the capability to take down the Taliban, or to remove al Qaeda's presence in Afghanistan. And, as Secretary Armitage described, we had significant issues that we had to work our way through, these issues, and to do it in a way that did not offend other tribes, or other groups within Afghanistan that might have taken a dim view of what we were doing with the Northern Alliance.

MR. ROEMER: Mr. Secretary, then, this elimination of al Qaeda was a three or five year process, it was not anything that was going to take place any time soon.

SEC. POWELL: I think Mr. Clarke says that he saw it as a three to five year process. It is not a matter of okay, fine, I want to eliminate al Qaeda, so tomorrow morning I'm going to go do it. Al Qaeda did not quite present that kind of a target to you. You have to work diplomatically, politically, law enforcement, get inside the financing of al Qaeda and similar organizations, to ultimately bring them down, and to put them on the run.

MR. ROEMER: Thank you, Mr. Chairman.

MR. KEAN: Thank you, Congressman.

Senator Gordon.

MR. GORTON: Mr. Secretary, you weren't able to read your entire statement, but I think your conclusion, which is both thoughtful and frightening, deserves to be on the oral record, as well as the written record, and it does lead to my one question. You say, that fundamental is this, sometimes you could do almost everything right and still suffer grievous losses from terrorist attacks. The recent train bombings in Spain demonstrate this tragic, but inescapable fact. Spanish authorities were well prepared. Spanish high capable security forces were on high alert, and security had been increased across the country. In fact, several weeks earlier they had apprehended terrorists with a truckload of explosives. Nonetheless, despite all their best efforts, and all their precautions, Spain still suffered these

horrific attacks that produced such terrible casualties. Before this war is won there will be more such attacks.

Now, the fact that we don't like to talk about in public, for fear of what consequences it might have, is the fact that we have now gone two-and-one-half years in the United States without an Islamic extremist successful terrorist attack here. We have prevented some, but in a sense nothing has happened. I'd like you to give me your opinion to the extent that you feel able to do so, of the reasons for that, how much of it is blind luck, how much of it is the fact that we've hardened targets? How much of it is the fact or the proposition that we have more effective intelligence, and prevention than we did before 9-11? How much of it due to the fact that we have attacked the sources, the physical sources of it? And how much of it is due to the fact that all of these things together may simply not have ended terrorism, obviously it did not, but simply displaced it to Indonesia, to Morocco, to Turkey, to Saudi Arabia, to Spain, to places in which the targets are easier, and softer?

SEC. POWELL: Sir, we are still vulnerable, and we should accept that, and we will always be vulnerable, as long as we are a free and open society. But, we have done a number of things, I hope, have deterred attacks, made it harder for people to plot against the United States, perhaps scared them into thinking, well, we wouldn't be as successful as we might have been a couple of years ago, the creation of the Department of Homeland Security. The manner in which we took the TIPOFF database that Ms. Gorelick spoke about, and have now used it to create a much larger database. And we are pulling all the FBI, CIA, State Department databases into one system. The fact that we have changed our visa policy significantly, we're now starting to fingerprint people coming into the country and getting a better ID on them, the fact that we have done a lot of work on our borders. The fact that the Transportation Security Administration does a better job of looking at who's coming into the country at our airports, and other places of entry, points of entry.

So I hope that these defensive measures that we have taken are deterring the terrorists, and are giving the people who might come after us pause. Is there not a better place that we can go and conduct one of these terrible attacks, and make the same point to the world about our philosophy, and our evil intent. And maybe that's why they have gone elsewhere. I think it also illustrates why nobody is immune and we all have to work together. And so I hope that as a result of the attack in Spain, the attack in Bali, the attack in Riyadh, the attack in so many other places

in the world will pull the civilized world together and do -- cause us to do a better job at sharing intelligence information, law enforcement information, financial cooperation, and direct action against terrorist organizations.

But I can't give you a measure for each one of these steps, Mr. Gorton. It's just not possible, and we're still vulnerable. A nation as large as ours, fairly open, and we can't shut down our openness. We cannot be so afraid that we don't let anybody into our country.

It's costing us now. We don't let students come to our universities because we're concerned, or they don't want to come to our universities because they're -- they are afraid of the difficulty of getting a visa, even if they're fully qualified for visa, or the harassment that they sometimes feel at our airports. So, we have to secure the homeland, but we also have to remain an open nation or the terrorists win.

But I hope that all of the efforts the President has taken over the last couple of years have contributed to our deterrent effect against terrorist activity.

MR. GORTON: So, you feel that to a certain extent there has been genuine deterrence --

SEC. POWELL: We have --

MR. GORTON: -- but also a significant degree of displacement.

SEC. POWELL: Well, deterrence for sure. We have made it a lot harder for people to come and move freely about our country, and they know we're working for them, and we know that the policies the President has put in place for the purpose of finding these folks before they get us. With respect to displacement, we know we have pretty much crippled their ability to work in Afghanistan. I can't say that we've gotten them all. There may be some remnants left. We also know they're trying to recreate themselves elsewhere. That's why what Secretary Rumsfeld is doing with his footprint of our military forces, and what Director Tenet is doing and will speak to you about, are so important. We've got to chase them, and find them wherever they surface in these other places in the world.

MR. GORTON: Richard?

MR. ARMITAGE: Probably the best deterrence, Senator, in addition to those the secretary has mentioned, is about the 500 al Qaeda that have been wrapped up by Pakistan, and the dozens who have been killed and arrested by the Saudis, particularly after their May 12th bombing. That's part of deterrence too. You've got to have the sharp edge, the pointy edge of the spear.

SEC. POWELL: Just to -- just to put a "P.S." on that, I mean, some of these organizations, particularly al Qaeda, thought they were getting a free ride in certain places. Well, they've now discovered there's no free ride in Saudi Arabia, and you see what President Musharraf's been doing in recent days, in that battle that's taking place up in the tribal areas, and they know they're going to be engaged. And you can be sure they're going to be engaged by Spanish authorities. And so, they know there is no longer any impunity associated with their actions, and the world, hopefully, is coming together. We must not let the success of some of these actions, such as the Spanish disaster, cause us to back away from the campaign against terrorism -- it's going to cause us to redouble our efforts.

MR. KEAN: Thank you very much, Secretary Powell, Deputy Secretary Armitage. Thank you for being with us. We would like to submit you a few more questions for the record, and we look forward to your reply on those.

And I've got to adjourn until 1:30. I would ask the audience, by the way, before you leave, the Capitol Police have asked us to announce that as people leave the room for lunch, please do not leave bags, packages, unattached things in the room because the Capitol Police may take them away -- (laughter) -- and they won't be here when you get back.

So, thank you all very much. We'll reconvene promptly at 1:30, audience. And please, the Commissioners be here at that time. END.

PANEL III OF THE EIGHTH PUBLIC HEARING OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES SUBJECT: FORMULATION AND CONDUCT OF U.S. COUNTERTERRORISM POLICY CHAIRED BY: THOMAS KEAN, FORMER GOVERNOR (R-NJ) WITNESS: FORMER SECRETARY OF DEFENSE WILLIAM COHEN LOCATION: 216 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. TIME: 1:25 P.M. EST DATE: TUESDAY, MARCH 23, 2004

MR. KEAN: Okay, I hereby reconvene the hearing. Our next panel will consider the extent to which the U.S. military was used to address the threat of terrorism against the United States during both the Clinton and the Bush administrations.

We'll begin with a staff statement on the role of the military, presented by our executive director Philip Zelikow.

MR. ZELIKOW: Thank you, Mr. Chairman. Members of the Commission, with your help, your staff has developed initial findings to present to the public on the use of America's armed forces in countering terrorism before the 9/11 attacks. These findings may help frame some of the issues for this hearing and inform the development of your judgments and recommendations.

This report, like the others, reflects the results of our work so far. We remain ready to revise our understanding of these topics as our investigation progresses. The staff statement represents the collective effort of a number of members of our staff. Bonnie Jenkins, Michael Hurley, Alexis Albion, Ernest May and Steve Dunn did much of the investigative work reflected in this statement.

The Department of Defense and the Central Intelligence Agency have cooperated fully in making available both the documents and interviews that we have needed for our work on this topic.

I'm going to skip briefly over the role of the military in counterterrorism strategy, simply noting that in George H.W. Bush's presidency and the early years of the Clinton administration, the Department of Defense was a secondary player in counterterrorism efforts, which focused on the apprehension and rendition of wanted suspects, and move directly to the narrative account of Operation Infinite Reach.

After the U.S. embassies in Nairobi and Dar Es Salaam were attacked on August 7, 1998, President Clinton directed his advisers to consider military options. He and his advisers agreed on a set of targets in Afghanistan. Let me go to the paragraph on the Sudanese choice.

More difficult was the question of whether to strike other al Qaeda targets in Sudan. Two possible targets were identified in Sudan, including a pharmaceutical plant at which, the President was told by his aides, they believed VX nerve gas was manufactured with Osama Bin Ladin's financial support.

Indeed, even before the embassy bombings, NSC counterterrorism staff had been warning about this plant. Yet on August 11th, the NSC staff's senior director for intelligence advised National Security Adviser Berger that the bottom line was that "We will need much better intelligence on this facility before we seriously consider any options."

By the early-morning hours of August 20th, when the President made his decision, his policy advisers concluded that enough evidence had been gathered to justify the strike. The President approved their recommendation on that target, while choosing not to proceed with the strike on the other target in Sudan, a business believed to be owned by Bin Ladin.

DCI Tenet and National Security Adviser Berger told us that, based on what they know today, they still believe they made the right recommendation and that the President made the right decision. We have encountered no dissenters among his top advisers.

This strike was launched on August 20th. The missiles hit their intended targets, but neither Bin Ladin nor any other terrorist leaders were killed. The decision to destroy the plant in Sudan became controversial. Some at the time argued that the decisions were influenced by domestic political considerations, given the controversies raging at that time.

The staff has found no evidence that domestic political considerations entered into the discussion or the decision-making process. All evidence we have found points to national security considerations as the sole basis for President Clinton's decision.

The impact of the criticism lingered, however, as policymakers looked at proposals for new strikes. The controversy over the Sudan attack in particular shadowed future discussions about the quality of intelligence that would be needed about other targets.

Operation Infinite Resolve and Delenda. Senior officials agreed that a principal objective of Operation Infinite Reach was to kill Osama Bin Ladin, and that this objective obviously had not been attained. The initial strikes went beyond targeting Bin Ladin to damage other camps thought to be supporting his organizations.

These strikes were not envisioned as the end of the story. On August 20th, the chairman of the Joint Chiefs of Staff, General Hugh Shelton, issued a planning order for the preparation of follow-on strikes. This plan was later code-named Operation Infinite Resolve.

The day after the strikes, the President and his principal advisers apparently began considering follow-on military planning. A few days later, the NSC staff's national coordinator over counterterrorism, Richard Clarke, informed other senior officials that President Clinton was inclined to launch further strikes sooner rather than later.

On August 27th, Undersecretary of Defense Slocombe advised Secretary William Cohen that the available targets were not promising. There was, he said, also an issue of strategy -- the need to think of the effort as a long-term campaign. "The experience of last week," he wrote, quote, "has only confirmed the importance of defining a clearly articulated rationale for military action," closed quote, that was effective as well as justified.

Active consideration of follow-on strikes continued into September. In this context, Clarke prepared a paper for a political- military plan he called Delenda, from the Latin "to destroy." Its military component envisioned an ongoing campaign of regular small strikes occurring from time to time, whenever target information was right, in order to underscore the message of a concerted, systematic and determined effort to dismantle the infrastructure of the Bin Ladin terrorist network. Clarke recognized that individual targets might not have much value. But he wrote to Berger, "We will never again be able to target a leadership conference of terrorists, and that should not be the standard."

Principals repeatedly considered Clarke's proposed strategy, but none of them agreed with it. Secretary Cohen told us that the camps were primitive, easily-constructed facilities with rope ladders. The question was whether it was worth using very expensive missiles to take out what General Shelton called "jungle-gym training camps." That would not have been seen as very effective.

National Security Adviser Berger and others told us that more strikes, if they failed to kill Bin Ladin, could actually be counterproductive, increasing Bin Ladin's stature. "These issues need to be viewed," they said, "in a wider context."

The United States launched air attacks against Iraq at the end of 1998 and against Serbia in 1999, all to widespread criticism around the world. About a later proposal for strikes on targets in Afghanistan, Deputy National Security Adviser James Steinberg noted that it offered, quote, "little benefit, lots of blow-back against bomb-happy United States," closed quote.

In September 1998, while the follow-on strikes were still being debated among a small group of top advisers, the counterterrorism officials in the Office of the Secretary of Defense were also considering a strategy. Unaware of Clarke's plan, they developed an elaborate proposal for a, quote, "more aggressive counterterrorism posture," closed quote. The paper urged Defense to, quote, "champion a national effort to take up the gauntlet that international terrorists have thrown at our feet," closed quote.

Although the terrorist threat had grown, the authors warned that, quote, "We have not fundamentally altered our philosophy or our approach," closed quote. If there were new horrific attacks, they wrote that then, quote, "We will have no choice, nor, unfortunately, will we have a plan," closed quote.

They outlined an eight-part strategy to be more proactive and aggressive. The assistant secretary of Defense for Special Operations and Low-Intensity Conflict, Alan Holmes, brought the paper to Undersecretary Slocombe's chief deputy, Jan Lodal. The paper did not go further. Its lead author recalled being told by Holmes that Lodal thought it was too aggressive. Holmes cannot recall what was said and Lodal cannot remember the episode or the paper at all.

The President and his advisers remained ready to use military action against the terrorist threat. But the urgent interest in launching follow-on strikes had apparently passed by October. The focus shifted to an effort to find strikes that would clearly be effective to find and target Bin Ladin himself.

Military planning continues. Though plans were not executed, the military continued to assess and update target lists regularly in case the military was asked to strike. Plans largely centered on cruise-missile and manned aircraft strike options and were updated and refined continuously through March 2001.

Several senior Clinton administration officials, including National Security Adviser Berger and the NSC staff's Clarke, told us that President Clinton was interested in additional military options, including the possible use of ground forces.

As part of Operation Infinite Resolve, the military produced those options. We'll skip the next paragraph that details them and go to the relationship of the White House and the Pentagon, which was complex.

As Lieutenant General Gregory Newbold, director of operations for the joint staff, put it, "The military was often frustrated by civilian policymakers whose request for military options were too simplistic." For their part, White House officials were often frustrated by what they saw as military unwillingness to tackle the counterterrorism problem.

Skipping the next paragraph, go to General Shelton said that, quote, "Given sufficient actionable intelligence, the military can do the operation," closed quote. But he explained that a tactical operation, if it did not go well, could turn out to be an international embarrassment for the United States.

Shelton and many other military officers and civilian DOD officials we interviewed recalled their memories of episodes such as the failed hostage rescue in Iran in 1980 and the Blackhawk Down events in Somalia in 1993.

General Shelton made clear, however, that upon direction from policymakers, the military would proceed with an operation and carry out the order.

Skipping the next paragraph, let's go to the concerns expressed by the commander-in-chief of the U.S. Central Command, CENTCOM, General Anthony Zinni.

Before 9/11, any military action in Afghanistan would be carried out by CENTCOM. The Special Operations Command did not have the lead. It provided forces that could be used in a CENTCOM-led operation. The views of the key field commander, Kerry Craig White, General Zinni "told us he did not believe that some of the options his command was ordered to develop would be effective, particularly missile strikes." Zinni thought a better approach would have been a broad strategy to build up local counterterrorism capabilities in neighboring countries, using military assistance to help countries like Uzbekistan. This

strategy, he told us, was "impeded by a lack of funds and limited interest in countries like Uzbekistan that had dictatorial governments."

Skipping the next paragraph, Let's emphasize that military officers explained to us that sending Special Operations forces into Afghanistan would have been complicated and risky. Such efforts would have required bases in the region. However, the basing options in the region were unappealing. Pro-Taliban elements of Pakistan's military might warn Bin Ladin or his associates of pending operations. The rest of the paragraph gives an example of that.

But go the next one: With nearby basing options limited, an alternative was to fly from ships in the Arabian Sea or from land bases in the Persian Gulf, as was later done after 9/11. Such operations would then have to be supported from long distances, overflying the airspace of nations that might not be supportive or aware of the U.S. efforts.

Finally, military leaders again raised the problem of actionable intelligence, warning that they did not have information about where Bin Ladin would be by the time forces would be able to strike. If they were in the region for a long period, perhaps clandestinely, the military might attempt to gather intelligence and wait for an opportunity. One Special Operations commander said his view of actionable intelligence was that if you give us the action we'll give you the intelligence. But this course would be risky, both in light of the difficulties already mentioned and the danger that U.S. operations might fail disastrously, as in the 1980 Iran rescue failure.

Cruise missiles as the default option. Cruise missiles became the default option, because it was the only option left on the table after the rejection of others. The Tomahawk's long range, lethality and extreme accuracy made it the missile of choice. However, as a means to attack al Qaeda and UBL-linked targets pre solution cruise missiles were problematic. Tomahawk cruise missiles had to be launched after the vessels carrying them moved into position. Once these vessels were in position, there was still an interval as decisionmakers authorized the strike, the missiles were prepared for firing, and they flew to their targets. Officials worried that Bin Ladin might move during these hours from the place of his last sighting, even if that information had been current.

Moreover, General Zinni told commission staff that he had been deeply concerned that cruise missile strikes inside Afghanistan would kill numerous civilians. The rest of the paragraph offers detail on that.

But let's go to the next section, No Actionable Intelligence. The paramount limitation cited by senior officials on every proposed use of military force was a lack of actionable intelligence. By this they meant precise intelligence on where Bin Ladin would be and how long he would be there. National Security Adviser Berger said there was never a circumstance where the policymakers thought they had good intelligence but declined to launch a missile at UBL-linked targets for fear of possible collateral damage. He told us the deciding factor was whether there was actionable intelligence. If the shot missed Bin Ladin, the United States would look weak and Bin Ladin would look strong.

There were frequent reports about Bin Ladin's whereabouts and activities. The daily reports regularly described where he was, what he was doing, and where he might be going. But usually by the time these descriptions were landing on the desks of DCI Tenet or National Security Adviser Berger, Bin Ladin had already moved. Nevertheless, on occasion intelligence was deemed credible enough to warn planning for possible strikes to kill Osama Bin Ladin.

Kandahar, December 1998. The first instance was in December 1998 in Kandahar. There was intelligence that Bin Ladin was staying at a particular location. Strikes were readied against this and plausible alternative locations. The principal advisors to the President agreed not to recommend a strike. Returning from one of their meetings, DCI Tenet told staff that the military, supported by everyone else in the room, had not wanted to launch a strike, because no one had seen Bin Ladin in a couple of hours. DCI Tenet told us that there were concerns about the veracity of the source and about the risk of collateral damage to a nearby mosque.

A few weeks later to set the time, Clarke described the calculus as one that had weighed 50 percent confidence in the intelligence against collateral damage estimated at perhaps 300 casualties. After this episode Pentagon planner intensified efforts to find a more precise alternative to cruise missiles, such as using precision strike aircraft. This option would greatly reduce the collateral damage. Yet, not only would it have to operate at long ranges from home bases and overcome significant logistical obstacles, but the aircraft also might be shot down by

the Taliban. At the time, Clarke complained that General Zinni was opposed to the forward deployment of these aircraft. General Zinni does not recall blocking such an option. The aircraft apparently were not deployed for this purpose.

The Desert Camp, February 1999. During the winter of 1998-99, intelligence reported that Bin Ladin frequently visited a camp in the desert, adjacent to a larger hunting camp in Helmand Province of Afghanistan, used by visitors from a Gulf state. Public sources have stated that these visitors were from the United Arab Emirates. At the beginning of February, Bin Ladin was reportedly located there, and apparently remained for more than a week. This was not in an urban area, so the risk of collateral damage was minimal. Intelligence provided a detailed description of the camps. National technical intelligence confirmed the description of the larger camp, and showed the nearby presence of an official aircraft of the UAE. The CIA received reports that Bin Ladin regularly went from his adjacent camp to the larger camp where he visited with Emiratis. The location of this larger camp was confirmed by February 9, but the location of Bin Ladin's quarters could not be pinned down so precisely.

Preparations were made for a possible strike, against the larger camp, perhaps to target Bin Ladin during one of his visits. No strike was launched.

According to CIA officials, policymakers were concerned about the danger that a strike might kill an Emirati prince or other senior officials who might be with Bin Ladin or close by. The lead CIA official in the field felt the intelligence reporting in this case was very reliable. The UBL unit chief at the time agrees. The field official believes today that this was a lost opportunity to kill Bin Ladin before 9/11.

Clarke told us the strike was called off because the intelligence was dubious, and it seemed to him as if the CIA was presenting an option to attack America's best counterterrorism ally in the Gulf. Documentary evidence at the time shows that on February 10th Clarke detailed to Deputy National Security Advisor Donald Kerrick the intelligence placing UBL in the camp, informed him that DOD might be in a position to fire the next morning, and added that General Shelton was looking at other options that might be ready the following week. Clarke had just returned from a visit to the UAE, working on counterterrorism cooperation and following up on a May 1998 UAE agreement to buy F-16 aircraft from the United States.

On February 10th, Clarke reported that a top UAE official had vehemently denied that high-level UAE officials were in Afghanistan. Evidence subsequently confirmed that high-level UAE officials had been there.

