



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20340-5100



APR 08 2011

U-11-1,799/DAN-1A (FOIA)

This responds to your request under the Privacy Act and Freedom of Information Act dated September 11, 1006. Therein you requested two self-prepared formal complaints (one classified/one unclassified), your advisory statement and your voluntary sworn statement. I apologize for the delay in responding to your request that was caused by the need to consult with multiple offices within the agency.

A search of DIA's systems of records located three documents (11 pages) responsive to your request. Unfortunately, we were unable to locate your unclassified formal complaint that you requested.

Upon review, it has been determined that some portions of the three documents are not releasable. The withheld portions are exempt from release pursuant to Exemption 3 of the FOIA, 5 U.S.C. §§ 552(b)(3), and Exemption b of the Privacy Act, 5 U.S.C. §§ 552a(b). Exemption 3 applies to information specifically exempted by a statute establishing particular criteria for withholding. The applicable statute is 10 U.S.C. § 424 which protects the identity of DIA employees and the organizational structure of the agency. Privacy Act Exemption b applies to information concerning other individuals which may not be released without their written consent.

If you are not satisfied with this action, you may exercise your right to appeal by writing to the address below and referring to case number PA-0112-2006. Your appeal must be postmarked no later than 60 days after the date of this letter.

Defense Intelligence Agency
ATTN: DAN-1A (FOIA)
200 MacDill Blvd
Washington, D.C. 20340-5100

Sincerely,

Alesia Y. Williams
Chief, Freedom of Information Act Staff

3 Enclosures

8 May 2006

Formal Complaint to DoD Inspector General re: JFIC and Congressional Inquiry

(U) The purpose of this letter is to formally complain to the DoD Inspector General that then-Joint Forces Intelligence Command (JFIC), when instructed in or before May 2002 to provide all original material it might have relevant to al-Qa'ida and the 9/11 attacks for a Congressional Inquiry, intentionally misinformed the Department of Defense that it had no purview on such matters and no such material. Consequently, JFIC's role, and thus DoD's role, in the pursuit of al-Qa'ida before 9/11 and timely analysis of the targets actually struck by the 9/11 attackers have remained unknown even to senior DoD officials.

(U) According to ^(b) [redacted] the former Counterintelligence Security Officer for JFCOM, and ^(b) [redacted] JFIC informed the Department of Defense that it had no purview on al-Qa'ida and no original material relevant to al-Qa'ida or the 9/11 attacks.

(U) Contrary to JFIC's formal report to the JCS staff, JFIC had a direct and assigned purview on international terrorism against the U.S., to include the operations of al-Qa'ida and the 9/11 attackers. JFIC was directly responsible to both Joint Forces Command (JFCOM) and its subordinate, Joint Task Force - Civil Support (JTF-CS) for all-source intelligence analysis of international terrorism against the U.S. To ensure the quality of such analysis, JFIC's commanding officer ^(b) [redacted] established the Asymmetric Threat Branch (DO5), charged with reporting on asymmetric threats, especially terrorism. ^(b) [redacted] was subsequently promoted to JFCOM J2. As a RADM and PACOM J2, she established another Asymmetric Threat branch at PACOM.)

(U) The Asymmetric Threat Branch in JFIC was a forerunner of current all-source fusion centers. Unlike other analytical offices in the intelligence community, DO5 members had a wide mix of skills in all six intelligence disciplines - HUMINT, OSINT, COMINT, ELINT, IMINT, and MASINT. Consequently, DO5 was able to develop and use all-source, original analysis in a manner probably then unprecedented within the intelligence community. DO5 began preparing a wide range of original analysis on asymmetric warfare, especially terrorism, from mid-1998 until mid-2001. This analysis included:

~~(S//NF)~~ Numerous original reports, with original imagery, measurements & signatures intelligence, or electronic intelligence, identifying probable and possible movements and locations of Usama bin Ladin and Mullah Omar. These reports often identified one house as being bin Ladin's likely residence in Qandahar - this was evidently the house in which Khalid Shaykh Muhammed planned the 9/11 attacks. These reports were also the first to identify Mullah Omar's new residence.

(U) Reports on the most likely targets for domestic and international terrorists, both within the U.S. and abroad, as well as adjunct targets during a traditional war. The most sensitive of these reports were those identifying targets within the U.S., developing

scenarios, analysis of commonalities for use in planning responses, and recommendations for preventative action. This U.S. tasking was given by JTF-CS.

