

Event: Meeting with DCI Tenet
 Type of Event: Luncheon Meeting
 Date: December 23, 2003
 Prepared by: Chris Kojm
 Reviewed by: Philip Zelikow
 Location: CIA HQ

Participants – non-Commission: Deputy DCI John McLaughlin, Chief of Staff John Moseman, General Counsel Scott Muller, DCI Review Group Chief Rudy Rousseau

Commission participants - Commissioners Kean & Hamilton; Philip Zelikow, Chris Kojm.

Chairman Kean began by thanking the DCI for the cooperation the Commission has received to date.

Detainees. The Chair and Vice-Chair said that the Commission was satisfied with the quality of information they had received for almost all of the detainees. However, there were seven individuals so central to the plot that the Commission might need to question them directly. The DCI's answer was no. He said that the interrogation process cannot at this point introduce new faces into the process, disrupting efforts to gather intelligence of current value. He had checked with his best professionals on this issue and they had strongly urged him not to grant such access. Perhaps someday it would be possible to allow access to the detainees, but that time was not soon and not predictable as to when it would be. The location of a few detainees was so sensitive that only three people knew where they were. Even the President did not know. The Chair stressed the importance of the Commission's mandate. The DCI conceded that this was a very difficult problem, but his position was firm.

The DCI did offer that "if we can get your questions, we will make sure they get asked." Rousseau mentioned that the current plan was to return to 9/11-related questions with a large set of questions, including those already suggested by the Commission, that would be posed to the detainees in early January. Both the DCI and the DDCI observed that analysts who are substantive experts have asked the detainees questions. In reply, Zelikow contended that the Commission had the comparative advantage of having people who were experts in the 9/11 plot, which the Agency had conceded they were not using for the interrogations. The Commission also had people who were familiar with information from all sources – both FBI and CIA.

The DCI said he was willing to do everything he could short of "physical access." He said, "We will move heaven and earth to get the right persons to ask the right questions. I will do anything and everything to get you 99.9 percent of what you need." He offered to have Commission staff meet with CIA questioners, analysts or interrogators, to provide the nuances of the Commission's proposed questions. The Vice Chair said that he had expected the DCI to turn down this request. Zelikow interjected, "At least for today."

The Vice Chair said the Commission needed at least to take up the DCI's invitation and see what could be accomplished.

Document Requests. The DCI agreed to a process of immediate review of outstanding document requests, under the guidance of John Moseman and Scott Muller, with the goal of completing all outstanding document requests. The Vice Chair underscored the importance of setting specific dates for remaining document production, and certifying completion of document production. General Counsel Muller stated that the purpose of such a review would be precisely that, to set dates for the production of all outstanding documents. He agreed that the CIA would also be able to certify a good faith effort to produce all responsive documents.

The DCI made several observations: He noted that he had a 130 page document that had been readied in preparation for his public testimony, and that he would provide those materials to the Commission. He noted that he had sent some 3 to 5 letters to other agency principals on the topic of terrorism. Moseman added that these documents would be provided to the Commission shortly. The DCI noted that records of many periods would be sparse, because of the fast pace of events, with many meetings conducted by SVTS, especially in the run-up to the Millenium.

Resources. The Vice Chair and Zelikow explained the Commission's interest in very detailed briefings on the issues of counterterrorism funding and staffing. Zelikow suggested^{25X1} or Mary Corrado as POCs on this topic for the Commission. The DCI agreed enthusiastically to work with the Commission on budget issues, but did not specifically name a POC. The DCI warned that budget exercises could be deceptive; resources devoted to fighting al Qaeda were not the^{25X} people in Alec Station, but the worldwide resources devoted to supporting them. The DCI also noted that the extensive efforts since 1996 to rebuild the CIA's HUMINT capability were an important part of counterterrorism expenditures.

Congressional Oversight. The Vice Chair asked the DCI for his views on congressional oversight, noting that the Commission very much wanted to hear from him on what needs to be done to make things work better, and was interested in recommendations that are feasible. The DCI observed that an especially telling indicator of oversight was to tally the number of relevant hearings. The congressional intelligence committees had held very few hearings on terrorism before 9/11. The DCI had more views on oversight that he would be prepared to provide at a later date.

Reflecting on the overwhelming attention that, before 9/11, had been given to threats against American interests overseas, the DCI observed that there were two key landmarks on terrorism that he wishes he had paid greater attention to at the time: the 1993 bombing of the World Trade Center, and the Millenium incident involving Ahmed Ressam. He said the President was absolutely riveted when Cofer Black predicted that there could be 5 to 15 terrorist attacks in the United States. [To Zelikow the DCI appeared to be recounting an episode involving President Bush in the summer of 2001; to Kojm the DCI appeared to be referring to a briefing of President Clinton at the end of 1999 at the time

of the Millenium alerts.] The DCI said the Community raced from threat to threat. Its operational orientation meant that there was little reflection on the historical pattern that could have provided better warning.

The DCI stated further that the IC saw lots of talk in July and August 2001 about an upcoming spectacular terrorist event -- a "Hiroshima" -- but was unable to place its location. Some said, "They're coming here." But there were no data, no information coming back about domestic threats. The DCI stated with great conviction that there needed to be much more interaction between intelligence and law enforcement: "Every cop on the beat needs to know what we know." He said national police chiefs should be brought to the CIA every quarter for a briefing on terrorism. The CIA has a unique relationship with the NYPD; the former Deputy Director of Operations David Cohen works for the NYPD and runs an intelligence shop with 800 officers who operate like intelligence analysts. He and his staff observed that DHS has come a long way this past year and that its work in response to this weekend's 'Orange' alert was "pretty impressive," including its lash-up with the US military.

Declassification/pre-publication review. Discussion turned to classification issues in the preparation of the Commission's report. Moseman strongly criticized the Joint Inquiry for writing a report classified at the Top Secret/Codeword level, without any citation to sources, and then simply asking the intelligence community to declassify it. He noted that the right way to write was to prepare an unclassified draft, with as much supporting documentation and citation of underlying sources as possible. This would enhance the ability of the Community to provide a rapid response in pre-publication review. Moseman and Muller offered to meet with Commission staff at an early date on protocols to help make such a process work. The DCI and Moseman also emphasized the importance of close coordination with the NSC and the White House.

Zelikow commented that the key was to get high-level policy decisions on what could safely be disclosed to the American public by the middle of 2004. The original classification of data would constrain working-level officials. Only those at the top could establish the 'red lines' that now should apply to matters like information from detainees or the policy story on issues like the Predator. The DCI agreed on the importance of high-level policy decisions to declassify categories of materials and address the degree or extent of continued sensitivity for topics such as these.

DCI interview and testimony. The DCI asked for early information as to what the Commission would seek to ask him about in his interview and public testimony. The Vice Chair assured the DCI that the Commission's intent was not to play "gotcha," that the Commission would provide sufficient notice of the general topic areas so that the DCI would be able to make the interviews productive and give the Commission the information it needs. On procedures, there would be an interview on classified topics, led by staff with participation by commissioners. Several commissioners were likely to attend. There would then be a public hearing, in March.