By February 12th, Bin Ladin had apparently moved on and the immediate strike plans became moot.

In March, the entire camp complex was hurriedly disassembled. We are still examining several aspects of this episode.

Kandahar, May 1999. In this case, sources reported on the whereabouts of Bin Ladin over the course of five nights. The reporting was very detailed. At the time, CIA working-level officials were told the strikes were not ordered because the military was concerned about the precision of the sources reporting and the risk of collateral damage. Replying to a frustrated colleague in the field, the UBL unit chief wrote that, quote, "Having a chance to get UBL three times in 36 hours, and forgoing the chance each time, has made me a bit angry." The DCI finds himself alone at the table, with the other principals basically saying, We'll go along with your decision, Mr. Director -- and implicitly saying that "the agency will hang alone if the attack doesn't get Bin Ladin," close quote. These are working-level perspectives.

According to DCI Tenet, the same circumstances prevented a strike in each of the cases described above. The intelligence was based on a single uncorroborated source and there was a risk of collateral damage. In the first and third cases, the cruise missile option was rejected outright, and in the case of the second never came to a clear decision point.

According to National Security Adviser Berger, "the cases were really DCI Tenet's call," close quote. In his view, in none of the cases did policymakers have the reliable intelligence that was needed. In Berger's opinion, this did not reflect a risk aversion or a lack of desire to act on DCI Tenet's part. "The DCI was just as stoked up as he was," said Berger. Each of these times, Berger told us, "George would call and say we just don't have it."

There was a fourth episode involving a location in Ghazni, Afghanistan, in July 1999. We are still investigating the circumstances.

There were no occasions after July of 1999 when cruise missiles were actively ready for a possible strike against Bin Ladin. The challenge of providing actionable intelligence could not be overcome before 9/11.

Skip the next section on Millennium plots and go directly to the section on the attack on the *U.S.S. Cole*. On October 12th, 2000, suicide bombers in an explosives-Ladin skiff rammed into a Navy destroyer, the *U.S.S. Cole*, in the port of Aden, Yemen, killing 17 U.S. sailors and almost sinking the vessel.

Skip the remainder of the paragraph. After the attack on the *U.S.S. Cole*, National Security Adviser Berger asked General Shelton for military plans to act quickly against Bin Ladin. General Shelton tasked General Tommy Franks, the new commander of CENTCOM, to look again at the options. According to Director of Operations Newbold, Shelton wanted to demonstrate that the military was imaginative and knowledgeable enough to move on an array of options and to show the complexity of the operations. Shelton briefed Berger on 13 options that had been developed within the standing Infinite Resolve plan. CENTCOM also developed a, quote, "phased campaign concept," closed quote, for wider ranging strikes, including against the Taliban, and without a fixed end point. The new concept did not -- not include contingency plans for an invasion of Afghanistan. The concept was briefed to Deputy National Security Advisor Kerrick and other officials in December of 2000.

Neither the Clinton administration nor the Bush administration launched a military response to the *Cole* attack. Berger and other senior policymakers said that while most counterterrorism officials quickly pointed the finger at al Qaeda, they never received the sort of definitive judgment from the CIA or the FBI that al Qaeda was responsible that they would need before launching military operations. Documents show that in late 2000, the President's advisors received a cautious presentation of the evidence, showing that individuals linked to al Qaeda had carried out or supported the attack, but that the evidence could not establish that Bin Ladin himself had ordered the attack. DOD prepared plans to strike al Qaeda camps and Taliban targets with cruise missiles in case policymakers decided to respond.

Essentially the same analysis of al Qaeda's responsibility for the attack on the *U.S.S. Cole* was delivered to the highest officials of the new Administration five days after it took office. The same day, Clarke advised National Security Advisor Rice that the government, quote, "should take advantage of

the policy that we will respond at a time, place and manner of our own choosing and not be forced into knee-jerk responses." Closed quote. Deputy National Security Advisor Stephen Hadley told us that tit-for-tat military options were so inadequate that they might have emboldened al Qaeda. He said the Bush administration's response to the *Cole* would be a new, more aggressive strategy against al Qaeda.

Pentagon officials, including Vice Admiral Scott Fry and Undersecretary Slocombe, told us they cautioned that the military response options were limited. Bin Ladin continued to be elusive. They were still skeptical that hitting inexpensive and rudimentary training camps with costly missiles would do much good. The new team at the Pentagon did not push for a response for the *Cole*, according to Secretary of Defense Rumsfeld and Paul Wolfowitz, his deputy. Wolfowitz told us that by the time the new Administration was in place, the *Cole* incident was stale. The 1998 cruise missile strike showed UBL and al Qaeda that they had nothing to fear from a U.S. response, Wolfowitz said. For his part, Rumsfeld also thought too much time had passed. He worked on the force protection recommendations developed in the aftermath of the *U.S.S. Cole* attack, not response options.

The early months of the Bush administration. The confirmation of the Pentagon's new leadership was a lengthy process. Deputy Secretary of Defense Wolfowitz was not confirmed until March 2001, and Undersecretary of Defense for Policy Douglas Feith did not take office until July 2001. Secretary Cohen said he briefed Secretary-designate Rumsfeld on about 50 items during the transition, including Bin Ladin and programs related to domestic preparedness against terrorist attacks using weapons of mass destruction. Rumsfeld told us he did not recall what was said about Bin Ladin at that briefing. On February 8th, General Shelton briefed Secretary Rumsfeld on the Operation Infinite Resolve plan, including the range of options, and CENTCOM's new phased campaign plan. These plans were periodically updated during the ensuring months.

Brian Sheridan--the outgoing assistant secretary of defense for special operations and low-intensity conflict, SOLIC, the key counterterrorism policy office in DOD, never briefed Rumsfeld. Lower level SOLIC officials in the office of the secretary of defense told us that they thought the new team was focused on other issues and was not especially interested in their counterterrorism agenda. Undersecretary Feith told the Commission that when he arrived at the Pentagon in July 2001, Rumsfeld asked him to focus his attention on working with the Russians on

agreements to dissolve the Anti-Ballistic Missile Treaty and preparing a new nuclear arms control pact. Traditionally, the primary DOD official responsible for counterterrorism policy had been the assistant secretary of defense for SOLIC. The outgoing assistant secretary left on January 20th, 2001, and had not been replaced when the Pentagon was hit on September 11th.

Secretary Rumsfeld said that transformation was the focus of the Administration. He said he was interested in terrorism, arranging to meet regularly with DCI Tenet. But his time was consumed with getting new officials in place, preparing the Quadrennial Defense Review, the Defense Planning Guidance, and reviewing existing contingency plans. He did not recall any particular counterterrorism issue that engaged his attention before 9/11 other than the development of the Predator unmanned aircraft system for possible use against Bin Ladin. He said that DOD before 9/11 was not organized or trained adequately to deal with asymmetric threats.

As recounted in the previous staff statement, the Bush administration's NSC staff was drafting a new counterterrorism strategy in the spring and summer of 2001. National Security Advisor Rice and Deputy National Security Advisor Hadley told us that they wanted more muscular options. In June 2001, Hadley circulated a draft presidential directive on policy toward al Qaeda. The draft came to include a section that called for development of a new set of contingency military plans against both al Qaeda and the Taliban regime. Hadley told us that he contacted Deputy Secretary Wolfowitz to advise him that the Pentagon would soon need to start preparing fresh plans in response to this forthcoming presidential direction.

The directive was approved at the deputies' level in July, and apparently approved by top officials on September 4th for submission to the President. With the directive still awaiting the President's signature, Secretary Rumsfeld did not order the preparation of any new military plans against either al Qaeda or the Taliban before 9/11. Rumsfeld told us that immediately after 9/11, he did not see a contingency plan he wanted to implement. Deputy National Security Advisor Hadley and Deputy Secretary Wolfowitz also told us the military plans presented to the Bush administration immediately after 9/11 were unsatisfactory.

Roads not taken. Officials we interviewed flatly said that neither Congress nor the American public would have supported large scale military operations in Afghanistan before the shock of

9/11, despite repeated attacks and plots, including the embassy bombings, the Millennium plots, concerns about al Qaeda to acquire WMD, the *U.S.S. Cole*, and the summer 2001 threat spike.

Deputy Secretary Wolfowitz warned that it would have been impossible to get Congress to support sending 10,000 U.S. troops into Afghanistan to do what the Soviet Union failed to do in the 1980s. Vice Admiral Scott Fry, the former operations director for the JCS, noted that, quote, "A two or four division plan would require a footprint, troop level, and force that was larger than the political leadership was willing to accept." Closed quote.

Special Operations forces always saw counterterrorism as part of their mission and trained for counterterrorist operations. Quote, "The opportunities were missed because of an unwillingness to take risks and a lack of vision and understanding of the benefits when preparing the battle space ahead of time," closed quote, said Lieutenant General William Boykin, the current deputy undersecretary of defense for intelligence, and a former founding member of Delta Force.

Before 9/11, the U.S. Special Operations Command was a, quote, "supporting command, not a supported command. That meant it supported General Zinni and CENTCOM and did not independently prepare plans itself."

General Pete Schoomaker, the chief of staff of the U.S. Army and former commander of the U.S. Special Operations Command, said that if the Special Operations Command had been a supported command before 9/11, he would have had the al Qaeda mission, rather than deferring to CENTCOM's lead. Schoomaker said he spoke to Secretary Cohen and General Shelton about this proposal. It was not adopted.

Let me move now directly to our conclusions and finish.

In summary, our key findings to date including the following: In response to the request to policymakers, the military prepared a wide array of options for striking Bin Ladin and his organization from May 1998 onward. When they briefed policymakers, the military presented both the pros and cons of those strike options, and briefed policymakers on the risks associated with them.

Following the August 20th, 1998 missile strikes, both senior military officials and policymakers placed great emphasis on actionable intelligence as the key factor in recommending or

deciding to launch military action against Bin Ladin and his organization. Policymakers and military officials expressed frustration with the lack of actionable intelligence. Some officials inside the Pentagon, including those in the Special Forces and the Counterterrorism Policy Office, expressed frustration with the lack of military action.

The new Administration began to develop new policies towards al Qaeda in 2001, but there is no evidence of new work on military capabilities or plans against this enemy before September 11th, and both civilian and military officials of the Defense Department state flatly that neither Congress nor the American public would have supported large scale military operations in Afghanistan before the shock of 9/11.

Thank you.

MR. KEAN: Thank you all very much.

We will now hear from former Secretary of Defense William Cohen. Secretary Cohen served with great distinction in the United States Senate before serving as Secretary of Defense during the second term of President Clinton. And, Mr. Secretary, we are very pleased that you consented to be with us today. And we'd like you, if you could, to raise your right hand so I may place you under oath.

Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

Thank you very much. Your prepared statement will be entered into the record in full, and so we'd ask you to summarize your remarks as you'd like.

MR. COHEN: Thank you very much, Mr. Chairman, and I'd like to express my gratitude to the Commission for the important work that you are undertaking. I have had the opportunity, I think, to meet with either the members and/or staff on three prior occasions, and I am happy to be here today to contribute whatever I can to the important analysis that you are undertaking.

September 11th was a life-transforming event, I think, for all of us. It was a barbaric attack killing some 3,000 Americans by turning airliners into cruise missiles. I think all of us have a solemn responsibility to the victims of September 11th, to the victims' families, many of whom may be here today and certainly are watching, and also to the brave men and women in our

military who continue to carry the battle and suffer the wounds in this war against terrorism.

Let me say on a personal note, my interest in the subject of terrorism began about a quarter of a century ago. I had attended an event -- conference -- in Bonn, Germany. A banker by the name of Hans Martin Schleyer, a businessman, had been assassinated by the Red Army faction, and the Europeans were eager to explore ways in which they could combat the scourge of international terrorism. During a time I served as a member of the United States Senate and the Armed Services Committee, I saw the bombing of our embassy in Beirut, the bombing of our marine barracks in Beirut, the bombing of Pan Am 103, the hijacking of TWA 847, the bombing of the West Berlin discotheque, the bombing of OPM Sang, and of Khobar Towers, among the many acts that were directed against the United States.

As a result, during that time I became convinced that our military was not organized to act swiftly enough in the age of what the Tofflers described as that of "Future Shock." I helped to write the Goldwater-Nichols Act, establishing the power and the leadership of the Joint Chiefs of Staff as a result of being concerned about what was taking place. That came, by the way, over the objection of the Pentagon during that time.

In 1986 I authored the legislation to establish the Special Operations Command, once again, I would point out, over the objections of the Pentagon, because I felt it was important to enable us to be able to respond to the emerging threats. I wrote and I spoke about the subject on numerous occasions convinced that the threat was growing, was becoming more organized, less sporadic and, when coupled with access to weapons of mass destruction, likely to pose an existential threat to the world. I carried these convictions to the Pentagon when President Clinton asked me to serve as the Secretary of Defense. I found that he not only shared my views, but he was prepared to support efforts to counter these threats with dollars, with deeds, as well as with his presidential words. In my experience, the threat of international terrorism remained a top priority for all members of his national security team throughout the years I served at the Pentagon.

In my written statement, I outlined some of the major initiatives that I had the department undertake between January of '97 and 2001. They included enhancing force protection; support for covert/special operations activity; designating and organizing the National Guard to serve as the first responders in the wake of attacks against our cities; organizing a joint task force for

civil support to assist the cities and states against terrorist attacks that might take place; helping to train 100 major cities in consequence management against terrorist attacks; engaging in personal diplomacy and public appearances to alert the American people to the threat posed by anthrax, ricin, VX, and radiological materials, the danger of them falling into the hands of terrorist groups. These initiatives were undertaken as the department was engaged and waging war in Kosovo; we attacked Saddam Hussein in Operation Desert Fox; as we destroyed a suspected WMD site in Sudan; as we coped with the dangers of cyber attacks against our critical infrastructure including the unknown consequences of a critical massive cyber failure that was then known as Y2K. I believe that we devoted some $3 billion to $4 billion in defense spending at that time to cope with that fear that the terrorists would try to exploit that millennium turnover. We launched an attack upon al Qaeda's training camp in Afghanistan, as has been discussed earlier today; we continued efforts to capture or kill Osama Bin Ladin after discovering his role in the bombing of embassies in Africa and then later with the *U.S.S. Cole*; and we developed new intelligence-gathering capabilities that could be directed against Osama Bin Ladin and others as, again, you have discussed here earlier this morning. In addition, the Department also worked closely with the CIA, the FBI, and other agencies and, as a result, I believe we were able to thwart a number of terrorist activities directed fear against Americans and abroad.

I know the Commission is anxious to explore more specifically what happened or did not happen at the Defense Department, but I'd like to try and paint, in the few moments that I have, at least a broader perspective as well. I think all of us who have held a public trust have to be accountable for what we did or did not do during our careers in public service and holding the public trust.

But I want to put into perspective, as a former member of the Senate and a former member of the House of Representatives, as well, because I think as the Commission may find fault, indeed, that's, in all probability, that might be the goal of the Commission. I don't think so, but I hope you'll find the fault lines, as well, in our society as a whole, and if you'll just permit me four or five minutes to outline some of the challenges, I think, that all of us face, certainly while I was in the Senate, also at the Department of Defense.

I point out that on many occasions the Administration was able to secure the cooperation of Congress in the pursuit of its goals. There were a number of other occasions in which we did

not. For example, some in Congress, the media, and the policy community accused those of us who were focused on the terrorist threat of being alarmist; of exaggerating the threat in order to boost our budgets. And countering this threat of terrorism was "the latest gravy train," according to one expert who was quoted in "U.S. News and World Report," in the belief that we were somehow indulging in a cynical hyperbole, I think, resulted in a number of legislative reactions.

There were tens of millions of dollars cut out of the Cooperative Threat Reduction Program, the so-called Nunn-Lugar Program, which I believe was one of the most important programs we could have passed, and that was to help reduce the accumulation of weapons of mass destruction, nuclear materials and others in the possession of the former Soviet Union. Tens of millions of dollars were cut from that program, I think posing a greater risk to us. We had to spend a significant amount of time trying to lobby to restore funds in that regard.

Congress blocked the cooperation with countries whose support was critical to the counterterrorism efforts, such as banning military cooperation with Indonesia, by way of example, the world's largest Muslim country that is a key battleground in the campaign against Islamic extremists and banning any meaningful cooperation with Pakistan, the front-line state in the global war on terrorism, who had reasons for this but, nonetheless, that was the reality. We had a program called "EIMET," which was designed to put our military into contact with the militaries of other countries to help educate them in the way that a civilized country and a democracy is able to subordinate the military/civilian rule and to pursue democratic values. Well, the program was terminated based on activities that took place in that country and elsewhere.

We had congressional committees who rejected requests for legislative authority to the Department to provide certain support to domestic activity or agencies to prevent or respond to terrorist actions in the United States. It was this -- with this in mind, that I try to combat this complacency and cynicism that I helped to create -- not to create, but I filled the membership of a commission that was led by former Senators Rudman and Hart, including the vice-chairman of this commission, and former Speaker Gingrich, along with retired senior military commanders and others.

In releasing the Commission's first report long before September 11th, Vice-Chairman Hamilton stated the fundamental issue. He said, "What comes across to me in this report more than

any other single fact is that the Commission believes that Americans are going to be less secure than they believe themselves to be, and so I think what we're trying to say in this report is that we lived in a very secure time, we're very fortunate for that, but we're going to be confronted with a lot of challenges to our national security that Americans do not believe we're going to be subject to, and that's really what comes out of this report for me more than any other single thing."

Well, I'll tell you, his remarks really resonated with me, because I recall at my very first press conference as Secretary of Defense back in 1997, I was asked, "Mr. Secretary, what is your greatest concern as you look toward the future?" And I'd like to just read my response -- "My greatest concern is that we're able to persuade the American people to having a viable, sustainable, national security policy is important even when there is no clearly identifiable enemy on the horizon. We still live in a very dangerous, disorderly world and, in many cases, we face dangers that are comparable to those we face in the past; namely, the proliferation of missile technology, the proliferation of weapons of mass destruction; and the spread of terrorism."

I believe that we have been complacent, as a society. I think that we have failed to fully comprehend the gathering storm. Even now, after September 11th, I think it's far from clear that our society truly understands the gravity of a threat that we face or is yet willing to do what I believe is going to be necessary to counter it. Even after September 11th, after the anthrax and the ricin attacks in the United States, I remain concerned that the controversy over not finding Iraq's weapons of mass destruction will lead to the erroneous assumption that all this talk about the dangers of WMD is just another exercise in the cynical exploitation of fear. After all, it is commonly noted -- it was noted here again this morning -- there were no attacks since September 11th. I think this is a dangerous delusion. The enemy is not only coming, he has been here. He will continue to try to examine our weaknesses and exploit the crevices in our security and destroy our way of living as well as our lives.

Mr. Chairman, I'll conclude here. I think you can deduce from my written statement, I believe that the Clinton administration, far more than any previous administration prior to September 11th, understood that the threat that terrorism poses to our country, I think it took far greater and more comprehensive action to counter it than previous administrations did by virtue of the growing threat. But in spite of all of this, the United States was hit in a devastating way. Even today with a global war

on terrorism being waged, I believe we need to do far more to prevent the spread of virulent Islamic extremism, and to prevent terrorism from reaching our shores. I don't pretend to hold the keys to the kingdom of wisdom on what needs to be done in the future, but I think, as I said before, we all must stand accountable for our actions.

It's my hope that the Commission, again, will focus on the fault lines that run through our democratic system as we struggle to cope with the challenges of unprecedented proportions. I will outline just a couple of items which I think should be considered for the future. I think we have to develop an in-depth public discussion among our citizens as well as among elected officials regarding the compromises on privacy that we're willing to accept in order to remain free and safe. The current debate over access to personal data for aviation security purposes I don't think this encouraging. We have to elevate the public discussion on these matters, and do our best to remove from them electoral manipulation at least until we truly understand the issues and choices.

We have to reconcile the role that technology is going to play in our lives for good and ill, and try to maintain and assure that it remains our master, and we don't remain its slave. I don't think this is going to be an easy balance to strike, but I think it has to be done.

I think we have to consider establishing a domestic intelligence organization distinct from law enforcement and subject to appropriate control and regulation and oversight. I think we have to secure and eliminate on an accelerated basis fissile nuclear materials and chemical and biological weapon agents that pose a risk of diversion. This is going to require much more cooperation in relationship with Russia than we currently have. And I think we have to reenergize American engagement in the Middle East. I believe that the road to peace in the Middle East runs through Baghdad, and success in Baghdad may very well run through Jerusalem. The unabated violence can only serve, in my judgment, to remain a breeding ground for even more savagery and nihilism in the future, and this effort cannot await the counting of ballots in November.

And, finally, I think we need to persuade the free people of the world that the war on terror cannot be waged by America alone. As recent events demonstrate, religious extremists and fanatics don't recognize geographical boundaries. There are no rear lines, there are no pockets of tranquility. There are no

safe harbors for innocent civilians. Every one of us is on the front lines today. A virus or a bomb born in a distant laboratory or a factory is but a plane ride away from any place on this planet, so it's time for sober reflection, the charting of a responsible course of action. And to the extent I can contribute to this, Mr. Chairman, I'm prepared to answer your questions.

MR. KEAN: Mr. Secretary, thank you very much for a very articulate statement.

Commissioner Fielding, you are going to be in the questioning, followed by Commissioner Kerrey.

MR. FIELDING: Mr. Secretary, thank you very much for appearing here today. Also, thank you for the many hours you've spent with the Commission and the staff in preparing this, and your very fulsome prepared testimony as well as your remarks this morning. I would also like to express my personal high regard for you and for all the years of public service that you've given to this nation. Thank you.

We, of course, have a mission to fulfill, and one of the things that we obviously have to figure out is what happened on 9/11, but equally important to our mission is to figure out the other factors that may have contributed to the situation we found on 9/11. And, obviously, again, one of those is the development of our counterterrorism strategy. Of course, we're going to pick your brain again today as far as the aspects of the military that fed into that. And my colleagues have a lot of questions, so I'll try to watch that little ball as much as anybody.

Under Presidential Directive 62, the military, of course, and the Defense Department didn’t have the leading role in counterterrorism efforts during your tenure. And yet, ironically, we've heard a lot of testimony and a lot of commentary that the military was being criticized for being reluctant to use its forces and to actually conduct military operations against al Qaeda and Bin Ladin. As a matter of fact, Richard Clarke's now very famous book, he says, “the White House wanted action, the senor military did not, and made it almost impossible for the President to overcome their objections.” And I know that you've seen other commentary like that.

The primary limitation that is often cited is that for each decision for using military force, there was this lack of actionable intelligence. And we've heard about it today, and we've heard about it a lot, and our understanding of that is what

was stated earlier, that at a specific time you couldn't anticipate whether the location of Bin Ladin or his key followers might be so that it could be sufficiently determined that it was worthwhile to launch military reaction to it.

After August 20th of '98, there were at least three opportunities which we've been privy to use force against Bin Ladin. However, in each case, it was determined that there wasn't actionable intelligence.

I guess the first question I'd like to say is, whose call is that? How does that decision become a factor, and a determinant factor, and in addition to that, if I could, given that you had setbacks using force, what was your assessment of the existing capabilities at that time of the CIA?

MR. COHEN: Which capabilities?

MR. FIELDING: The existing capabilities, to obtain what would be required as actionable intelligence, and to the extent that you found them deficient, what steps did you take to supplement and to put into action things that the Defense Department could do to beef up that capability?

MR. COHEN: On the second part, Mr. Fielding, I think that Senator Kerry and others would tell you that over the years one of the identifiable deficiencies within our intelligence collection capability is the absence of good HUMINT. That we have over the years tended to oscillate between focusing on technical capabilities, with our satellite gathering technologies, as opposed to developing human intelligence. With the fall of the, or the collapse of the Soviet Union, of course, that becomes a much more challenging objective to get good human intelligence in areas that are governed by tribal leaders where an individual perhaps can detect who is a remote cousin the minute they show up within 200 yards. So penetrating societies such as that become even more problematic, in terms of developing good human intelligence. And then you're called upon to try and develop assets on the ground.

Then the question is, who do you trust, and how can you trust them, and based on what evidence in the past that they have been credible. All of that goes into an analysis by the CIA, working with other intelligence agencies, Secretary Powell talked about INR, we have DIA, Defense Intelligence Agency, but essentially we turn to the DCI to say, do we have good intelligence. We review the PDB, as has been discussed earlier

today, we sit down at the Cabinet-level meetings with the President, or with the National Security Advisor and his team, and say, is this good enough intelligence to warrant taking good action. And each case has to be looked at in that regard.

You mentioned August of '98. Frankly, it was following the bombing of the embassies in East Africa that the antenna were really up, we were collecting at a level that I saw -- it was unprecedented in terms of the amount of information coming in, pointing to Bin Ladin, and then getting the information there would a gathering of terrorists in Afghanistan. After reviewing all that information, a determination was made, this was a target, certainly, that we should attack. That, plus the so-called pharmaceutical plant in Sudan. But, it was that kind of a process whereby, what do we have, do we have to be certain, the answer is no, do you have to be pretty sure? I think that the answer is yes, if you're going to be killing a lot of people, we're prepared to engage in collateral damage if the target that we're after is certainly important. But, all those factors go into a decision. But, having actionable intelligence means reliable, and the basis of that reliability.

Single source information, usually I think George Tenet would tell you, not good enough. Maybe if they've got a single source that's truly reliable, they've had him in the past, that might be, under the circumstances. But, it all depends upon the quality of the people you've got on the ground, coupled with whatever you can put up in the air to locate certain targets.

MR. FIELDING: Who makes that final decision?

MR. COHEN: The President of the United States, the President of the United States makes the final decision. We make recommendations. We at the National Security Team would sit down, examine it, and then come to a consensus if we could. If we couldn't, frankly, we would go to the President with our individual recommendations. But, most of the time we are able to reach a consensus. And then the President will raise what has been recommended to him to act, or not to act, and then makes a decision.

MR. FIELDING: Just following up again on my earlier line of questioning, did you do anything, and were there any steps available that you felt were worth taking to augment the CIA's capabilities for collecting intelligence?

MR. COHEN: We worked with the CIA. There were some joint efforts as such, to reinforce the CIA. We had a cooperative program in terms of the unmanned aerial vehicles, there was some controversy over that, as well, I might add, but trying to find him was certainly a joint enterprise, in terms of technical capability, did we have people on the ground? The answer was, we did not, for the most part.

MR. FIELDING: Was that just not really a viable, realistic, option?

MR. COHEN: Again, in looking at Afghanistan, looking at the history of that country, look at the power, and the -- yes, the power and the relationship of the tribes in the region, the notion that we could put "special forces" in that region that would go undetected or uncompromised, I think was pretty remote. Was it possible? You could say it was possible. Was it advisable, we didn't think so at the time. I think in reflection we still don't think that was a viable option.

MR. FIELDING: I'd like to ask your opinion, because we have to evaluate the various -- the three incidents, and we've heard a lot of testimony, and a lot of writings, that that particular second event that I made reference to, I think it was in February of '99, the hunting camp with the UAE, that that was the lost opportunity.

MR. COHEN: Well, you know, as I recall there were at least three instances in which the initial intelligence take, as they called it, that we think we have him, and what we would then do is, quote, "spin up" the military at that point, namely our ability to target that particular area with the thought of taking that individual or group of people out. There were three instances. Each time, the -- the munitions and the people were “spun up,” that they were called off because the word came back "we're not sure -- this -- we're not quite sure."

In one instance, there was a -- an identify -- an identification that somehow we had Bin Ladin in our sights. Turned out it was a sheikh from UAE. Another -- there was another consideration of shooting down an aircraft that might be carrying Bin Ladin should he try to escape. That also proved to be reversed by the intelligence community saying, "We're not -- we don't think we have him."

So, there were three occasions following the attack on the camps in Sudan, but in each and every one of those occasions it came back on a second look saying, "We don't think that we've got enough here for -- to recommend to the President that we should take military action." And that came from the intelligence community, through the national security advisor, and we all sat and made a collective judgment -- okay, under the circumstances, we don't fire.

MR. FIELDING: Now, if you could assist us, if I can take you back to the August 20th attack and response attack -- after that happened, there was criticism about the pharmaceutical plant --

MR. COHEN: Right.

MR. FIELDING: -- and there was also criticism in general about "trigger happy" and this sort of thing. And recalling that negative reaction, does that criticism affect the planning and use of military force in defending the United States, in this context?

MR. COHEN: I'm glad you asked that question, Mr. Fielding, because it's something that I have wanted to talk about for some time. In terms of the kind of poisonous atmosphere that existed then, that continues to exist today -- you're going to discuss Mr. Clarke's book with him tomorrow, but all of the accusations, questioning motives and calculations.

During that time, when the attack was launched in Afghanistan and Sudan, there was a movie out called "Wag the Dog." There were critics of the Clinton administration that attacked the President, saying this was an effort on his part to divert attention from his personal difficulties. I'd like to say for the record under no circumstances did President Clinton ever call upon the military and use that military in order to serve a political purpose.

When I took the office, I had a very clear understanding with the President, he was very clear with me -- under no circumstances would I ever be called upon to exercise any kind of partisan relationship, would participate in no politics, and would never allow the military to be used for a political purpose. President Clinton was true to his word. He never called upon us to do that. It was strictly on the merits. Now, that accusation surfaced again, and it was something of a concern to me, and I'll take just a few moments to express it.

In that -- that fall -- I should say that winter, in December of 1998, we decided to attack Saddam Hussein. It was called Operation Desert Fox. It was a four-day operation in which we launched a number of attacks upon his weapons of mass destruction sites, his missile production facilities, and killing a number of Republican Guards and others.

I got a call -- the day that that operation was launched, I received a call from Speaker Gingrich, and soon-to-be, or then-to-be Speaker Livingston, asking me to come up to Capitol Hill. They said the House was in an uproar, there was a rage boiling in the House of Representatives. This clearly had to be politically inspired. I was eager to go up to the Hill. I had not been in the human rights for 20 years. And I walked that evening into the well of the House of Representatives -- there were almost 400 people there that night, maybe more -- to a closed session of Congress. And I spoke for three hours, assuring every single member that the reason we attacked Saddam Hussein was because of his noncompliance with the Security Council resolutions, that at no time did the President of the United States ever seek to use that military strike in order to avoid or divert attention from the impeachment process.

I was prepared at that time and today to say I put my entire public career on the line to say that the President always acted specifically upon the recommendation of those of us who held the positions for responsibility to take military action, and at no time did he ever try to use it or manipulate it to serve his personal ends.

And I think it's important that that be clear because that "Wag the Dog" cynicism that was so virulent there I am afraid is coming back again, and I think we've got to do everything we can to stop engaging in the kind of self-flagellation and criticism, and challenging of motives of our respective presidents.

MR. FIELDING: Thank you. The -- that also is the conclusion of the staff and the staff report, but I'm glad you had a chance to elucidate on it.

On August 20th --

MR. KEAN: Last question.

MR. FIELDING: Okay. Thank you. On August 20th, we heard about General Shelton undertaking a planning order for

preparation of a -- the follow-on operations, and obviously there were never any follow-on operations that came to fruition. But, what directions did you give the military for development of military plans against Bin Ladin after August 20th, for our guidance?

MR. COHEN: Our plans were to try to, quote, "capture and/or kill" -- or kill, I should say in this particular case -- "capture or kill Bin Ladin." That was the directive that went out, the memorandum of notification. The President had signed several of those, refining them on each and every occasion. Taking that directive, we had our people in a position, should there be, quote, "actionable intelligence," -- again, the key word, and we can -- we should discuss that and debate that issue of what constitutes it, but whenever there was, quote, "actionable intelligence," we were prepared to take action to destroy Bin Ladin or the targets.

Were there plans to use Special Forces to supplement the Northern Alliance if they were able to apprehend and hold on to Bin Ladin? The answer was "yes." There were packages that were developed with our Special Forces at Fort Bragg.

There were a number of proposals, quote, "on the table" or "on the shelf" prepared to -- to be utilized in the event that we were certain -- not certain to a hundred percent degree, but reasonably certain that he was going to be at a given area. I know a question has been raised, well, why wouldn't you put a unit in there with the anticipation that they could help gather intelligence and track him down? And I tried to address this in my written statement, but consider the notion, we have 13,500 troops in Afghanistan right now, not to mention the Pakistanis, and we can't find Bin Ladin to date.

So, the notion that you're going to put a small unit, however good, on the ground, or a large unit, and put them into Afghanistan and track down Bin Ladin, I think is folly. But, if we had people on the ground, if we had the Northern Alliance, if they were reliable, did we have people prepared to go? The answer was "yes." General Shelton I think will tell you it's very difficult to kill an individual with a missile. We all now that. You're talking about six hours from the time, quote, "spun up," you've got the coordinates, GPS signals, target that individual -- you're six hours away. To put troops on the ground, it was probably double that time. By the time you take a package and fly them from Fort Bragg, or compose some elements that were already in the Gulf, you're talking more than six hours.

So, the answer is, why didn't you have forces on the ground in Afghanistan? And the point I'm simply trying to make is that the notion that you could put thousands, or hundreds, or even tens of people on the ground and hope to locate him under those circumstances I think is simply unrealistic.

MR. FIELDING: Thank you, Mr. Secretary. Thank you, Mr. Chairman.

MR. KEAN: Senator Kerrey.

MR. KERREY: Thank you very much, Mr. Chairman. Mr. Secretary, nice to see you again.

MR. COHEN: Nice to see you, Senator.

MR. KERREY: First of all, let me say, as you were introducing yourself, I had not, until I prepared for this hearing realized, and you reinforced it, that you were the father of the Special Operations Command. And it must have given you a considerable amount of pride to see how effective special operations units were in Afghanistan, Iraq, and according to the reports today, in the Hindu Kush again, trying to -- trying to run down Bin Ladin as we speak. And --

MR. COHEN: Senator Kerrey, you may recall, one of the complaints that used to come from the Pentagon and the executive branch is that Congress engages in too much micro-management. I think that was the case, and the -- also, the reformation of the Joint Chiefs of Staff, with Goldwater-Nickels, of macro-management, but I thought it played a very important role.

MR. KERREY: Sir, both of those were. And they want you to micromanage when they've got something they want you to support. (Laughter.)

Well, let me also say with great respect, I do think that -- that -- I do think that in '98, that a special operations unit with an element of surprise could have had a tremendous impact at that particular point. It's a judgment call you've got to make. It's a much different situation than it is today, and I appreciate that very much.

One -- look, one of the problems I think that -- that I have with this whole thing is that we were attacked on 11 September 2001 by the same people that attacked the *Cole* on the

12th of October 2000, by the same people who attempted to attack the *Sullivan* (sic) a few months earlier, by the same people who were responsible for multiple Millennium attacks in 1999, by the same people who attacked our embassies on the 7th of August 1998, and now, as we understand it, by the same people who have had previous attacks back to the 1990s, perhaps up to and including the World Trade Center bombing one.

So, it's not just that it's -- that we were attacked successfully by 19 men with less than a half-a-million dollars -- utterly -- I mean, they just defeated every single defensive mechanism we had up in place. It's that we're -- that this is the same group that had attacked us on many other occasions in the past. And that's why I keep coming to the question -- why would we have a presidential directive in place in 1998 that said that the Department of Defense and our military was going to be used principally for a response, if we were attacked, in a local and state situation and to support what the Department of Justice is doing?

I don't understand why the military wasn't given a priority and a primary role in the fight against not just terrorism, but the fight against Osama Bin Ladin. I mean, I presume you've seen the declaration of war that he released on the 23rd of February, 1998. That was very precise; again, issued by somebody who had demonstrated not just a willingness to kill Americans but the capacity to kill Americans.

And every single time I heard the Administration come up before the Intelligence Committee that I was on -- we just tried to keep doing what you had done for years before -- it was, "We're going to send the FBI to investigate this stuff." And I would say, "My God, I don't understand this. They killed airmen in Khobar Towers. They attacked our facilities in East Africa. They attacked our sailors on the *Cole*. I don't understand," and still today don't understand, why the military wasn't given a dominant role.

And I wonder, if you're looking back on it today, do you think we underutilized the military during the 1990s in the war against, in this case, radical Islamists led by Osama Bin Ladin?

MR. COHEN: First of all, I've seen your comments about the need to declare war against al Qaeda. We were at war with al Qaeda. We weren't declaring it as such and the President going to Congress saying, "Let's declare war against al Qaeda."

I take your point about Bin Ladin being very precise. He was very precise in issuing a personal fatwa against me. I was put on the list. There was a price tag. There were several attempts, which I don't have to go into details about, going after me.

So I was very much aware that this was a war that had been declared against the United States, including members of the President's Cabinet personally, putting us at risk as well as our military personnel.

The use of the military, the only use I could have seen in terms of could we have done more against Bin Ladin, was really talked about putting a massive force into Afghanistan over the objection -- you've heard this this morning, and it's something that I had to take into account -- could we, in fact, take a much more aggressive military operation against Bin Ladin without the support of Pakistan or any of the neighboring countries?

General Zinni's name has been surfaced on several occasions here. When you recommend people to advise you -- and I was the one who recommended that General Zinni be the commander of the CENTCOM -- you look at their background, you look at their war record, you look at how they've conducted themselves and you hopefully trust their judgment.

General Zinni made a number of recommendations which I took to heart, because he was of the opinion that had we taken certain types of military action, it would have been, quote, "ineffective, counterproductive." He was the same general who recommended that we not overreact when there was a military coup in Pakistan, saying, "Wait a minute. I've worked with this general. I think we may be able to persuade him to be much more supportive than he has been, we think, in the past."

As a result of that kind of relationship that General Zinni had with General Musharraf, and later President Musharraf, we were able to help thwart attacks during the Millennium. So you have to at some point put some judgment in the experts that you call upon to give you advice.

Could I have second-guessed the chairman of the Joint Chiefs, General Shelton? Yes. Could I have second-guessed General Zinni? Did I have reason to, based upon my experience with them? And the answer was no. I put a lot of faith in their recommendations and their judgment. And I never found them, quote, "risk-averse." They really were more mission-successful in

their orientation, saying, "If we do this, we're likely to succeed. If we do the following, we're likely to fail." Those were the kinds of decisions we had to make.

So what could have been done? We had lethal authority. We were not -- Sandy Berger said we weren't trying to send simply a summons to Bin Ladin in Afghanistan. We were trying to kill him, him or anyone else who was there at the time. That was, you know, what they call a warning shot to the temple. We were trying to kill Bin Ladin and anyone there that went to that camp.

Did we have the kind of information that would have allowed us to get him later? We didn't see it. It was never recommended. I can't account for everything that you've heard, but there was never a recommendation that came to the national security team that said, "We've got a good shot at getting him; let's take military action and do it." The only other alternative would have been, could we have persuaded Pakistan, "Get out of the way; we're coming; we don't need your support; we're going to invade Afghanistan"?

I leave it to you, Senator Kerrey, and to others who have served in Congress. Do you think it's reasonable that, under the circumstances, that any president, including President Clinton, could have gone to Congress in October of 2000 and said, "These people are trying to kill us, and now therefore we're going to invade Afghanistan and take them out"? I don't think so. But there are -- other members can disagree; judgment call. You've sat on the other side of that decision.

MR. KERREY: Well, that presumes that the President would come to Congress and request authorization for action. There, as you know, have been many moments when the President doesn't request such authorization; he just does it.

MR. COHEN: Let me make one other point. You remember Kosovo.

MR. KERREY: Yeah.

MR. COHEN: Here we had a campaign going on in Kosovo. I don't know how many times you came to the White House, but there were meetings after meetings with members of Congress coming down to the President saying, "This is a bad idea. When are you going to get out? What's the exit strategy? How much is it going to cost us?"

We had to sustain a 78-day bombing campaign, frankly, without the support of Congress. And it was a successful campaign. And as a result of that, we saved a lot of lives. But I give you that as an example to say the notion that somehow President Clinton or even President Bush, absent 9/11, could have walked into the halls of Congress and said, "Declare war against al Qaeda," I think is unrealistic.

MR. KERREY: Mr. Chairman, I'd say you're making my argument. I mean, I supported what the President did in Kosovo. I supported what he did in Bosnia. I was in the minority both times. But that didn't stop him from doing it.

MR. COHEN: But he had the --

MR. KERREY: The fact that it was difficult, the fact that it was hard, the fact even at times it was unpopular, he believed in it and he rallied the American people to the cause.

MR. COHEN: He also rallied allies.

MR. KERREY: He didn't do that with Bin Ladin.

MR. COHEN: But he also rallied allies to the cause. You had the NATO countries involved in Bosnia and Kosovo. You had -- after 9/11, you have him rallying the international community to help go into Afghanistan.

Prior to that time, I dare say there is not a single country that would have been supporting the President of the United States declaring war and invading Afghanistan prior to 9/11. You can disagree with that judgment. I don't think there was a single country. And I frankly think that Congress would have overwhelmingly rejected it.

MR. KERREY: I would disagree. I'd respectfully disagree. First of all, again, as I said, there are many instances where the President doesn't even come to Congress; I mean, Operation Just Cause in Panama. He didn't come to Congress and say, "Gee, is it okay to do that?" Grenada, the President didn't come to Congress and say, "Is that okay to do it?" And Bosnia and Kosovo, the very examples that you cite, the President didn't have the support of Congress and he went ahead and did it. I think he did the right thing.

But the fact that it's unpopular, that it's difficult, that our allies are not necessarily with it, shouldn't deter a

president who believes that what we have is a serial killer on our hands, who had begun killing us at least as early as 1993, who had issued a very specific declaration of war calling Islamic men to join an Islamic army on the 23rd of February, 1998, and then demonstrated that he had the capacity in a very sophisticated way on the 7th of August to carry out that threat.

And what did we -- I mean, I just -- we did not -- we had a round in our chamber and we didn't use it. That's how I see it. And I don't know if it would have prevented 9/11, but I absolutely do not believe that just because the commander-in-chief sits there and says, "Gee, this thing is unpopular; therefore I can't do it," I don't think that's a good argument.

MR. COHEN: Senator Kerrey, let me --

MR. KERREY: And I know Secretary Rumsfeld is going to use it here in a few minutes, and I'm going to be just as harsh with him. I don't buy it.

MR. COHEN: Well, Senator Kerrey, let's go back to the Persian Gulf War, '91. MR. KERREY: Yeah.

MR. COHEN: There you had Saddam Hussein invading Kuwait. There you had the President of the United States, President Bush 41, going to the international community, gathering support, and then deciding to come to the Congress to get congressional support. Close call. I think it passed the Senate by four votes under those extraordinary circumstances.

But I would submit to you, the notion that you be able, in the fall of 2000, to have rallied the Congress and the country to invade Afghanistan and to have had the support of Pakistan, Tajikistan, Kazakhstan, all of the other people in the region, I don't think is realistic. Judgment call; we can be faulted for that. I just don't think it was feasible.

MR. KERREY: Well, let me just say for the record, better to have tried and failed than not to have tried at all. And I think in this particular case, again, what you've got, the thing that's most troubling about 9/11, is that it was carried out by the same group of people that had killed Americans the previous October, that had tried to kill Americans on the *Sullivan* (sic) just before that in the summer of 2000.

It's a serial series of events stretching back for a decade. That's the problem, with a declaration of war by the guy who's leading the organization.

MR. COHEN: And we were trying to kill those members whenever we could find them. But you're not talking about people sitting in a city waiting to be attacked. It's like mercury on a mirror. You're talking about individuals who can hide.

I mean, let's look at what's taking place today. I point out again, you've got thousands of people on the ground in Afghanistan, with the support of Pakistan, and we still are unable to track him down and to kill him.

MR. KERREY: If you look at the performance of the Special Operations units in northern Afghanistan and the war against Afghanistan, and they leveraged thousands of GIs, they were enormously effective; likewise in Iraq, and likewise again right now in Afghanistan.

MR. COHEN: I agree. I think we owe them a tremendous amount of gratitude for all of the sacrifice they make and the training they have. That's the reason we are the finest in the world, because of that training.

MR. KERREY: What was the military objective on 20 August, 1998?

MR. COHEN: The military objective was to kill as many people in those camps as we could, to take out the pharmaceutical plant, because we had reason to believe -- actionable intelligence.

MR. KERREY: But there were more men south of Kandahar than there was up by Khost. Why did we attack that particular camp?

MR. COHEN: Well, because the intelligence was that we believed that Bin Ladin and his associates were going to be there. We went after as many as we could, as high as we could. We didn't know whether he'd be there for sure. We hoped he would be there. He slipped away apparently.

MR. KERREY: Did you consider putting a Special Ops team, a relatively small Special Ops team, just to get eyes on the prize, just to be able to be sort of forward air controllers to

tell -- rather than having to rely on satellites or travels to tell you where Bin Ladin was?

MR. COHEN: I think that the judgment was that it was a more discreet operation, likely to be less compromised than if we tried to put people on the ground at that time. Again, you can question that judgment, but that was the recommendation coming that had the best chance of success of getting him.

MR. KERREY: We're going to hear from Secretary Rumsfeld in a little bit, and I wanted to ask you one last question in that regard. During the transition, you briefed the secretary on 50 items, and also briefed him on al Qaeda. And perhaps he's going to recall -- but in a previous interview he didn't remember much about the briefing on al Qaeda. Can you offer any reason for that?

MR. COHEN: I listed -- since I had limited time with Secretary Rumsfeld, I knew that he had -- was quite familiar with the office, and what I tried to do was to give him the whole panoply in a very short period of time, knowing that there were going to be specific briefings by the chairman of the Joint Chiefs and others, the Joint Staff, the national security adviser and also the CIA. So we tried to cover as many subjects as we could. The very first subject had to do with a major threat to the United States involving al Qaeda or Bin Ladin's associates, but an extremist group launching an attack domestically. I don't think I want to talk about it any more than that, but that was the number one item. Everything else on the item -- were issues that I thought he at least should be aware of, but number one was my concern -- and, frankly, I came to Capitol Hill, I met I think with just a total of eight to ten people to talk about the threat that existed and what needed to be done to help counter it. But I don't think I want to talk about the --

MR. KERREY: Let me say in conclusion, Mr. Secretary, as I said in the beginning, if Goldwater-Nichols Special Operations Command, the men and women of the Air Force, Army, Navy, Marine Corps and Coast Guard that won the war in Afghanistan and Iraq, that was your troops, and you ought to feel very proud of them. Thank you.

MR. COHEN: Thank you very much.

MR. KEAN: Governor Thompson.

MR. THOMPSON: Mr. Secretary, let me see if I could get this straight. We've been talking for the last half hour on the issue of response to the *U.S.S. Cole*. If I understand the testimony of a lot of people, the Clinton administration didn't believe it had proof sufficient of al Qaeda's responsibility before they left office, and perhaps the Bush administration felt it wasn't on their watch and they had other fish to fry. And passing that you seem to suggest in your answer an earlier question that the only option for a military reprisal for the bombing of the *Cole* was an invasion of Afghanistan. And I think most people would agree -- and certainly prior testimony has cited that that just was not an appropriate response. We had no place to forward-base from, we had no coalition. It was much different than Kosovo, where we had overflight rights and we had allies.

But am I wrong in believing that just as appropriate a response would have been action against the Taliban -- not necessarily just against Osama Bin Ladin and his al Qaeda followers? We knew where Mullah Omar lived presumably -- what about a missile strike on Taliban facilities -- not just their training camps, but on their civil seats of government? There would have been collateral damage, yes, but I think you said you were willing to accept collateral damage, and the 13 sailors we lost in the *Cole* were not collateral damage, they were direct damage. Was any consideration given to reprisals against the institutions and facilities, civil government of the Taliban for the *Cole*?

MR. COHEN: There were a number of proposals, and I can't recall specifically, but I think Mr. Clarke may be talking about those tomorrow. But there were a number of recommendations to go in and flatten a number of areas.

During that time we did not have specific information this was Bin Ladin. Frankly that was my suspicion. It could have been other Islamic extremists that were operating out of Yemen. We knew -- we found out in retrospect there had been a previous attack that was unsuccessful against the *Sullivan* (sic). But that was my suspicion.

We were trying to get Bin Ladin in any event. Whether it was before the *Cole* or after the *Cole*, we were still looking for ways in which we might attack Bin Ladin.

So there were some recommendations to actually just flatten a number of areas. It was the considered judgment at the time that that would not have either gotten Bin Ladin, or resulted

in a positive reaction by either Pakistan -- that we were courting at that point to try and persuade them to join us in this effort -- or any of the others in the region. So it was determined again that it would have been -- would not been effective and it might have been counterproductive. That was the judgment call at the time.

As the secretary of Defense, I have to make recommendations to the President. I have to do so certainly filled with passion in terms of what had happened to the *Cole*. I went to those funerals and services, and I met with all the families, and so it was pretty important to me. I had to also take into account what would have been the impact of launching an attack against the Taliban at that point, when we didn't have the support of Pakistan, who was officially still supporting the Taliban -- would that have been counterproductive and less effective? Our judgment was that it would not have been effective, and we didn't do it.

MR. THOMPSON: Do you think it's appropriate to assert, as some people have, that one of the first acts of a brand-new national administration, in this case the Bush administration, would have been to go to war over the *Cole*?

MR. COHEN: No. I think the first act of the Administration is to assess all of the information it can to make an informed judgment, to take actions -- not only one action -- but to see what are the consequences of that action. I don't think any administration should take precipitous action. It should look at the facts and then make a determination: What are the consequences of this? What is the follow-up? If we take action to attack the Taliban, what will -- how much will it take, how many forces will we -- all of these factors had to be taken into account, and I think you never take step one without asking yourself what's step five and six -- where are we? So, no, I don't fault the Administration for not doing it immediately.

MR. THOMPSON: Thank you, Mr. Secretary. Thank you, Mr. Chairman.

MR. KEAN: Commissioner Gorelick.

MS. GORELICK: Mr. Secretary, thank you for your testimony today. It is quite impressive, as always, very thoughtful and broad-gauged.

I have been troubled about something that perhaps you can help on. You were in these meetings where the various possibilities of getting Osama Bin Ladin were discussed. We now have huge and selective leaks coming from various levels of the CIA who are saying we really had him, we had great intelligence, we could have gotten him, and the policymakers overruled us. But at the same time you have Sandy Berger, and I think yourself, and others, saying, No, the director of CIA told us the intelligence was not good enough, and he was not recommending going forward.

And that leaves us in a very peculiar position. Either the people below George Tenet didn't know what was happening above his level or at his level. Or he was telling them one thing and telling you another. Or maybe there's some third possibility. But this is an important issue for us to understand: Did we have it, did we not have it, was it good, was it not good, and how could there be this dispute on something so fundamental? And I would just like your view on this.

MR. COHEN: There are 23,000 people who work at the Pentagon. Secretary Lehman probably knows from his own experience how disconcerting that can be in terms of trying to maintain control and to maintain the flow of information coming up through the Department of the Navy or the Department of Defense. There were 3,000 people on the Office of the Secretary of Defense staff that we tried to reduce by a third -- that was one of my goals in taking the office itself -- but 2,000 people in the Office of Secretary of Defense. I can assure you there are people inside the Pentagon who say, If only they had listened to me -- If only this memo had gotten to the boss we would have taken the following action. And I think all policymakers have to come to the following conclusion: You are judged by the people that you appoint. You pick the best people you can, you rely upon their judgment. If you find that you have to question their credibility or their judgment, you get rid of them. But the notion that somehow there's somebody down in the bowels that has a different view or has submitted a different analysis that if only it had gotten to the right people would have made a difference -- I think you have to take that into account. But if the director of central intelligence says we don't have it, then you have to rely upon that. If he says we do have it, you rely upon that as well, say, Okay, under these circumstances we take the following action.

If the chairman of the Joint Chiefs comes to me and says, I recommend the following -- you have to rely upon that unless you doubt his actions. I'll give you an example. The chairman of the Joint Chiefs -- I selected him for that position because he was

the commander of Special Operations Command. And for that specific reason I wanted to have more emphasis placed upon Special Forces than we had placed in the past. I saw what he did -- and I put this in my written testimony -- I saw what he did in Bosnia and Kosovo. We had some operation called the PIFWCS -- these were persons who had been indicted for war crimes, and there were so-called snatch operations. I saw some of the plans that were put into effect to grab certain people. I saw Chairman Shelton saying, Don't do it that way -- here's a better way. Now, here's how you are really going to make this thing successful. So I came to see how he operated and to rely upon his judgment, and if I had any doubts that he was giving me the straight information, which I never have, then I would have been derelict in my duty in not calling him on it. So I think you have to take into account one of the challenges this Commission faces, all of us face -- how do we have better vertical integration? You've had information about what took place in some of the field offices in the FBI, information that didn't get put up the line, didn't get shared horizontally. How do we construct a system that allows for better vertical information of intelligence and then horizontal, cross-fertilization, or sharing that information? A tough job -- you've got different cultures, you've got different sources and methods and standards, but it has to be done.

Now, it will never deal with the issue that you're raising now. If someone at whatever level -- second, third, fourth level down -- says, "I have a better idea," or "I have information, it's just not getting to the right people." You will always have that problem, but you have to rely upon the judgment of the people that you appoint.

MS. GORELICK: But you were convinced that the director of Central Intelligence in these instances aid to you and your fellow policymakers, "We don't have it."

MR. COHEN: On every occasion, he mentioned -- he said that exactly. He would come in initially, because he was getting some raw information, saying, "I think we're going to have it." Then, "We do have it." And then he would go back, and he would refine it, and after, again, we were prepared to take action say, "We don't think so."

To his credit -- I mean -- this is not a fault of George -- this is to his credit -- saying, "Let's be sure as we can. If we're going to kill people, innocent people, as well as carrying out this operation, let's be as sure as we can that we've got the right target, the right information, and minimize, if we can,

killing innocent people." That's his job, and I think he did it well.

MS. GORELICK: Thank you.

MR. KEAN: Senator Gorton?

MR. GORTON: Mr. Secretary, help me, with your experience and wisdom, with this very troubling two-word phrase that --

MR. COHEN: -- "actionable intelligence?"

MR. GORTON: "Actionable intelligence" -- it seems to me that actionable intelligence with respect to going after Osama Bin Ladin after 1988, must have been based on the proposition that almost the sole goal is getting, capturing, or killing Osama Bin Ladin, and that what a lack of actionable intelligence meant was either, one, you didn't have a 90 percent chance of finding him where whatever intelligence you had said he would be or, two, if you could, you were going to kill 300 or 400 other people while you were doing it -- that the collateral damage would be too great to run the risk. But actionable intelligence on August 20th, after the embassy bombings, it seems to me, must have been softer than that. And actionable intelligence must have meant, "Well, we know there's a camp there, and we're pretty sure there are going to be some bad guys there and, besides, blowing up those two things was so bad, we've got to do something." Tell me if that's correct. But, most of all, tell me what, in general terms for the future, actionable intelligence means. How much of it is the goal? How much of it is your certainty that you can attain that goal? And how much of it is just related to the fact that under some circumstances you are going to have to do something even if though you aren't certain that you'll be a success?

MR. COHEN: Senator Gorton, let me give you a real case involving actionable intelligence. The so-called pharmaceutical plant in Sudan, and I'm going to use that as an example, because there we were given information that Bin Ladin, following the bombings of the embassies in East Africa, was seeking to get his hands on chemical and biological weapons to inflict as many -- kill as many people as he could. We were real concerned about that; I was very concerned about that. Intelligence started to come in about this particular plan. They had been gathering information on it, and I think I point this out in my written testimony, but, frankly, I apologize not getting it to you much sooner. I'm still working on it as of yesterday, last night.

But to give you an example, this particular facility, according to the intelligence we had at that time, had been constructed under extraordinary security circumstances, even with some surface-to-air missile capability or defense capabilities; that the plant itself had been constructed under these security measures; that the -- that the plant had been funded, in part, by the so-called military industrial corporation; that Bin Ladin had been living there; that he had, in fact, money that he had put into this military industrial corporation; that the owner of the plant had traveled to Baghdad to meet with the father of the VX program; and that the CIA had found traces of EMPTA nearby the facility itself. According to all the intelligence, there was no other known use for EMPTA at that time other than as a precursor to VX.

Under those circumstances, I said, "That's actionable enough for me," that that plant could, in fact, be producing not baby aspirin or some other pharmaceutical for the benefit of the people, but it was enough for me to say we're going to take -- we should take it out, and I recommended that.

Now, I was criticized for that, saying, "You didn't have enough." And I put myself in the position of coming before you and having someone like you say to me, "Let me get this straight, Mr. Secretary. We've just had a chemical weapons attack upon our cities or our troops, and we've lost several hundred or several thousand, and this is the information, which you had at your fingertips -- you had a plant that was built under the following circumstances; you had a manager that went to Baghdad; you had Osama Bin Ladin, who had funded, at least, the corporation; and you had traces of EMPTA; and you did what? You did nothing?" Is that a responsible activity on the part of the Secretary of Defense? And the answer is pretty clear.

So I was satisfied, even though that still is pointed as a mistake -- that it was the right thing to do then. I believe -- I would do it again based on that kind of intelligence. So that was an example of actionable intelligence.

When it comes to other circumstances, you have to weigh it -- each and every case. You say do you take action just for the sake of take it and do something? I think we have a greater responsibility. Before I decide or make a recommendation to the President of the United States to launch a missile that's going to kill a lot of people, I want to make sure, as much as I can, it's not out of passion but out of as much reasoned analysis as I can make to say, "This is a target that poses a threat to us, Mr.

President, and, yes, there are risks that you're going to kill some innocent people, but we have an obligation to take it out." It's individual analysis. I can't give you specifics on it. I gave you an example of where I thought it was the right thing.

MR. GORTON: A thoughtful answer preempted any further questions.

MR. KEAN: Secretary Lehman.

MR. LEHMAN: Mr. Secretary, I'd like to follow up on Senator Kerrey's line of inquiry --

MR. COHEN: A good Navy man does that.

MR. LEHMAN: I always follow the black shoes. The question I have is, in the testimony of a number of the witnesses we've had and, of course, in Mr. Clarke's book, your Pentagon comes in for a lot of criticism for, basically, along two lines, the most important of which is that whenever there was an opportunity and a quest for options -- when the President requested options, and so forth -- the only thing the Joint Chiefs could come up with -- the Pentagon could come up with -- was either lob a few cruise missiles or the Normandy Invasion. And I recall the debates over the creation of the Special Operations Command, in which I was initially skeptical and became a strong advocate as you laid out the case very well for that legislation, which was to provide a president with something in between a much more discriminating set of options between the kind of things that came out of the Chiefs all those decades, which is either launch an alpha strike to the carriers, send in the 101 Airborne, or carpet bomb with B-52s.

And yet it seems that every time that a request was made for some set of options, at least this is the testimony we have -- the alternative was always given, "Well, we can't invade Afghanistan. Congress will never do it, so the only thing we have is to fire a few cruise missiles." And, clearly, as Senator Kerrey was suggesting, there are lots of potential discrete options in between -- like putting specialized Special Operations forces on the ground. Now, this is before. Yes, it takes 13,000 today, and they can't find him, but before the war in Afghanistan, there was a lot of -- he was much more accessible. So there were options. But somehow the Special Operations Command either did not, because it was, as our staff pointed out, a supporting rather than a supported command, or because not much has changed after all these years with the new operations command -- did not come up

with discrete options. Why was that? And is Mr. Clarke's criticism a valid one?

MR. COHEN: Well, first, I would take issue with the fact that the Joint Chiefs of Staff can only go from B-1 bombers or cruise missiles or the Normandy Invasion. If you look at what took place in both Bosnia and Kosovo, Special Forces played a key role over there in terms of some of these operations. JSOC was always on tap to do whatever was reasonable to do. I would have to place my judgment call in terms of do I believe that the chairman of the Joint Chiefs, former commander of Special Forces command, is in a better position to make a judgment on the feasibility of this than, perhaps, Mr. Clarke? I had to make that kind of a call. Was Richard Clarke in a better position, say, this has a greater chance of success or General Shelton? I indicated that I relied upon the senior military advisor to me, the President of the national security team.

I have no reason to, in any way, doubt that he was very straight with me and was not trying to rig the system so he only had one or two options but, rather, I think he always felt we are prepared to take action; to put Special Forces on the ground if there is a reasonable opportunity to achieve the mission. To do anything less than that, to put those young people at risk with the enormity of the task of that country, that size, with that many caves with -- by the way, the support of the Taliban and not the support of Pakistan, I'd have to question whether or not that was reasonable to do so. I did, and I supported the chairman saying, "This doesn't make a good deal of sense in terms of putting those young men's lives at risk when the potential for success is very limited, if not de minimis."

MR. LEHMAN: You'll be pleased to know that he's even harsher on the CIA's capability in these kinds of --

MR. COHEN: Anybody can be critical -- you can criticize the agency, you can criticize DOD. The real issue is what action do we take from here? Where are the fault lines? Where does this fault lie? If you think that we were irresponsible in not putting a small unit into Afghanistan when you had virtually no support activities. For example, I mentioned those operations in Kosovo. They had incredible intelligence support just tens of miles away. Now you're going to put a small unit of Special Forces into Afghanistan where there is no intelligence support miles away but thousands of miles away. What do you do in terms of search and rescue? This is something I know that you were concerned about, certainly, as Secretary of the Navy. What about CSAR? If we lose

one of our pilots or lose one of our people, you've got to send in search and rescue. Well, how about refuelers for the C-130 gunships, et cetera? All of those factors are involved on the part of military planning. Do you just put Special Forces in and say, "We know how good you are, go do the job and good luck?" The answer is no. You try to make sure you protect them as much as you can and measure the probability of success against the risk that they are put at.

MR. LEHMAN: That brings me to the point of my -- of these questions, really. Many witnesses have criticized CIA for really not having the capability for covert operations and special operations, and yet they've been called upon to do them. On the other hand, the Pentagon has been criticized because they don't want to do them, and so I guess the question that has arisen in our minds is perhaps there should be a straightforward assignment of the counterterrorism mission to SOCOM and not pretend that CIA can do it with civilians and not leave the Special Operations Command as just a supporting operation to the CINCS who are not likely to have the kind of focus for doing this that at SOCOM. What would you think of that kind of reform?

MR. COHEN: Well, actually, I think that Secretary Rumsfeld may be in the process of recommending that. I think he may see the use of Special Forces in a way that achieves that kind of more centralized role in being a support element and being a more central player in terms of Special Forces designed to go out and kill or capture a number of the terrorist groups.

I would also offer another comment, if I can, on this war on terror. It's my own personal judgment that the war on terror is, for the most part, not going to be won on the battlefield. I really believe that ultimately, aside from Iraq, which is a big aside, but aside from Iraq, I believe the war has to be waged by the sharing of information on almost a global basis. Again, I pointed my opening statement that we are all at risk now. We have to start sharing information, and it's going to require good police work -- sort of what the Brits did by knocking down the door and finding a group of people with ricin in their possession -- sharing that kind of information and covert operations, police work, Special Forces, and, ultimately, finally, the military option. But I think that's really what's going to be required for the war against terror, and I think Special Forces are being charged with a higher level of activity is probably warranted.

MR. LEHMAN: One final question -- another line of criticism from a fair number of our witnesses has been that in

making decisions and recommendations from commanders for action of this type, that there has been a huge growth in the role of general counsels, shall we say, epitomized by the CENTCOM general counsel refusing to -- or advising the CINC that he could not shoot at Omar because that would violate the assassination order. I know that didn't happen on your watch. But just as an issue, it seems to us time and time again, we see in interviews and queries that everyone seems to be afraid to move in the policy level, and particularly in the Pentagon, without having a CYA memo from the legal counsel.

MR. COHEN: I was not aware of any inhibition or prohibition against the Pentagon taking action directed against Osama Bin Ladin or anyone else. There was no question in my mind that both the agency and the military had complete authority to take whatever legal action was necessary. I never saw anything that would have inhibited that.

MR. LEHMAN: Thank you.

MR. KEAN: Congressman Roemer.

MR. ROEMER: Thank you, Mr. Chairman. Mr. Secretary, thank you again for a very, very helpful and thought-provoking statement that you gave us. I want to probe and push a little bit harder on two things that you've already talked about a little bit. One is the decision to fire the missiles into Sudan at the El Shifa plant. You've outlined in very specific detail three or four reasons why you decided to do that, and why you might have regretted doing that at a later point.

MR. COHEN: I never regretted doing it.

MR. ROEMER: There were three or four reasons you were glad you did it, and why those things could have come back to haunt you.

MR. COHEN: Okay.

MR. ROEMER: You can clarify my question in your answer. With respect to Sudan, every single person in the Clinton administration has told us that it was a very difficult decision, but they didn't have regrets about it, as you have not had any regrets about it, and that they were roundly criticized for it, not only because there was some theory on Capitol Hill about Wag the Dog, which you have clarified, I think, in your remarks, but I want to push harder on the other part of this.

A couple of the people, including Sandy Berger in the private sessions with us said, and remember the editorials across the country saying, they didn't get Bin Ladin, they created, according to an Economist article, the Economist accused them of maybe creating 100 Osama Bin Ladins because they did not kill him with the cruise missile strikes. How does that not impact to some degree your decision subsequently, when you're having these kinds of decisions come forward, to make the tough call as you did in this particular instance?

MR. COHEN: It had no impact. I looked at the question, I was satisfied. I regret that one life was lost during that particular attack. We were very precise. We timed it, as a matter of fact, so there would be very few, if any, people at the plant. It was at nighttime, it was timed simultaneously with the attack virtually in Afghanistan, so that we didn't lose the surprise element, and we tried to minimize any collateral damage to the extent that we could. But we were prepared to take that down.

The Wag the Dog issue I think was unfortunate, it was untrue, but that was something of the reality of what was taking place on Capitol Hill. As far as the criticism was concerned, it had no deterrence whatsoever in terms of our commitment to look for, hunt for, and to capture or kill Bin Ladin. I do want to urge one cautionary note, and that is that even though it's important to capture or kill Bin Ladin, I think that we should understand that doesn't end it any more than capturing Saddam Hussein has stopped some of the terrorist actions. I think that we have seen al Qaeda doesn't have a central headquarters, doesn't fly a flag, it is spread through many countries, and I know it can be argued that because there were no prior actions taken it's even more disseminated now. But the fact is, we would take action against Bin Ladin or his associates wherever we thought we could do so successfully.

What we didn't want to do was to take actions that satisfied the passion of the moment, that gave us a sense, well, we're doing something, but in fact had the effect of simply generating opposition to what we were doing, undercutting the sharing of intelligence, cooperation, making our goal of actually capturing or killing him more difficult. So, that was the only hesitation we had, does this action that is being proposed have a probability of success? Is it likely to achieve our goals, or is it more likely to undercut our efforts? Those were the only considerations that we had.

MR. ROEMER: I'm very happy to hear that. Let me ask you the question to look forward. Secretary Rumsfeld, who will be with us momentarily, wrote a memo that I think outlined the problem in the future, absolutely to the point. And he said, as you just indicated, that the military is not the only weapon, that it's one of many arrows in the quiver, one of many tools in the toolbox to use.

I'd like to push you a little bit harder on a country that is absolutely critical to the United States in our future, and that's Indonesia. What specifically, as these training camps produce this wrath of hatred, and jihadists, what can we do, even if we're out there with the military killing people, and trying to eliminate the terrorists, and the jihadists, what can we do as they're cranking out these human conveyor belts of terrorists, and education in a place like Indonesia to replace the madrassas with a practical education, or what can Indonesia do? What can we do on IMET, what can we do reaching out to the moderates and the government there? How can we begin to put new types of military and State Department and intel efforts to reach out to these types of critically important countries in the future?

MR. COHEN: Thank you, Congressman Roemer. You had the Secretary of State here earlier, Secretary Powell. I think he laid out some of the "diplomatic initiatives" that have to be undertaken. Some of it involves diplomacy, it involves the use of economic both incentives, and disincentives, it involves sanctions, it involves a variety of things. But, most of all it requires engagement on the part of the United States, on a very aggressive, diplomatic fashion. Sheik Zalman, who is the Crown Prince of Bahrain, if any of you have not had occasion to meet with him I'd recommend that you talk to this young man. He's one of the most progressive young leaders that I've met, certainly in my travels, but especially in the Gulf region, along with King Abdullah of Jordan. But, Sheik Zalman made an observation a few months ago, which I endorse, basically pointing to the problem that the United States has in dealing with this issue, that much of the Arab world looks through two lenses, one lens focused on how we conduct ourselves in Iraq, now that we're there, how we successfully resolve, or achieve success in Iraq, and treat the Iraqi people in that process, and the other has to do with the Middle East conflict. Many Muslims throughout the world also look through the lens of the Israeli-Palestinian conflict.

So I think we have to become much more engaged there, as well. That's why I mentioned I don't think it should wait until

November elections are over, I think we have to reenergize that process now. And I have my own thoughts about what needs to be done, and have written about that. In addition to that, we have to engage Indonesia diplomatically, militarily. The IMET program is one of the most important programs that we have. The sharing of educational materials, exercises, planning with other militaries, because of the superiority, I believe, of men and women who serve us, because of their excellence in education, discipline, leadership, fellowship, all the things that make us the greatest force, military force on the face of the earth, we should be trying to share that talent, technology, techniques with other countries. And yes, they may be accused of not living up to our standard of human rights, all the more reason why we should engage them, al the more reason why we have to persuade them that this is the way a military has to operate, not with clubs and batons, not with the law of rule, but the rule of law. That also has to take place. So IMET is important.

I think we also have to go to other countries who support the madrasas, and say, you are feeding the flames of future destruction here. That requires education, it requires giving countries, also, hope. Now, I'll come back to Palestine, the Palestinians for a moment. Unless you see people who have an opportunity for either sovereignty, dignity, and opportunity, you're likely to see continued festering of violence in the region. You have to give people a sense of hope. Economic hope, individual liberty in terms of their opportunities, all of that is involved. So that requires us to be engaged in a very aggressive way diplomatically. The military, by the way, plays a role, a great role in diplomacy. We have our State Department, and they do an outstanding job with very limited resources, but the military also plays a very big role. When our men and women in uniform go to a country, and people are able to judge them, and see how good they are, how disciplined, how well led, how technically capable, et cetera, how good they are as human beings, they make a judgment about us, and they say, we want to be like you. We want to have the same capability, we want to develop a relationship with you. We need to do more of that.

So every time there's an issue that comes up on the Hill that says, well, abuse of human rights, cut off IMET, we should be holding on to IMET. I could carry on at length about this particular requirement, and I know that there are people on the Hill who would object to that, but I think we have a better chance of influencing people in their judgments about us, and helping to persuade them that the way of the future is to have a military like that of the United States and our allies, to subordinate that

military to civilian rule, to educate the military, to help persuade them that they have -- they are in this war against terror with us. All of that comes about with diplomacy, and a very strong military capability, and diplomatic effort.

MR. ROEMER: Thank you very much. I hope this commission will take into consideration those very provocative and thoughtful recommendations into our recommendations at the end of the day.

Thank you.

MR. KEAN: Secretary Cohen, thank you very, very much, not only for your testimony today, but I know you've given very generously of your time to this commission in private sessions with staff, and for that I thank you very much. I hope that we'll have additional questions, and I know we're going to want to talk to you a bit more as we get into our recommendations that you will help us there also.

MR. COHEN: Okay. Thank you, Mr. Chairman.

MR. KEAN: Thank you very much.

(Applause.)

PANEL IV OF THE EIGHTH PUBLIC HEARING OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES RE: FORMULATION AND CONDUCT OF U.S. COUNTERTERRORISM POLICY CHAIRED BY: THOMAS KEAN, FORMER GOVERNOR (R-NJ) WITNESS: SECRETARY OF DEFENSE DONALD RUMSFELD; ACCOMPANIED BY DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ; AND GENERAL RICHARD MYERS, CHAIRMAN, JOINT CHIEFS OF STAFF LOCATION: 216 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. TIME: 3:31 P.M. EST DATE: TUESDAY, MARCH 23, 2004

MR. KEAN: We will now hear from the secretary of Defense, Donald Rumsfeld. Secretary Rumsfeld has had wide experience in several senior positions throughout the government. We are pleased to welcome him before us this afternoon. He's accompanied by his distinguished deputy secretary of Defense, Paul Wolfowitz, and the chairman of the Joint Chiefs of Staff, General Richard Myers. Mr. Secretary, Mr. Deputy Secretary, General Myers, we would ask you if you could raise your right hand and -- so that we may place you under oath.

Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

SEC. RUMSFELD: I do.

MR. WOLFOWITZ: I do.

GEN. MYERS: I do.

MR. KEAN: Thank you very much.

Mr. Secretary, your written remarks will be entered into the record in full, and we would ask you to summarize any remarks in the opening statement. You may proceed. Thank you.

SEC. RUMSFELD: Thank you very much, Mr. Chairman and Vice Chairman, members of the Commission. I thank you for undertaking this important work.

I would just mention that General Myers and Paul Wolfowitz have been intimately involved in the work of the department prior to September 11th, on September 11th, and subsequent to September 11th.

First, let me express my condolences to the people of Spain. The March 11th bombings will leave that nation changed. Certainly the families that lost loved ones on September 11th -- some of whom I am sure are listening today -- must feel a bond with the families in other countries who have lost their fathers and mothers and brothers and sisters and sons and daughters to terrorism. They understand the pain and the heartbreak and the suffering of the families whose loved ones perished. The recent attacks are deadly reminders that the world's free nations are at war.

I also want to thank the courageous men and women in uniform all across the globe who risk their lives so that all of us can live in freedom.

This commission has an important opportunity.

Those in positions of responsibility in government are, of necessity, focused on dozens of issues. This commission, however, can focus on one important topic: get it right and provide insights that can be of great value to us. You've been asked to try to connect the dots after the fact, to examine events leading up to September 11th, and to consider what lessons, if any, might be taken from that experience to prevent future dangers.

It isn't an easy assignment, yet the challenge facing our country before September 11th and still today is even more difficult. Our task is to connect the dots not after the fact, but before the fact; to try to stop attacks before they happen, and that must be done without the benefit of hindsight, hearings, briefings, or testimony.

Another attack against our people will be attempted. We can't know where or when or by what technique. That reality drives those of us in government to ask the tough questions. When and how might that attack be attempted, and what will we need to had done, today and everyday before the attack, to prepare for and to, if possible, prevent it?

On September 11th, our world changed. It may be tempting to think that once the crisis has passed that things will go back to the way they were. Not so. The world of September 10th is past. We have entered a new security environment, arguably the most dangerous the world has known. And if we are to continue to live as free people, we cannot go back to thinking as the way the world thought on September 10th. For if we do, if we deal with the problems of the 21st century through a 20th century prism, we will most certainly come to wrong conclusions and fail the American people.

I saw the destruction terrorists wreaked on September 11th. At the impact site, moments after the American Airlines Flight 77 hit the Pentagon, one could see the flames, smell the burning fuel, see the twisted steel and the agony of victims. And once the crisis passed, I asked the question posed to this commission: what, if anything, could have been done to prevent it?

First, I must say, I knew of no intelligence during the six-plus months leading up to September 11th that indicated terrorists would hijack commercial airliners, use them as missiles to fly into the Pentagon or the World Trade Center towers.

The President set about forming what is today a 90-nation coalition to wage the global war on terrorist networks. He promptly sent U.S. and coalition forces -- air, sea and ground -- to attack Afghanistan, to overthrow the Taliban regime, and destroy that al Qaeda stronghold.

In short order the Taliban regime was driven from power, al Qaeda's sanctuary in Afghanistan was removed, nearly two-thirds of their known leaders have been captured or killed. A

transitional government is in power, and a clear message was sent: terrorists who harbor terrorists will pay a price.

Those were bold steps. And today, in light of September 11th, no one questions those actions. Today I suspect most would support a preemptive action to deal with such a threat. Interestingly, the remarkable military successes in Afghanistan is (sic) taken largely for granted, as is the achievement of bringing together a 90-nation coalition.

But imagine that we were back before September 11th, and that a U.S. president had looked at the information then available, gone before the Congress and the world and said "We need to invade Afghanistan, overthrow the Taliban, and destroy the al Qaeda terrorist network," based on what little was known before September 11th. How many countries would have joined? Many? Any? Not likely. We would have heard objections to preemption similar to those voiced before the coalition-launched Operation Iraqi Freedom. We would have been asked, how can you attack Afghanistan when it was al Qaeda that attacked us, not the Taliban? How can you go to war when countries in the region don't support you? Won't launching such an invasion actually provoke terrorist attacks against the United States?

I agree with those who have testified here today -- Mrs. Albright, Secretary Cohen and others -- that unfortunately, history shows that it can take a tragedy like September 11th to waken the world to new threats and to the need for action. We can't go back in time to stop the attack. But we all owe it to the families and the loved ones who died on September 11th to assure that their loss will, in fact, be the call that helps to ensure that thousands of other families do not suffer the pain they have endured.

President came to office with a determination to prepare for the new threats of the 21st century. The bombing of the *Cole* on October 12th, 2000 was seen both as evidence of the al Qaeda threat and the need to adjust U.S. policy. The more one studies terrorism, the more one becomes convinced that the approach to fighting it that had evolved over several decades really wasn't working. Treating terrorism as a matter of security, combating it through national and international law enforcement techniques, and taking defensive measures against terrorist attacks simply weren't enough. After the attack on the Marine barracks in Beirut, the first World Trade Center attack, the embassy bombings in East Africa, and the attack on the *Cole*, reasonable people have concluded that the value of that approach had diminished.

A more comprehensive approach required a review not only of U.S. counterterrorism policy, but also U.S. policies with regard to other countries, some of which have not previously been at the center of U.S. relations, as Secretary Powell testified this morning.

Dr. Rice has stated that she asked the National Security Council staff in her first week in office for a new presidential initiative on al Qaeda. In early March, the staff was directed to craft a more aggressive strategy aimed at eliminating the al Qaeda threat. The first draft of that approach, in the form of a presidential directive, was circulated by the NSC staff in June of 2001, and a number of meetings were held that summer at the deputy secretary level to address the policy questions involved, such as relating an aggressive strategy against Taliban to U.S.-Pakistan relations.

By the first week of September, the process had arrived at a strategy that was presented to principals and later became NSPD-9, the President's first major substantive national security decision directive. It was presented for a decision by principals on September 4th, 2001, seven days before the 11th, and later signed by the President, with minor changes and a preamble to reflect the events of September 11th, in October.

While this review of counterterrorism policy was under way, the Department of Defense was developing a review of U.S. defense strategy. On February 2nd, less than two weeks after taking office, I traveled to Germany for the Conference on Security Policy. Already we were focused on the problem of unconventional or "asymmetric" threats.

On the flight, I was asked about the principles that would drive our defense review. I answered that the 1991 Persian Gulf War had taught the world that taking on Western armies, navies and air forces directly was not a good idea. It was therefore likely that potential adversaries would look for so-called asymmetrical responses, everything from terrorism to cyber attacks, to information warfare, cruise missiles and short-range ballistic missiles, to longer-range missiles and weapons of mass destruction.

I won't repeat the long list of actions that Secretary Powell presented this morning in his excellent presentation.

During the last decade, the challenges facing the intelligence community have grown more complex. Director Tenet will testify tomorrow and will provide a description of the challenges facing the intelligence community. We were concerned about the risk of surprise. In June of 2001, I attended the first NATO defense ministers' meeting in the 21st century. I told my colleagues about Vice President Cheney's appearance before the Senate for his confirmation hearings as secretary of Defense in March of 1989. During his hearings, a wide range of security issues were discussed, but not one person uttered the word "Iraq." And yet within a year, Iraq had invaded Kuwait and that word was in every headline. I wondered what word might come to dominate my term in office that wasn't raised by members of the Senate Committee during my hearings.

Three months later, we learned the answer: Afghanistan and al Qaeda.

These were the kinds of threats that we were preparing to meet and deal with in the months before September 11th.

And during those early months, we made progress in the effort to transform for the era of surprise and unconventional threats.

Our actions included a congressionally required Quadrennial Defense Review, completed just days before the 9/11 attacks, where we laid out the transformation objectives of the department, identified as our first priority the defense of U.S. territory against a broad range of asymmetric threats; in short, homeland defense.

We developed a concept for new defense planning guidance and new contingency planning guidance. We found that many if not most of the war plans that existed were in need of updating, and that the process for developing contingency plans was too lengthy. In May of 2001 we began the process of streamlining the way the department prepares war plans, reducing the time to develop plans and increasing the frequency at which the assumptions would be updated.

I should add that, for much of that period, most of the senior officials selected by the President had not been cleared or confirmed by the Senate. Nonetheless, the few new civilians and the many civilian officials who stayed on to help and the military leaders did a great deal of work. Indeed, because we were doing these things in the department as well as in the National Security

Council Policy Review, we were better prepared to respond when the 9/11 attack came.

The day of September 11th. On the morning I was hosting a meeting for some of members of Congress, and I remember stressing how important it was for our country to be prepared for the unexpected. Shortly thereafter someone handed me a note saying a plane had hit one of the World Trade Center towers. Shortly thereafter I was in my office with a CIA briefer when I was told a second plane had hit the other tower.

Shortly thereafter, at 9:38, the Pentagon shook with an explosion of a then-unknown origin. I went outside to determine what had happened. I was not there long because I was back in the Pentagon with a crisis action team shortly before or after 10:00 a.m. On my return from the crash site and before going to the Executive Support Center, I had one or more calls in my office, one of which was with the President.

I went to the National Military Command Center where General Myers, who was the vice chairman of the Chiefs at that time, had just returned from Capitol Hill. We discussed and I recommended raising the Defense Condition level from five to three and the Force Protection level.

I joined the air threat telephone conference call that was already in progress, and one of the first exchanges was with the Vice President. He informed me of the President's authorization to shoot down hostile aircraft coming to Washington, D.C.

My thoughts went to the pilots of the military aircraft who might be called upon to execute such an order. It was clear that they needed rules of engagement telling them what they could and could not do.

They needed clarity. There were standing rules of engagement, but not rules of engagement that were appropriate for this first-time situation where civilian aircraft were seized and being used as missiles to attack inside the United States. It may well be the first time in history that U.S. armed forces in peacetime have been given the authority to fire on fellow Americans going about their lawful business.

We went to work to refine the standing rules of engagement. I spent the remainder of the morning and the afternoon participating in the air threat conference, talking to

the President and the Vice President, General Myers and others, and thinking about the way forward. During the course of the day, the President indicated he expected us to provide him with robust options for military responses to that attack.

In my first weeks in office I had prepared a list of guidelines to be weighed before committing U.S. forces to combat, and I shared them with the President, back in January or February of 2001. The guidelines included a number of points, including one that -- if the proposed action (is) truly necessary, if lives are going to be put at risk, there must be a darn good reason, and that all instruments of national power should be engaged before, during and after any use of military force, and that it's important not to dumb down what's needed by promising not to do things: for example, by saying we won't use ground forces.

A few days after September 11th I wrote down some thoughts on terrorism and the new kind of war that had been visited upon us. I noted that it will take a sustained effort to root the terrorists out, that the campaign is a marathon, not a sprint, that no terrorist or terrorist network such as al Qaeda is going to be conclusively dealt with by cruise missiles or bombers. The coalitions that are being fashioned will not be fixed; rather, they'll change and evolve, and it should not be surprising that some countries will be supportive of some activities in which the U.S. is engaged while other countries may not. And we can live with that.

And this is not a war against Islam. The al Qaeda terrorists are extremists who views are antithetical to those of most Muslims. There are millions of Muslims around the world who we expect to become allies in this struggle, unquote.

In the following day we prepared options to deal with the Taliban in Afghanistan. The President issued an ultimatum to the Taliban. When they failed to comply, he initiated the global war on terror and directed the Department of Defense to carry out Operation Enduring Freedom against the al Qaeda and their affiliates and the Taliban regime in Afghanistan that harbored and supported them. This, of course, was a Department of Defense where the armed forces of the United States had historically been organized, trained and equipped to fight armies, navies and air forces, not to chase down individual terrorists.

In the aftermath of September 11th, the department has pursued two tracks. We have prosecuted the global war on terror in concert with other agencies of the government and our coalition

partners, but in addition, we have continued, we have had to continue, and, indeed, accelerate the work to transform the department so that it has the ability to meet and defeat the threats of the 21st century -- different threats.

There's been success on both fronts. The coalition has been successful in overthrowing two terrorist regimes, hunted down hundreds of terrorists and regime remnants, disrupted terrorist financing, disrupted terrorist cells on several continents.

We've also established Northern Command, a new command dedicated to defending the homeland. We've expanded the Special Operations Command in significant ways and given them additional authorities, authorities they need today and will certainly need in the future.

We've established a new assistant secretary for Homeland Defense for the first time, and an undersecretary of Defense for Intelligence.

The coalition's actions have sent a message to the world's terrorist states that harboring terrorists and the pursuit of weapons of mass murder carry with it unpleasant costs. By contrast, countries like Libya, that abandoned the support of terrorism and the pursuit of those weapons, can find an open path to better relations with the world's free nations.

In the period since September 11th, the Administration, several committees of Congress and now this commission, have been examining what happened on that day. A number of questions have been raised.

Some have asked: When the Administration came into office was there consideration of how to deal with the *U.S.S. Cole*?

It's a fair question. One concern was that launching another cruise missile strike months after the fact might have sent a signal of weakness. Instead, we implemented the recommendations of the *Cole* Commission and began developing a more comprehensive approach to deal with al Qaeda, resulting in NSPD-9.

Some have asked: Why wasn't Bin Ladin taken out, and if he had been hit, could it have prevented September 11th?

I know of no actionable intelligence since January 20 that would have allowed the U.S. to capture or kill Bin Ladin. It

took ten months to capture Saddam Hussein in Iraq -- and coalition forces had passed by the hole he was hiding in many many times during those months. They were able to find him only after someone with specific knowledge told us precisely where he was. What that suggests, it seems to me, is that it is exceedingly difficult to find a single individual who is determined to not be found. Second, even if Bin Ladin had been captured or killed in the weeks before September 11th, no one I know believes it would necessarily have prevented September 11th. Killing Bin Ladin would not have removed the al Qaeda's sanctuary in Afghanistan. Moreover, the sleeper cells that flew the aircraft into the World Trade towers and the Pentagon were already in the United States months before the attacks. Indeed, if actionable intelligence had appeared, which it did not, 9/11 would likely still have happened. And, ironically, much of the world would likely have called the September 11th attack an al Qaeda retaliation for the U.S. provocation of capturing or killing Bin Ladin.

Some have asked whether there were plans to go after al Qaeda in Afghanistan before 9/11 and, if so, why weren't they successfully implemented?

I have recently reviewed a briefing that I am told was presented to me in early February. The briefing I saw was not something that I would characterize as a comprehensive plan with al Qaeda, to deal with al Qaeda and the sanctuary in Afghanistan. It was a series of concepts or approaches. I am told that I asked the briefer many questions and that the team went back to work on refining it, and that the work they did in the ensuing months helped to prepare the department for the successful invasion of Afghanistan soon after September 11th. The NSC was at work during the spring and summer of 2001 developing the new counterterrorism policy needed to inform new war plans. And we were at the same time in the process of overhauling U.S. contingency plans.

Some have asked: Could the development of the armed have Predator been accelerated?

First, let me say that any suggestion that the Predator was delayed by policy discussions or debates would be inaccurate.

I know George Tenet plans to talk about this tomorrow, but I'm told that when the development plans were presented, it was estimated that it would take several years. They were presented, I believe, to General John Jumper in one of his previous posts. In fact, it was done in less than a year, and the armed Predator was deployed and played a role in the success of Operation

Enduring Freedom even before it had been officially certified as ready for deployment.

I've been asked to make a few comments about the future. Today we face adversaries who take advantage of our open borders and our open societies to attack people. They hide in plain sight. They use institutions of everyday life -- planes, trains, cars, letters, e- mails -- as weapons to kill innocent civilians. And they can attack with handfuls of people at a cost of a few hundred thousands of dollars, while it requires many tens of thousands of people and billions of dollars to defend against such attacks.

Rooting out and dealing with terrorist enemies is tough. It will require that we think very differently than we did in the last century. The recommendations that this commission may make could help. For example, you might consider some of the following thoughts:

How can we strengthen the intelligence community and get better arranged for the 21st century challenges?

I've heard arguments in the wake of 9/11 that we need to consolidate all the intelligence agencies and put them under a single "intelligence czar." In my view, that would be doing the country a great disservice. There are some activities, like intelligence, and research and development, where it's a serious mistake to think that you're advantaged by relying on a single, centralized source. In fact, fostering multiple centers of information has proven to be better at promoting creativity and challenging conventional thinking. There may be ways we can strengthen intelligence, but centralization is most certainly not one of them.

A possibility might be to consider reducing stovepipes. It's true that the more people who know something, the more likely that information will be compromised. We know that. It's a dilemma. There's a tension there. We need to weigh that risk of expanding access, and thereby risking compromise, against the danger of keeping information so tightly stovepiped that people who need to integrate it with other information are kept in the dark. I should add that it is increasingly difficult to distinguish between information that contributes to so-called national intelligence as opposed to information that is necessary for military intelligence and focuses on the battlefield. I would say that just as it would be unwise to concentrate everything under a single intelligence czar in an effort to improve national

intelligence, it would be equally undesirable to concentrate everything under the Department of Defense so that one could improve military intelligence. It seems to me that either would be an unfortunate approach.

How can we wage war not just on terrorist networks, but also on the ideology of hate that they spread?

The global war on terror will, in fact, be long. And I'm convinced that victory in the war on terror will require a positive effort as well as an aggressive battle.

We need to find creative ways to stop the next generation of terrorists from being recruited, trained and deployed to kill innocent people. For every terrorist that coalition forces capture or kill, still others are being recruited and trained. And to win the war on terror, we have to win the war of ideas, the battle for the minds of those who are being recruited and financed by terrorist networks across the globe.

Can we transform the nomination and confirmation process so there are not long gaps with key positions unfilled every time there's a new administration? As I've indicated, for most of the seven months leading up to September 11th, the department's work was done without many of the senior officials responsible for critical issues. We ought to consider whether in the 21st century we can afford the luxury of taking so long to put in place the senior officials for national security, and try to fashion the necessary reforms to the clearance, nomination and confirmation process.

Another thought: Could our nation benefit from a Goldwater- Nichols-like law for the executive branch of the U.S. government? If you think about it, the Goldwater-Nichols Act in the 1980s helped move Department of Defense towards a more effective joint approach to warfighting. It was a good thing. But to do so, each of the services had to give up some of their turf, some of their authority. And today one could argue that the interagency process is such that the executive branch is stovepiped much like the four services were 20 years ago, and ask the question, could we usefully apply that concept of the Goldwater-Nichols law to the government as a whole?

Let me conclude by saying that despite the work of the coalition, terrorist attacks continue, most recently in Madrid. It's almost certain that in the period ahead, somewhere more terrorist attacks will be attempted. What can be done?

Not long ago we marked the 20th anniversary of a terrorist attack in Beirut, Lebanon, when the suicide bomb truck attacked the Marine barracks, and that blast killed more than 240 Americans. Soon after that attack, President Reagan and Secretary of State Shultz asked me to serve as the Middle East envoy for a period. That experience taught me lessons about the nature of terrorism that are relevant today as we prosecute the global war on terror.

After the attack, one seemingly logical response was to put a cement barricade around the buildings to prevent more truck bombings, a very logical thing to do; and it had the effect of preventing more truck bombings.

But the terrorists very quickly figured out how to get around those barricades, and they began lobbing rocket-propelled grenades over the cement barricades. And the reaction then was to hunker down even more, and they started seeing buildings along the Corniche that runs along the sea in Beirut draped with metal wire mesh coming down from several stories high, so that when rocket-propelled grenades hit the mesh, they would bounce off, doing little damage. It worked, again, but only briefly.

And the terrorists again adapted. They watched the comings and goings of embassy personnel and began hitting soft targets. They killed people on their way to and from work.

So for every defense -- first barricades, then wire mesh -- the terrorists moved to another avenue of attack.

One has to note that the terrorists had learned important lessons: that terrorism is a great equalizer. It's a force multiplier. It's cheap. It's deniable. It yields substantial results. It's low-risk, and it's often without penalty. They had learned that a single attack, by influencing public opinion and morale, can alter the behavior of great nations.

Moreover, I said that free people had learned lessons as well: that terrorism is a form of warfare that must be treated as such. Simply standing in a defensive position, absorbing blows, is not enough. It has to be attacked, and it has to be deterred.

That was 20 years ago.

When our nation was attacked on September 11th, the President recognized what had happened as an act of war and that

it must be treated as such, not a law enforcement matter. He knew that weakness would only invite aggression and that the only way to defeat the terrorists was to take the war to them and to make clear to states that sponsor and harbor them that such actions would have consequences.

That's why we have forces risking their lives fighting terrorists today. And to live as free people in the 21st century, we cannot think that we can hide behind concrete barriers or wire mesh. We cannot think that acquiescence or trying to make a separate peace with terrorists to leave us alone, but to go after our friends, will work. Free people cannot live in fear and remain free. Thank you, Mr. Chairman.

MR. KEAN: Mr. Secretary, thank you very much.

Our questioning will be led by Commissioner Kerrey, followed by Commissioner Gorton.

ROBERT KERREY: Well, Mr. Secretary, very good to see you again. You're still a terrific witness, my favorite witness ever.

SEC. RUMSFELD: Thank you.

MR. KERREY: I would first of all like to know how many cars it took to get all you guys over here. (Laughter.) I mean, that's a big group.

Let me just read back to you what you said 20 years ago, Mr. Secretary: that simply standing in a defensive position, absorbing blows, is not enough; that terrorism must be deterred. And I say with great respect, it seems to me, up to the 11th of September, we were standing in a defensive position, taking blows. I mean, I'm going to give you the same line that I gave former Secretary Cohen when he was here earlier.

I mean --

SEC. RUMSFELD: And I'm going to give you the same answers. I thought he did a good job.

MR. KERREY: All right. Well -- (laughter) -- we'll see if they're the same answers. (Laughter.)

SEC. RUMSFELD: (Laughs.)

MR. KERREY: I mean, this was -- it wasn't just that we were attacked on the 11th of September, Mr. Secretary; it's the same group of people that hit the *Cole* on the 12th of October, the same group of people that tried to hit the *Sullivan* (sic) a few months before that, the same group of people that were responsible for Millennium attacks against the United States that we had interrupted -- and in Jordan, the same group of people that hit our East African embassy bombings (sic) on the 7th of August, and we now believe the same group of people who were responsible for other attacks against the United States. This was an army led by Osama Bin Ladin who declared war on us on the 23rd of February, 1998. And we had all kinds of reasons to -- I've heard them all. And they're all wonderful -- as to why the only military attack we had was a single attack on the 20th of August, 1998, and other than that, there wasn't anything. And 19 men, as a consequence, defeated us utterly with less than a half a million dollars. And it -- I just -- I ask you, wouldn't a declaration of war either by President Clinton or President Bush prior to this, not just to go after Bin Ladin, but to say to the DOD, DI -- the CIA and other agencies, you got to work together, you got to put together a terrorist list of radical Islamists that we believe are connected to these things to prevent them from coming into the United States of America, you got to make sure you consider all options and possibilities that might be used against us. You said you received no specific intelligence about the possibility of being -- a plane being used as a bomb.

And Mr. Secretary, you're well known as somebody who thinks about all kinds of terrible possibilities that might happen that nobody else is thinking about. I mean, that's what you do -- so well -- as you're -- when you're going into a difficult situation. I mean, it seems to me that a declaration of war, either by President Clinton or by President Bush, prior to 9/11 would have mobilized the government in a way that at least would have reduced substantially the possibility that 9/11 would have happened. Do you agree or not? (Pause.) That's a different question than I gave Secretary Cohen. I'm getting better at this -- (laughter).

SEC. RUMSFELD: It is. I was going to use his answer, and now I can't. (Light laughter.)

(Pause.) Possibly. Let me -- let me put it that way. The problem with it -- it sounds good the way you said it.

I try to put myself in other people's shoes. And try to put yourself in the shoes of the new Administration that had just

arrived. And time had passed; we were in the process of bringing people on board. And the President said he wanted a new policy for counterterrorism. Making a declaration of war -- in February or March or April, for the sake of argument -- without having fashioned the policy to follow it up, which they were working on, without having taken the kinds of steps in the Department of Defense to review contingency plans and get them up to date, get the assumptions current for the 21st century, without having tried to strengthen the Special Operations forces, it seems to me might have been a bold stroke that would have sounded good, but when not followed up with the kind of capabilities that we were able to follow it up with on October 7th, when we put forces and capabilities into Afghanistan, might -- so it might not have been a great idea.

I don't think it would have stopped September 11th.

MR. KERREY: Well, let me put it this way to you. Let's say that the Federal Aviation Administration had heeded some warnings about the possibility of a hijacking and it altered the procedures in American airports to prevent these hijackers from being able to get onto the planes in the first place, or had different procedures on the airplanes on the morning of the 11th of September to make certain that the pilots were locked up front and that the passengers didn't remain in their seats and cooperate. (Applause.)

Let's say -- please, I'm -- let's say that 9/11 hadn't happened. Would you have gone to the American people and carried out the strategy that you say you worked on all year long and you came up with on the 4th of September? Because the President would have had to go to the American people and said, we're going to work to eliminate the al Qaeda network, we're going to use all elements of national power to so do -- diplomatic, military, economic, intel, information, law enforcement -- and we're going to eliminate sanctuaries for al Qaeda and related terrorist networks, and if diplomatic efforts fail to do so we're going to consider additional measures. Earlier in your testimony you said all the reasons why to do such a thing would provoke angry response. Would the Administration have put this policy in place were it not for 9/11?

SEC. RUMSFELD: I believe we would have. One can't announce that for a certainty because 9/11 happened, but it had been worked on, developed, and was ready to go into place. The --

MR. KERREY: Well, then, doesn't, Mr. Secretary --

SEC. RUMSFELD: In June and July, when the intelligence spike took place, there were a good number of steps that were taken. My responsibilities, as you know, were overseas and not domestically, but forces were alerted. Embassies were alerted, as Secretary Powell indicated today. There were a number of steps taken by the Transportation Department with respect to airlines and cautions and warnings there. So it's not as though the intelligence that was gathering had not been understood and addressed, and a great number of steps in addition to the development of the policy taken.

MR. KERREY: Well, I got to say, Mr. Secretary, if that's the case -- and I trust you; I believe you on this point -- then I don't think it's a good argument to say that the American people wouldn't have accepted something prior to 9/11 that was unpopular because you just said that, absent 9/11, you would have recommended to the President to put in place a policy that would have been exceptionally unpopular and difficult to sell. I believe he should of, by the way, regardless of whether or not 9/11 happened. But it doesn't work. The argument falls on its face if you say, please understand, we couldn't have done this before 9/11 if you say you would have done it absent 9/11.

SEC. RUMSFELD: I understand.

MR. KERREY: All right. Let me say -- Dr. Rice has said that the national security team was briefed on the threat of al Qaeda in the transition and that it was well understood -- this is what she said in The Washington Post yesterday -- it was well understood by the President and his national security team, the principal. In the interview that we did with you, you seemed not to be as clear as Dr. Rice was or at least Secretary Powell was. And by the way, I'm very sympathetic to that, given that the Department of Defense did not have that kind of authority over counterterrorism activity, so perhaps that would be the reason you were not.

But in the interview, you indicated that you didn't recall that briefing. And in your testimony, you also referenced -- I love to hear that even you have moments that you forget you were at a briefing and people were telling you something. Do you recall the briefings on al Qaeda by Secretary Cohen and --

SEC. RUMSFELD: Secretary Cohen commented on it today. We did have one or two meetings. He had a long list of items -- there must have been 40 or 50-plus items. I have given it to the

committee. The first item was the one that concerned him the most, and it involved a sensitive item that was very much on his mind that was terrorism- related, but to my recollection, not al Qaeda-related.

MR. KERREY: It seems to me that Dr. Rice is overstating the case a bit in that statement saying that the threat of al Qaeda was well understood by the President and his entire national security team.

SEC. RUMSFELD: Oh, I don't think that's an overstatement.

MR. KERREY: No?

SEC. RUMSFELD: I think certainly the people in the Administration who came in didn't arrive out of cellophane packages, they --

MR. KERREY: But you didn't get a briefing by the Counterterrorism Security Group, nor by SOLIC?

SEC. RUMSFELD: I did not get a briefing by -- that Secretary Powell got, no. I was briefed by members of the Joint Staff and other people in the policy departments of the Department of Defense.

MR. KERREY: Dr. Rice also said that she wasn't satisfied with the off-the-shelf military response options that were available after the *Cole*, the so-called tit-for-tat options that -- I think she was referring to 20 August, 1998, against the camps in Afghanistan. Did she ask for military options? Or were there military options requested during your term? Because our investigation shows that there were no new military plans developed against al Qaeda or Bin Ladin prior to September 11th.

SEC. RUMSFELD: The -- I think it's accurate to say -- (To General Myers) -- General Myers, you may want to chime in here. But I think it's accurate to say that there were military options, and I'd characterize it as "options" and not a comprehensive plan to deal with al Qaeda and countries that harbor al Qaeda, but options to react, response options, military response options to deal with specific terrorist events. And I was briefed on them, as I indicated in my testimony. And I suspect that Dr. Rice was briefed on them.

I could just say that I don't remember ever seeing -- in the first instance, I don't remember anyone seeing -- anyone being briefed on military proposals to react to something where they were fully satisfied, nor do I ever remember military people being fully satisfied with the intelligence available.

That's the nature of the world we live in.

Dick, do you want to comment?

GEN. MYERS: I would just add that we did after the *Cole* continue some of the planning that had gone on before -- since '98, actually -- and developed some additional options. I think we briefed the committee on those --

SEC. RUMSFELD: We did.

GEN. MYERS: -- at least the staff.

MR. KERREY: That's why I am confused when the national security advisor in the Post says that we didn't have an al Qaeda plan; no plan was given to the new Administration on how to deal with al Qaeda. And then she goes on to say that -- was not satisfied with the off-the- shelf options that were available. And especially in the second case, we don't see any evidence that during the Bush administration there were any new requests that came to DOD asking for new military options. If there was dissatisfaction with the national security advisor, you would think she would have sent a request over for alternative military options.

SEC. RUMSFELD: Well, first of all, my recollection is that Sandy Berger has agreed with Dr. Rice that a plan for the al Qaeda was not handed from one administration to the other; and second, my understanding is that the joint staff, after I was briefed and asked a lot of questions, went back down and continued working on those response plans throughout that period and that that was one of the reasons why we were in a position to respond so promptly after September 11th.

GEN. MYERS: That's correct.

MR. KERREY: I said it to Secretary Powell earlier, but I'll say to you as well, Mr. Secretary, I don't understand this we're-waiting- for-a-plan thing at all. I really don't. I mean, we're dealing with an individual who has led a military effort against the United States for 10 years and has serially killed a

significant number of Americans over that period of time. And why, in God's name, I got to wait eight months to get a plan?

I mean, I'm very sympathetic to the problems that you mentioned. Paul wasn't on board, I guess, until March, and lots of other -- your last appointment -- I think you had in your testimony -- wasn't there, your key appointment wasn't there until August or something like that. I'm very sympathetic to all the difficulties of transition. But it's still -- I still get in my head, why do we need a brand new military -- you know, a full-blown plan like we're building a house or something here?

SEC. RUMSFELD: Well, let me just make one comment and maybe someone else would like to respond. But Afghanistan was harboring the al Qaeda. Afghanistan was something like 8,000 miles from the United States. It was surrounded by countries that were not particularly friendly with the United States of America. Afghanistan, as I said publicly on one occasion, didn't have a lot of targets. I mean, you can go from an overhead and attack Afghanistan, and in a very short order, you run out of targets that are lucrative. You can pound the rubble in an al Qaeda training camp 15 times and not do much damage; they can put tents right back up. It's not like -- the country has suffered for decades in drought, in civil war, in occupation by the Soviet Union. And trying to deal with them from the air, in my view -- and that is essentially what the courses of action were that I saw --

MR. KERREY: Oh, I appreciate that, Mr. Secretary.

But you said earlier that even absent 9/11, your strategy would have been to eliminate the al Qaeda network, to use all the elements of national power to do so, to eliminate the sanctuaries for al Qaeda and related terrorist networks. I appreciate that is it a tough mission; yes. But your declaratory earlier was that you would carry that out even absent 9/11.

SEC. RUMSFELD: And I would say that that's one of the reasons that Secretary Powell and I and others in the department, in the government, spent time connecting with countries in that part of the world in ways that were unusual and distinctly different than had been the case previously, from the very first day of the Administration.

MR. KERREY: You're off the hook. My time's up. It's off to Senator Gorton.

MR. KEAN: Senator Gorton.

MR. GORTON: Mr. Secretary, on page 10 of your written statement you express what I think is justified frustration in the extended period of time it took you to get a team in place with which to make these decisions. You list nine of your senior staff, the earliest of whom was confirmed on the 3rd of May, 2001, and the last of whom, interestingly enough an assistant secretary for international security policy, not until August 6th. And you say that the confirmation system -- that kind of confirmation system and those delays just don't work in the 21st century.

I can greatly sympathize with you on that, but you leave out one very important factor. When were those nine people nominated and actually sent to the Senate?

SEC. RUMSFELD: Well, I wasn't suggesting in this that I -- in fact, I hope I phrased it more elegantly than you did -- (laughter). My point here -- I hope -- my point, whether I made it well or not, my point is not simply the Senate confirmation, but the clearance process, the entire process. Finding them, putting them through the FBI, putting them through multiple ethics -- it took weeks for people to fill out their ethics forms. It cost a fortune for some people to fill out their ethics forms. And then you have to go from the one in the executive branch to the one in the United States Senate and have that filled out, in different forms. Some of you may have been through this. It's an amazing process. And then some guy walks in and gives you a drug test. (Laughter.) It is not just the Senate, although the Senate can be a problem -- with all respect. (Laughter.)

MR. GORTON: Thank you for that clarification. So in your view, it's the whole process.

SEC. RUMSFELD: Entirely, yes.

MR. GORTON: From a new Administration finding who they want, getting them through various clearances, and then the Senate. But we don't know here how long the Senate part of that took in any one of these cases.

SEC. RUMSFELD: Well, I know, and I could give it to you, if you're interested.

MR. GORTON: I think that -- I think I would be interested.

SEC. RUMSFELD: We tried to parse it out to see where each -- how long each piece took. And the Senate is just a part of it.

MR. GORTON: Okay, thank you.

On page 16 of your statement -- and you referred to this in connection with Senator Kerrey's questions -- you ask and answer the question with respect to why nothing was done with respect to the attack on the *Cole* in the Bush administration. And you say in fact, to do it four months later might have sent a signal of weakness.

Now, were the reasons for no specific response to the Cole: one, that you were still uncertain about who was responsible to (sic) it; two, that by the time you were in office, say in February of 2002, it was simply too late to respond specifically to an incident that had taken place the previous October; or three, that there just wasn't anything to shoot at?

SEC. RUMSFELD: Let me respond this way. First of all, it was seven-and-a-half months -- someone earlier specified that it was all year, which is not really the case; it was seven-and-a-half months between the day the President was sworn in and the day of September 11th -- seven-and-three-quarters months, for the sake of precision.

You say nothing was done. A great deal was done. The *Cole* Commission did a good job. They made a whole series of recommendations, and the Department of Defense implemented those recommendations. In my view, that is not nothing.

You're right, as the time passed, two things were happening; time was passing since the event of the *Cole* attack, where 17 Americans and military personnel were killed, time passed and we became farther and farther away from that event. And the other thing that was happening is that the policy was being developed to deal with al Qaeda and the country that was harboring them. Last, and as you got closer to that and you got farther away from the *Cole* event, it became logical, it seems to me, to look more towards the comprehensive approach than some sort of a repeat of what had happened after the embassy bombings or after some of the earlier events which, without criticizing the responses that took place then, the fact that that had been all there was led us -- me, I should say, to feel very deeply that the President ought not to simply fire off cruise missiles; that in the event he was going to make a response, he had to put people on

the ground, he had to put people at risk, he had to show a seriousness of purpose or the Administration would be seen as a continuum from the lobbing cruise missiles after an attack, with relatively modest effect.

MR. GORTON: Your statement, both oral and written -- in following up on that -- is quite impressive with respect to the preparation for a broader policy that took place in the seven months prior to 9/11.

And on September 4th, there was a fairly definitive recommendation, which you say would almost certainly have been adopted even in the absence of 9/11.

SEC. RUMSFELD: Oh, I think I said that I would have favored adopting it.

MR. GORTON: Okay.

SEC. RUMSFELD: I don't want to prejudge what would have happened.

MR. GORTON: All right. I'll modify the question of that point.

That program, as we understand it, had three parts. First, there'd be one more diplomatic attempt with the Taliban to see if they would give up Osama Bin Ladin. Second, we would begin to arm the Northern Alliance and the various tribes in Afghanistan to stir up trouble there and hope that perhaps they could capture Osama Bin Ladin. And third, if those didn't work, there would be a military response that would be substantial, much more than lobbing cruise missiles into the desert. But was we understand it, this was seen as a three-year program if we had to go to the third stage.

My question is, given World Trade Center I, given the embassy bombings, given the Millennium plot, given the *Cole*, given the declaration of war by Osama Bin Ladin, what made you think that we had the luxury of that much time, even seven months, much less three years before we could cure this particular problem?

SEC. RUMSFELD: Well, let me answer two ways.

Number one, I didn't come up with the three years. I tend to scrupulously avoid predicting that I am smart enough to know how long something's going to take because I know I don't

know. Where that number came from I don't know. In fact, dealing with the terrorism threat is going to take a lot longer than three years, and in fact dealing with the Afghanistan piece of it took a lot less, as you point out. It seems to me that the -- it's interesting that you cite that because, in fact, the President and Secretary Powell made an attempt early on, one last try to separate the Taliban from the al Qaeda and it failed; not surprisingly -- they had been rather stiff -- but it failed flat.

MR. GORTON: It even failed after 9/11, didn't it?

SEC. RUMSFELD: That's my point. After 9/11, it failed flat.

And the other concern we had was that we had precious little information about the groups in Afghanistan. It was -- we had enough information that there were people knowledgeable who were concerned that if all we did was help the Northern Alliance as opposed to some other elements in the country, we may end up being quite unsuccessful; and that the goal was to try to get a broader base of support in the country, and that took some time.

And the part you left out was that we decided -- I decided, the President decided, everyone decided quite early that we had to put U.S. forces in that country. And that was not a part of that plan. That was something that came along after September 11th.

MR. GORTON: Well, Mr. Secretary, that's a good answer, but it isn't an answer to the question that I asked you. The question --

SEC. RUMSFELD: My question (sic) is, I don't know.

MR. GORTON: The question --

SEC. RUMSFELD: The three years -- I just don't know.

MR. GORTON: The question that I asked you was, what made you think, even when you took over and got these first briefings, given the history of al Qaeda and its successful attacks on Americans, that we had the luxury even of seven months before we could make any kind of response, much less three years?

SEC. RUMSFELD: And my answer was -- on point, I said I didn't come up with three years. And I can't defend that number.

I don't know where that came from.

With respect to seven months, I've answered. My testimony today lays out what was done during that period.

Do you have -- you phrase it, "Do you have the luxury of seven months?" And reflecting on what happened on September 11th, the question is obviously, the good Lord willing, things would have happened prior to that that could have stopped it. But something to have stopped that would have had to happen months and months and months beforehand, not five minutes or not one month or two months or three months.

And the counterargument, it seems to me, is, do you have the luxury of doing what was done before and simply just heaving some cruise missiles into the thing and not doing it right? I don't know. I -- we thought not. It's a judgment.

MR. GORTON: Let me ask you the same question that I asked of Senator (sic) Powell. At one level, you could claim -- but you're too modest and too cautious to claim -- that your policies since 9/11 have been successful; that is to say, there has not been another successful terrorist attack on the United States. We all know, as Senator (sic) Powell pointed out, that that risk is still there, and it's going to be there for as long as any of us can imagine. But nonetheless, we've now gone two and a half years without any such attack.

What do you think of -- or how do you evaluate the -- our provisional success in that connection? How much of it is just luck? How much of it is hardened targets, the steps we've taken for homeland security? How much of it is more effective intelligence and prevention, both through your department and elsewhere? How much of it is due to the fact that we've attacked the source and to a large extent, in Afghanistan, at least, eliminated it?

Give me your own views as to what you think we've done right and the importance of those things that we've done right. And how much have we ended or reduced the amount of terrorism in the world itself, and how much have we just displaced it and caused it to take place in other places?

SEC. RUMSFELD: As a former pilot, one of the things you always did was you never talked about the fact there hadn't been a flight accident for a long time --

MR. GORTON: That's true.

SEC. RUMSFELD: -- and with good reason. You start doing that, and something happens. The fact is, a terrorist can attack anytime, anyplace, using every -- any technique, and we can't defend everywhere at every moment against every technique. And we could have a terrorist attack anywhere in the world tomorrow. And we have to recognize that. This is a tough business we're in. And it is difficult. And it's challenging.

Now, to the good side. A 90-nation coalition is a big thing. The fact that all of those countries are cooperating, sharing intelligence, helping to find bank accounts, helping to put pressure on terrorists coming across their borders, helping to put pressure on things moving across their borders -- is it perfect? No. Are things still porous? Yes. Is money still getting there? Yes. But everything is harder. Everything is more difficult today. It's tougher to recruit, it's tougher to train, it's tougher to retain, it's tougher to finance, it's tougher to move things, it's tougher to communicate with each other for those folks. Someone asked me what is Saddam -- is Osama Bin Ladin masterminding all of this. And I said, you know, who knows? But if I were in his shoes I think I'd be spending an awful lot of time trying to not get caught. Most of his time is probably spent trying not to get caught. And so he's busy. And that's a good thing. And there's been a lot of pressure. How to put a value on that: I don't know.

What worries me is the last point I mentioned in my prepared remarks, and that was this issue of how many people are coming in the intake, how people are being trained to go out and kill innocent men, women and children. We've got a lot of good things going on, capturing and killing and putting pressure on terrorists today. And every day that cooperation within our government and between 90 nations gets better and better and better. The intelligence fusion cells that are taking place, the cooperative arrangements between the United States and other militaries, the cooperative arrangements between the Department of Defense and the CIA, every day they get better.

But at the same time, we know of certain knowledge that money is going to madrassa schools that are training people to kill people, and that's a problem.

MR. GORTON: Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

MR. KEAN: Commissioner Ben-Veniste.

MR. BEN-VENISTE: Good afternoon, Mr. Secretary. There are a number of different questions I'd like to ask, but my time is limited.

I'd like to first mention something that Commissioner Gorton brought up, and that is the question of transition. And I think this commission ought to have a recommendation, particularly with respect to the intelligence community and those Cabinet agencies that are charged with protecting the safety of the United States, in terms of the way the transition takes place. It seems as though things are done on the fly. People have other objectives. They have many things to do coming in. It appears from what we have heard that the Administration officials leaving government in the Clinton administration were willing to be generous with their time, but they didn't always connect up with the right people it seems. And I think we ought to have a recommendation with respect to institutionalizing transition in these times, which require immediate response to issues.

I want to focus on two things, I guess. One, I'm astounded that this past week, a week ago, we saw on television a videotape of the Predator. Now, the Predator, we were told, was of such a high security classification that the classification itself was secret. You couldn't even mention the name of the classification. And I just don't understand how a videotape of the Predator comes into the public access in that way, and I just make that as a commentary.

With respect to your comment about domestic intelligence and what we knew as of September 10th, 2001, your statement was that you knew of no intelligence to suggest that planes would be hijacked in the United States and flown into buildings. Well, it is correct that the United States intelligence community had a great deal of intelligence suggesting that the terrorists, back since 1994, had plans -- discussed plans to use airplanes as weapons, loaded with fuel, loaded with bombs, loaded with explosives. The Algerians had a plan in '94 to fly a plane into the Eiffel Tower. The Bojinka plot in '95 discussed flying an explosive-Ladin small plane into CIA headquarters. Certainly CIA was well aware of that. There were plans in '97 using a UAV. In '98 an al Qaeda- connected group talked about flying a commercial plane into the World Trade Center. In '98 there was a plot broken up by the Turkish intelligence involving the use of plane as a weapon.

In '99 there was a plot involving exploding a plane at an airport. Also in '99 there was a plot regarding an explosive-Ladin hang glider. In '99 -- or in 2000 there was a plot regarding hijacking a 747. And in August of 2001, there was information received by our intelligence community regarding flying a plane into the Nairobi embassy -- our Nairobi embassy.

And so I suggest that when you have this threat spike in the summer of 2001 that said something huge was going to happen, and the FAA circulates, as you mentioned, a warning which does nothing to alert people on the ground to the potential threat of the jihadist hijacking, which only, it seems to me, despite the fact that they read into the Congressional Record the potential for a hijacking threat in the United States in the summer of 2001, it never gets to any actionable level. Nobody at the airports is alerted to any particular threat. Nobody flying the planes takes action of a defensive posture.

I understand that going after al Qaeda overseas is one thing, but protecting the United States is another thing. And it seems to me that a statement that we could not conceive of such a thing happening really does not reflect the state of our intelligence community as of 2001, sir.

SEC. RUMSFELD: A couple of comments. I quite agree with you, there were a number of reports about potential hijacking. I even remember comments about UAVs. I even have seen things about private aircraft hitting something. But I do not recall ever seeing anything, in the period since I came back to government, about the idea of taking a commercial airliner and using it as a missile. I just don't recall seeing it. And if it -- (To General Myers) -- Maybe you do, Dick. Do you?

GEN. MYERS: No, I do not.

SEC. RUMSFELD: (To Mr. Wolfowitz) Do you?

MR. WOLFOWITZ: No.

MR. BEN-VENISTE: Well, the fact is that our staff has -- and the Joint Inquiry before us, I must say, has come up with eight or 10 examples which were well known in the intelligence community. My goodness, there was an example of individual who flew a small plane and landed right next to the White House --

SEC. RUMSFELD: I remember.

MR. BEN-VENISTE: -- crash-landed that.

The CIA knew that there was a plot to fly an explosive-Ladin plane into CIA headquarters. So we do, within our intelligence community, have very much in mind the fact that this is a potential technique.

You put that together with the fact that there is a heightened threat level; people like Director Tenet, people like Richard Clarke are running around, as they say, with their hair on fire in the summer of 2001, knowing something big is going to happen; and yet everybody is looking overseas.

SEC. RUMSFELD: Let me make two comments on that. One, the spike in that summer -- you're correct; there was a good deal of concern about it. And you suggested that warnings did not go out. My recollection is, a lot of warnings did go out.

Now I have nothing to do with warnings inside the United States.

MR. BEN-VENISTE: I understand.

SEC. RUMSFELD: We had to do with warnings of force protection ex-U.S. And the State Department -- Colin testified to that this morning -- that the State Department had a whole lot of alerts. So there was attention to that.

The second thing I'd say is, the -- oh, how to put this? -- in three years, since I've been back in the Pentagon, there have been people running around with their hair on fire a lot of times. It isn't like it's once or twice or thrice. We are seeing so much intelligence, so much information that is of deep concern that we have scrambled airplanes; we have sent ships to sea, to protect them; we have gone up to a high level of alert on a number of occasions, because of these types of spikes in intel activity, in most instances, when something does not follow --

MR. BEN-VENISTE: Let me just --

SEC. RUMSFELD: -- maybe because we went to high alert, maybe because they go to school on us.

MR. BEN-VENISTE: Let me follow that briefly, to say that we knew that terrorists had attacked us in '93 at the World Trade Center. We knew in the Millennium plot in December of '99 that al

Qaeda had an operative sleeper in the United States or coming to the United States, who planned to blow up LAX. That was interdicted. They were on high alert during the Millennium plot, and they thought about domestic terrorism in that regard.

And now, as we get into 2001, it just seems to me like we're looking at the white truck that had everyone captivated during the hunt for the sniper. Everybody was looking in the wrong direction.

Why weren't people thinking about protecting the United States? We knew that there were two al Qaeda operatives in the United States, and yet that information does not get circulated. It doesn't get to the people at the airports. It doesn't go on "Most Wanted" on television, where people could identify such individuals. We know that a man named Moussaoui has been identified as somebody who took lessons on just how to steer an airplane; not how to take it off, not how to land it, just how to steer it. So it seems to me when you make the statement, sir, that we didn't know that planes might be used as weapons in the summer of 2001, I just have to take issue with that.

SEC. RUMSFELD: Well, I didn't say "we" didn't know, I said "I" didn't know. And if -- I just was handed a civil aviation circular that people did know and they sent it out on June 22nd, 2001.

MR. BEN-VENISTE: They sent it out, but nobody did a thing about it. Nobody got anybody at our borders to identify individuals who might be suspect, to give them greater scrutiny.

SEC. RUMSFELD: Well, may I --

MR. BEN-VENISTE: Somebody was found simply through the good works of a customs agent who used his native intelligence and picked up probably the 20th hijacker in that way.

SEC. RUMSFELD: Let me put something into some context. The Department of Defense, as Senator Kerrey has indicated earlier, did not have responsibility for the borders. It did not have responsibility for the airports.

MR. BEN-VENISTE: I understand.

SEC. RUMSFELD: And the fact that I might not have known something ought not to be considered unusual. Our task was to be oriented out of this country --

MR. BEN-VENISTE: I understand.

SEC. RUMSFELD: -- and defend against attacks from abroad. And a civilian aircraft being hijacked was a law enforcement matter to be handled by law enforcement authorities and aviation authorities, and that is the way our government was organized and arranged. So that those questions you're posing are good ones and they're valid and they ought to be asked, but they ought to be asked of people who had the statutory responsibility for those things. And it seems to me that you've had that opportunity.

MR. BEN-VENISTE: The only reason I put them to you, sir, was because of your comment in your opening statement.

SEC. RUMSFELD: Right. I was confessing ignorance.

MR. KEAN: Thank you very much, Commissioner.

Commissioner Gorelick.

MS. GORELICK: Thank you, Mr. Chairman.

And thank you, Mr. Secretary and your colleagues, for being here today and for sharing your thoughts with us.

I'd like to start where Commissioner Ben-Veniste left off in his dialogue with you. If one looks at the PDBs and the SEIBs that were available to you personally, if all you do --

SEC. RUMSFELD: What's a SEIB? I'm sorry.

MS. GORELICK: I'm sorry. It's the Senior Executive Intelligence Brief. So these are the -- these are the daily briefings that go to people at your level and just below you. If you look at the headlines, only the headlines of those in the period that has come to be known as the summer of threat, it would set your hair on fire, not just George Tenet's hair on fire. I don't think it is fair to compare what all the intelligence experts have said was an extraordinary spike that plateaued at a spike level for months with spikes that happen, come and go, and are routine. You were right --

SEC. RUMSFELD: I was seeing the PDB, and shared that concern.

MS. GORELICK: Pardon me?

SEC. RUMSFELD: I was seeing the PDB each morning and shared that concern.

MS. GORELICK: Well, I expect that you would. So now I would like to talk about the items that -- the aspects that were in your control.

I had a conversation with Secretary Wolfowitz's -- one of his predecessors when the 1996 Olympics were being planned about what do we do when aircraft, an aircraft is being hijacked and is flying into a stadium at the Olympics. What is the military's response? What is its role? And it has always been my assumption that even though, yes, you were looking out, that you have a responsibility to protect our airspace. So my question is, in this summer of threat, what did you do to protect, let's just say, the Pentagon from attack? Where were our aircraft when they -- when a missile is heading toward the Pentagon? Surely that is in -- within the Pentagon's responsibility, to protect -- force protection, to protect our facilities, to protect something -- our headquarters, the Pentagon. Is there anything that we did to -- at the Pentagon to prevent that harm in the summer, spring and summer of '01?

SEC. RUMSFELD: First, let me respond as to what the responsibility of the Department of Defense has been with a hijacking.

As I said, it was a law enforcement issue. And the Department of Defense has had various understandings with FAA whereby when someone squawks hijack they have an arrangement with the Department of Defense that the military would send an airplane up and monitor the flight, but certainly did not have -- in a hijack situation did not have authority to shoot down a plane that was being hijacked. The purpose of a hijack is to take the plane from one place to another place where it wasn't intended to be going, not to fly into the building.

Second, with respect to the defense of the Pentagon, you're quite right. The force protection responsibilities do fall on the military. And just to put it right up on the table, we're in the flight pattern for National Airport. There's a plane that goes by, you know, how many yards from my window 50 times a day.

I don't know how far it is, but anyone who's been in that office has heard it roar right by the window. There isn't any way

to deal with that at all. And force protection tends to be force protection from the ground.

Dick, do you want to comment?

GEN. MYERS: I would just say that since the Cold War, the focus of North American Aerospace Defense Command was outward, was not inward. The hijacking agreement with the FAA was as the secretary described it. It would be a call and a response to the hijack, but certainly not with the thought of shooting it down. It was to monitor -- try to get it to follow instructions and then follow it to its ultimate destination, if we could.

MS. GORELICK: That is consistent with the story that we have been told throughout the military. I would just say that to me -- and again, 20-20 hindsight is perfect, but if I were sitting at the Pentagon and seeing the kind of threats that were coming in that summer, I would say to myself is business as usual appropriate? I mean, the question I have is whether you thought to say, should our -- should we have defenses pre-positioned in a way that we don't? We know that our forces -- that our aircraft from NORAD came too late to the Pentagon.

GEN. MYERS: Well, sure, we changed our whole air defense posture at the end of the Cold War. We went from about 22 sites to down about seven, as I believe, between U.S. and Canada, purposefully and at direction of senior leadership.

Let me just mention one other thing. The threat spike that I remember and that I recall from that summer of '01, were -- and the things that I was reading -- and I was the vice chairman then, so I might not have gotten all the PDBs; but I think I probably saw them eventually, saw the intelligence eventually -- were external to the United States. That's where the threat was and that's where we took action. And we sorted ships. We changed force protection conditions -- particularly in Central Command, but other places around the world -- based on that intelligence. But I don't remember reading those documents to an internal threat.

MS. GORELICK: Well --

SEC. RUMSFELD: And it certainly was not "business as usual." When we saw those threats, a whole host of steps were taken by way of force protection.

MS. GORELICK: May I ask one more question, Mr. Chairman?

We can't go into the content of the PDBs and the SEIBs here, and I can't even characterize them in order to ask you the next question that I would ask. So let me ask you this: Was it your understanding that the NORAD pilots who were circling over Washington, D.C., that morning had indeed received a shoot-down order?

SEC. RUMSFELD: When I arrived in the command center, one of the first things I heard -- (to General Myers) and I was with you -- was that the order had been given, and that the pilots -- correction -- not the pilots, necessarily, but the command had been given the instructions that their pilots could, in fact, use their weapons to shoot down commercial airliners filled with our people in the event that the aircraft appeared to be behaving in a threatening way and an unresponsive way.

MS. GORELICK: You make a distinct there between the command and the pilots. Was it your understanding that the pilots had received that order?

SEC. RUMSFELD: I'm trying to get in time because -- (to General Myers) -- Do you --

GEN. MYERS: No, I think my understanding -- I've talked to General Eberhart, commander now of NORAD, and I think he's briefed the staff, and I think what he told the staff, what he told me, as I recall, was that the pilots -- at the appropriate point when the authority to engage civilian airliners was given, that the pilots knew that fairly quickly. I mean, it went down through the chain of command.

SEC. RUMSFELD: It was on a threat conference call that it was given, and everybody heard it simultaneously. The question then would be -- the reason I'm hesitant is because we went through two or three iterations of the rules of engagement, and in the end, we ended up delegating that authority to -- at the lowest level, I believe, to two stars.

GEN. MYERS: Correct.

SEC. RUMSFELD: And the pilot would be -- then describe the situation to that level. To the extent that level had time, they would come up to General Eberhart, and to the extent General Eberhart had time, he would come up to me, and to the extent I had

time I might talk to the President, which in fact I did do on several occasions during the remainder of the day with respect to international flights heading to this country that were squawking hijack.

MS. GORELICK: I'm just trying to understand whether it is your understanding that the NORAD pilots themselves who were circling over Washington, as you refer to in your statement, whether they knew that they had authority to shoot down a plane? And if you don't know, it's fine to say that. But you mention them your statement, and I would like to know, if you know the answer.

SEC. RUMSFELD: I do not know what they thought. In fact, I haven't talked to any of the pilots that were up there. I certainly was immediately concerned that we did know what they thought they could do, and we began the process quite quickly of making changes to the standing rules of engagement -- Dick Myers and I did -- and then issuing that. And we then went back and revisited that question several times in the remaining week or two while we were still at various stages of alert. And we have since done that in connection with several other events, such as the Prague summit.

MS. GORELICK: As you know, we were not intending to address the issues of "the day of" in this hearing, and it is the subject of a full additional hearing, and we may be back to you with these questions with a more precise timeline for you to look at.

Thank you very much.

MR. KERREY: Thank you.

Congressman Roemer?

MR. ROEMER: Thank you, Mr. Chairman.

I want to just start by thanking you, Secretary Rumsfeld, General Myers, and Secretary Wolfowitz for your strong leadership for our men and women across the world in the armed services and the battles that they're fighting every day to protect us from this jihadist threat. We're very appreciative of your time and your statements and your recommendations here for the 9/11 Commission.

Secretary Rumsfeld, my first question for you is a simple one. Did you consider al Qaeda to be a first-order threat? And particularly in the spring and the summer of 2001, how did you practice this priority?

SEC. RUMSFELD: I and others in the Administration did consider it a serious threat. The intelligence -- correction, go back through history. Their prior behavior, the statements that have been indicated by Senator Kerrey and the intelligence threat reports that one would read as we went along drove one to a conclusion that they were active, that they had been successful in some attacks and that they were planning, talking, chattering and hoping to do various types of damage.

I tried in my remarks to lay out how we addressed the concern. One level was at the National Security Council level and the planning and the process there. A second was to address the department as a whole and see if we couldn't strengthen our special forces, strengthen our agility, develop the ability to move faster, to move with smaller elements rather than large footprints, to --

MR. ROEMER: But the special ops were not used during that time period, correct?

SEC. RUMSFELD: Not against al Qaeda. They were used in some other things, as I recall.

MR. ROEMER: So with reference to al Qaeda --

SEC. RUMSFELD: But the changes to special ops are still taking place. It'll take probably another year for the process to -- for them to move from a supporting to a supported command requires them to develop the planning functions in key locations around the world and to rearrange themselves, both with respect to their organizational structure and their equipment.

MR. ROEMER: Let me put the question this way. And you're one that likes metrics and I like metrics to try to measure what kind of effectiveness we're having. The Clinton administration, fairly or unfairly, used a metric to say during the Millennium that they had a small group of the principals -- secretary of Defense, secretary of State, national security adviser, the President of the United States, Mr. Clarke -- that would meet almost on a daily basis during that millennium and try to make sure that they were taking in intelligence, responding to the terrorist threat, trying to push from the top down to the

bottom decision-making on how to counter al Qaeda. What was your method of trying to fight al Qaeda from the DOD during the spring and summer, when these spikes and this intelligence were coming in?

You've got some very capable people. I see Mr. Cambone, sitting behind you, that is really very proficient in this. What were you doing and how were you pushing that out to the different departments, as the Clinton administration, for good or bad, successfully or unsuccessfully -- I'm not saying their model was the best one.

SEC. RUMSFELD: Well, we did it differently. You've mentioned the fact that they had a principals' meeting that met frequently. Our arrangement, as Secretary Powell mentioned this morning, was to -- Colin and Condi Rice and I talked every morning. We tended to talk after our intelligence briefings. We were able to discuss the items that we felt were important and needed action. We had lunch once a week, in addition to all of the principals' committee meetings and the National Security Council meetings.

Internally, we did a great deal with respect to Paul Wolfowitz and General Myers and our team, as it came on board, in terms of focusing the department.

But it was a different approach, just a fact.

MR. ROEMER: To the metric of the Clinton administration -- and again, I'm -- we'll be talking to Mr. Clarke tomorrow, probably grilling him on what the Clinton administration did right and did wrong. One of the metrics, again, for the Clinton administration was principals' meetings and how many they had on a particular topic, right or wrong. Were there principal meetings on al Qaeda and terrorism before September the 4th?

SEC. RUMSFELD: Oh, there were certainly principals' meetings where it was discussed. Whether it was the sole topic or not, the records -- you have those records, and you would know.

MR. ROEMER: Right.

SEC. RUMSFELD: I left out a --

MR. ROEMER: Our records say no --

SEC. RUMSFELD: Is that right?

MR. ROEMER: -- that the first principals' meeting on terrorism was not until September 4th.

SEC. RUMSFELD: Just solely on that topic.

I should add a couple of other things that were going on. The -- in addition to meeting with the President in the National Security Council meetings, I was meeting with the President every week separately. And unquestionably, as we -- Dick, General Myers, and I do it together almost always, and often Secretary Wolfowitz.

The other thing we did was, I made a decision early on that the single most important thing we could do that would benefit us in terms of these types of problems would be to develop an exceedingly close link with the Central Intelligence Agency and the intelligence community. And as a result, George Tenet, who I knew and respected, and I started eating lunch with either Paul or Dick Myers or Steve Cambone, and one or two of his key people, depending on the topic, and have done it consistently for the last three years. And we did it during that period. And it has, in my view, been critically important to link those two institutions together, and I do believe they are as well linked together today as probably ever in history.

GEN. MYERS: I would -- I would say there's one other thing that the secretary did as well. And that was when developing the QDR, which we had to start right after the secretary came into office, by law, was to develop as part of our strategy, articulate for the first time in my memory that we had to set aside forces for homeland defense. And it's the first time we've ever articulated that in our strategy, which set us up pretty well when we wanted to create NORTHCOM, Northern Command, because we thought about it up to that point. But that was just one example. I mean, there are lots of things we did in that area that were different.

SEC. RUMSFELD: And also, I forget the timing of it, but we worked to get the Congress to allow us to establish an undersecretary for intelligence that Dr. Cambone now sits in.

MR. ROEMER: With respect to Dr. Albright's testimony this morning, some of us were critical of the Clinton administration's failure to respond to the *U.S.S. Cole* bombing. That took place -- as you know, 17 sailors were killed -- on October the 12th, 2000. They had several months to deal with

that, and they had a CIA briefing in December which was hedged, which wanted to try to point command and control to Osama Bin Ladin, although they said al Qaeda was responsible. Why didn't we take action in the Bush administration? I know you said in your opening statement that it was old and stale.

The terrorists attacked the World Trade Center in 1993. And then they came back seven years later and attacked the same World Trade Centers. "Stale" and "old" and "patience" are words that I'm not sure -- you know, they're -- at least "patience" is in the jihadist lexicon. Why don't we, why didn't we adopt that kind of approach earlier, to say we are going to make you pay a price for this? Four months from now, four years from now, we're going to go after your camps. We're going to tell terrorists that come from Morocco or Algeria or other places we may not get Bin Ladin with a cruise missile, but we're going to maybe get some people coming from other terrorist organizations. They're going to think twice before they come to a sanctuary.

SEC. RUMSFELD: Well, I wish that were the case. You could -- you can hit their terrorist training camps over and over and over and expend millions of dollars in U.S. weapons against targets that are dirt and tents and accomplish next to nothing. From a cost-benefit ratio, it just doesn't compute. Second, the risk -- the bigger risk is that they will assume again that the United States is -- basically that's all they can do, is to pop a weapon into a training camp, bounce the rubble another couple of times and then stop. And we've seen enough of the terrorists that they have gone to school on us, they watched what happened in Somalia, they have watched various reactions to their activities and come to conclusions about it. And to the extent they think you're weak, they'll go after you. And to the extent they think you're not weak and you put pressure on them, you complicate their lives.

And we were -- right or wrong, I and many of us were concerned that another missile attack after we get into office in February or March or April, without having a policy, without having a plan that was different, distinctly different, would be a mistake and indeed a sign of weakness, not strength.

MR. ROEMER: We've just heard, Mr. Secretary, from many people who have said that while these training camps may have been categorized as jungle gyms or playgrounds with swings, rope swings on them, that other people said that they were human conveyor belts of jihadists determined to kill Americans anywhere they could.

SEC. RUMSFELD: That's true.

MR. ROEMER: So the cost-benefit ratio of a million-dollar cruise missile to taking out some people that can come kill others was one we just didn't consider, I don't think, in the right kind of cost-benefit analysis in the long run.

One final question.

Secretary Wolfowitz, this is -- again, to be fair, and I want to shoot straight with you on this, we have Mr. Clarke coming up tomorrow, and he has a reference in his book to a December -- excuse me, to an April 30th deputies meeting where he claims -- and we want to know if this is accurate or not so that we can ask him the direct questions tomorrow -- he claims that in this meeting, when they are talking about a plan to go forward to go after Bin Ladin and al Qaeda, that you brought up the subject of Iraq and that you said -- you put too much attention on Iraq as a sponsor, as a state sponsor of terrorism, and not enough emphasis on al Qaeda as a transnational sponsor of terrorism. I have just two comments or two questions on that. One would be, is that fairly accurate? Is his portrayal of that deputies meeting accurate at all or accurate to some degree? And secondly, in an interagency meeting, where dialogue and discussion of these things should take place -- that's what the interagency process is about -- isn't that where these discussions should take place, that opinions should be bounced back and forth and debate should be heated at times about the different threats to the world?

MR. WOLFOWITZ: Thanks for giving me a chance to comment. Before I do that, let me just make a comment on the last exchange you had with Secretary Rumsfeld.

MR. ROEMER: Please.

MR. WOLFOWITZ: And it applies to quite a few comments, including Senator Gorton's question about the luxury of seven months. I think there's a basic difficulty of understanding what a plan really is. A plan is not a military option. A military option is to a plan what a single play in football is to a whole game plan. And this notion that there's a single thing that if we had only done it, it would work, is like a "Hail Mary pass" in football, which is what a desperate losing team does in a hope that maybe they can pull things off at the end.

A plan has got to anticipate what the enemy will do next. It has to anticipate what the government of Pakistan will do. It has to anticipate what world reaction will be. It has to go down many pathways. And it's not a timetable. No one can tell you what's going to happen next. You have to be able to call plays and call audibles. And that's why to put a plan together in seven months wasn't a long period of time, even if we'd had everybody on board. It was actually rather fast.

And I give you as an illustration, in 2002, in January, when the President said okay, I want to see military options for Iraq, it wasn't until nine months later, I believe, that he finally said okay, I see that we have a military option against Iraq. And that still wasn't a plan because that only allowed him to go to the United Nations and be prepared to use all necessary means, it wasn't a decision to use all necessary means. And General Franks' planning continued for another five or six months.

So I think there's, A, a failure to understand just how complex planning is. And we could get into this.

But to Senator Gorton, I fail to understand how anything done in 2001 in Afghanistan would have prevented 9/11.

And certainly, Congressman Roemer, the option you present of killing a few relatively low-level al Qaeda in some camp in Afghanistan might have been a worthy thing to do as part of a general plan, but it certainly wasn't going to affect 9/11 --

MR. ROEMER: Well, Paul, just --

MR. WOLFOWITZ: -- except, as the secretary said, to have made 9/11 look like a retaliation.

So let's keep some clarity.

MR. ROEMER: Again, perspective. The point is not -- we're not saying that you could have prevented or should have prevented, with that particular one action, 9/11. We're saying that there's no silver bullet.

MR. WOLFOWITZ: Let's be clear, the retaliation -- the retaliation --

MR. ROEMER: There were a host of options that could have been out there. There are a host of things.

MR. WOLFOWITZ: -- for the embassy bombings did nothing to prevent the attack on the *Cole*, right?

MR. ROEMER: We're not just saying, you know, a cruise missile going into Afghanistan. We're talking about the breadth of policy here, Northern Alliance; covert operations --

MR. WOLFOWITZ: And Congressman, that's exactly what took seven months.

MR. ROEMER: -- cruise missiles.

MR. WOLFOWITZ: It was started in April with the notion of attriting the Taliban --

MR. ROEMER: Okay, fair enough.

MR. WOLFOWITZ: -- by assisting the Northern Alliance. By September, we said the goal is to eliminate Afghanistan as a sanctuary for al Qaeda, a much more ambitious thing.

With respect to Mr. Clarke, and let me say, I haven't read the book yet. I was called by a reporter on the weekend with a quote from the book attributed to me. I tried to get the book. It wasn't available in bookstores. It was only available to selected reporters. And I got it yesterday, but I did not have time to read it in the last 24 hours. I'll get to it at some point.

But with respect to the quote that the reporter presented as having been put in my mouth, which was an objection to Mr. Clarke suggesting that ignoring the rhetoric of al Qaeda would be like ignoring Hitler's rhetoric in "Mein Kampf," I can't recall ever saying anything remotely like that. I don't believe I could have. In fact, I frequently have said something more nearly the opposite of what Clarke attributes to me. I've often used that precise analogy of Hitler and "Mein Kampf" as a reason why we should take threatening rhetoric seriously, particularly in the case of terrorism and Saddam Hussein. So I'm generally critical of the tendency to dismiss threats as simply rhetoric, and I know that the quote Clarke attributed to me does not represent my views then or now. And that meeting was a long meeting about seven different subjects, all of them basically related to al Qaeda and Afghanistan.

By the way, I know of at least one other instance of Mr. Clarke's creative memory. Shortly after September 11th, as part

of his assertion that he had vigorously pursued the possibility of Iraqi involvement in the 1993 World Trade Center bombing, he wrote in a memo that, and I'm quoting here, "when the bombing happened, he focused on Iraq as the possible culprit because of Iraqi involvement in the attempted assassination of President Bush in Kuwait the same month," unquote. In fact, the attempted assassination of President Bush happened two months later. It just seems to be another instance where Mr. Clarke's memory is playing tricks on him.

MR. ROEMER: You're doing pretty well for not having read the book, Paul. (Laughter.)

MR. WOLFOWITZ: I read the quote.

MR. ROEMER: Let me just say --

SEC. RUMSFELD: Mr. Chairman?

MR. KEAN: Congressmen, we've got to move on to the next Commissioner.

MR. ROEMER: Okay. Let me just say in conclusion, thank you for those remarks, and we do have Secretary Armitage in the private interviews with us saying that he thought that the committee process has not moved speedily before or after 9/11, the deputy meeting process and the process on a seven-month or nine-month plan.

MR. WOLFOWITZ: Government doesn't move fast enough in general. I agree with that.

SEC. RUMSFELD: Mr. Chairman, may I make a comment also? I want to make certain there's no misunderstanding. I would have supported missile attacks on training camps anywhere had I believed that we could have achieved the goal that you suggest of killing jihadists.

And the issue is that what happens is, frequently, we know that people are posted and they know when things are going to happen, and people empty those camps from time-to-time. In fact, we've seen reactions when ships or planes or missiles begin to go someplace that they go to school on that and move out. So the fact that a weapon costs a lot more than a training camp is no reason not to do it. The only reason for not doing it is if you, as I indicated, are working on a plan that you think is more

comprehensive and you believe you can do a better job a different way.

MR. ROEMER: Thank you.

MR. WOLFOWITZ: In case I wasn't clear, I was not dismissive of al Qaeda as a threat. The whole meeting was about al Qaeda. I also believed that state support for terrorism was a problem, but I've never been dismissive of al Qaeda, I think precisely because I think terrorism is such a serious problem, as I testified as early as my confirmation hearing.

MR. ROEMER: Thank you.

MR. KEAN: The last questioner from the Commission is Secretary Lehman.

MR. LEHMAN: Thank you.

Mr. Secretary, I hesitate to cite Mr. Clarke as an authority after the last exchange -- (chuckles) --

SEC. RUMSFELD: (Chuckles.)

MR. LEHMAN: -- but he is extremely critical, as has been reported, about successive responses or lack of responses over the prior eight years from the Pentagon when options -- not plans, but options -- were requested by the White House to retaliate against Khobar, against various options. You yourself are reported by another -- about the same credibility author as being particularly unhappy about the options presented to you by the Chiefs after 9/11.

I assume from what I read in the press that what is under way now in planning and moving SOCOM from being a supporting to a supported staff moves in the direction of somewhat institutionalizing the flexibility and the agility that you all demonstrated so brilliantly in the Iraq war. And that leads to the question that our staff has been looking into and others have recommended to us -- that perhaps the dichotomy that we have between the Title 50 responsibilities of CIA and the Title 10 responsibilities of your building is obsolete, and that, really, probably SOCOM, or its -- what it devolves into, may well be, or should be, designated as the chosen instrument for transnational counterterrorism particularly, and that the Title 50 issues be dealt with head on and CIA be gotten out of the covert and special

operations missions and have all of them under the authority of SOCOM.

SEC. RUMSFELD: Let me make a couple of comments, Secretary Lehman.

First, the reports that I've been unhappy about military plans. Dick Myers will agree with me that that is probably partly due to the plans and partly due to my -- the fact that I'm genetically impatient. And you can be sure that the men and women in the Department of Defense, in the combatant commands, in the joint staff, do a superb job. They really do a wonderful job. When they bring up something to Dick Myers or to me, we do not accept it. We question it, we push it, we probe it, we challenge it, we test it. And we force them to go back and answer 50 other questions. And so it's not surprising that people say we're unhappy.

I think that the result of the superb job General Franks did with his team is an example of the product, and it was truly remarkable what he did and what the Special Forces people did when they were put in there in small numbers, all across that country, to work with the local militias in Afghanistan, and accomplish what they accomplished in such a short period of time, with such precision and such skill and such courage.

The question you asked, I am -- I don't feel that I've spent enough time thinking about it to know how to answer your question. It's a question that is probably fair to ask. The way we solve our problems is that on -- if you take the agency and the Department of Defense, what we have done is recognize there's a seam between us, just as there's seam between our combatant commands in the areas of responsibility, and that we have to address the seam.

And how do you do that? And very often, we do it where George Tenet will say, Look, we're going to do x, and we need x number of your people to join our team; we don't have those competences. And we'll use the authorities that he has and some of our skill sets. It might be radio people, it might be medical people, it might be something else. And they then execute an activity with people on loan to them, functioning under their authority. And the reverse. There are times when we do things under our authorities. And they second people to our activities.

Now, that's how you get around the problem. And it's -- it seems to me that it isn't perfect. But life isn't perfect.

There are always going to be seams, no matter how you organize or how you arrange yourself. And you can have a lousy organizational arrangement, and you can have authorizations that date back to the Industrial Age, and you have good people, and you can find ways to solve a lot of those problems. And you could have a perfect organizational arrangement and people that aren't working together well, and it's terrible.

Dick, do you want to comment on that?

GEN. MYERS: Well, I -- you know, I probably haven't finished my thinking on this, either. But you're correct in terms of SOCOM. It was essentially a fifth service, organized, trained and equipped. What the secretary has recommended to the President and what the President has done has given them -- made them operational. And so now they're -- they have the operational responsibility. It will take some years for them to grow into that. But they're being pushed very hard to do that.

In terms of the relationship between the Department of Defense and the CIA in operations, I don't view it as a zero-sum game. I think there's room in the battle space for lots of players with different skills.

The question is, how do we put them together, I think, was what the secretary was talking about. And that teamwork -- I can only speak for the time that I've been here, but the teamwork is pretty darn good, actually.

MR. LEHMAN: Thank you very much.

GEN. MYERS: And I would make one other comment on that, Secretary Lehman. The Special Operations Command, besides having the operational responsibility, is also being provided special authorities. And I will just stop there.

MR. KEAN: Thank you very much. Thank you, General Myers, Assistant Secretary Wolfowitz, Secretary Rumsfeld.

I might say this. Secretary Rumsfeld, I think people ought to know, has been extraordinarily helpful to this commission from day one. The time he spent with us, the time we (sic) spent with members of the Commission, the time he spent with members of our staff is very deeply appreciated, and I hope you allow us to come back to you as we move toward the recommendation stage, because we need your help and your wisdom.

SEC. RUMSFELD: Indeed we will, and thank you very much. We -- what you're doing is enormously important, and we wish you well.

MR. KEAN: Thank you very much.

Tomorrow we'll turn our attention to the topic of clandestine and covert action and furtherance of counterterrorism policy goals and national counterterrorism policy coordination. It was a long day today. It's going to be longer tomorrow. Eight-thirty the gavel will fall. (Strikes gavel.)

END.