~~(S//NF)~~ The reports were first prepared in the summer of 2000, in support of JTF-CS, and were briefed to the JFCOM J2, JTF-CS J2, and senior JFCOM staff, including the DCINC and J3. The JTF-CS Commander may have also attended the briefings. The first version of the briefing was entitled "The WMD Threat to the U.S.", (information cut off date 16 July 2000). The briefing slides emphasized that New York City was the most difficult consequence management problem, and recommended using NYC as the model for planning /exercises. The oral briefing itself was much more sensitive, indicating that the World Trade Centers # 1 and # 2 were the most likely buildings to be attacked in the U.S., followed closely by the Pentagon. The briefer indicated that the worst case scenario would be one tower collapsed onto the other. The possibility of striking the buildings with a plane may have been discussed then – it was certainly discussed in the red cell analysis leading up to the briefing. The acting Deputy of DO5^(b) [redacted] proposed in the red cell analysis that the building could be struck by a jetliner. Discussion followed on contacting World Trade Center security and engineering/architectural staff, but the idea was not further explored because of a command climate discouraging contact with the civilian community. However, at the end of the briefing, the JFCOM J3 directed that the national military terrorism exercise for FY 02 be based on a New York worse-case scenario. He indicated he would've preferred to have done so in FY 01, but the military was already financially committed to another use (a cruise ship) in FY01.

(U) These same briefing slides were revised into a briefing on "The Chemical and Biological Threat to the U.S." (information cut off date 14 September 2000). This briefing included a more detailed slide on "Some Likely Targets" which was not included in the original slides, but was evidently included in the original briefing. The slide listed three cities as most likely to be attacked: New York City, Washington, and Los Angeles. The slide listed the first such New York target as the "Wall Street district" and in Washington as the "Pentagon". The oral briefing again emphasized the World Trade Center and Pentagon as the most likely targets.

~~(C)~~ Analysis of the 120 U.S. cities considered most likely to be targeted by international and domestic terrorists. A memo from DO5 dated 11 January 2001 noted that JTF-CS had tasked JFIC to prepare support packages for these 120 cities. In this memo, JFIC recommended the addition of fifteen new cities to that list.

(U) A briefing to the Head of CI/CT within NCIS^(b) [redacted] (now at CIFA), and approximately 30 NCIS agents. The briefing, entitled "NIC Support to Joint Forces Intelligence Command and NCIS Field Office, Norfolk", clearly stated that JFIC's Asymmetric Threat Division monitored "worldwide CT/CI traffic" and routinely prepared "analytical reports" and "supplements national agencies with original intelligence on UBL and Afghanistan". It noted, "JFIC in-house structure allows quicker response than many national agencies are capable of: NIMA analysis, NSA comint/elint support".

~~(S//NF)~~ A briefing to a DIA senior intelligence officer on counterterrorism, (b)(3):10 USC 424 on "The Search (for UBL) – A CINC Level View" emphasized the gaps and opportunities in national searches for UBL. One slide listed JFIC initiatives, including help provided to NIMA and DIA, (b)(3):10 USC 424. It noted that JFIC provided imagery analysis and open source intelligence to NIMA, verified HUMINT reporting, and had at that point disseminated eleven special reports in the Daily Intelligence Summary on UBL, Taliban leadership, Afghan military movements, UN locations, and the economic status of Afghanistan. The briefing provided numerous examples and suggestions of how UBL was being hunted by JFIC and could be hunted by the IC. It included a compendium of imagery of the suspected UBL house, dating from 23 August 1999 until 11 April 2000.

(U) Numerous short briefings to NSA counterterrorism staff, SOCOM personnel, JFCOM senior leadership, and the Director of Analysis for DIA, (b)(3):10 USC 424. All of these briefings included imagery from the original reporting.

(U) Other products indicating DO5 overwhelming interest in global terrorism included its original analysis of "Russia: Terrorist Leader Abu Khattab" (13 September 1999), Hadi Awang Kaddungga (a link between Indonesian terrorists and bin Ladin), multiple reports on the Ahmed Ressam incident, the USS COLE incident, the African embassy bombings, and the FARC. Many of these products were released in not only INTELINK but also in message traffic.

(U) JFIC's Asymmetric Threat Branch was widely known in the intelligence community to be conducting all-source intelligence analysis of al-Qa'ida. Specifically, in each intelligence discipline:

~~(S//NF)~~ IMINT: DO5 conducted imagery analysis of Jalalabad and Qandahar, Afghanistan, with sporadic analysis of Kabul, Sarobi, Khowst, and other locations in Afghanistan, from mid-1999 until June 2001. It worked closely with NGA's counterterrorism imagery office under (b) and members of DO5 were subsequently pulled into a community-wide initiative on al-Qa'ida. Based upon DO5's work on Al-Qa'ida, NGA provided DO5 with a GG-13 imagery analyst, (b) and use of the then-prototype IEC system. With (b) professionalism and a prototype system, DO5 was able to "scoop" NGA and the intelligence community on a routine basis. DO5 also requested, paid for, and received some commercial color imagery of Afghanistan during that period – they were evidently the first in the community to successfully use such commercial imagery of Afghanistan.

~~(S//NF)~~ HUMINT: DO5 issued very detailed Source Directed Requirements (SDRs) on Afghanistan and Chechnya. Through DIA DH's representative at JFCOM, (b)(3):10 USC 424 DO5 contacted DH's (b)(3):10 USC 424. They subsequently worked closely with (b) in developing additional HUMINT on Afghanistan, forwarding IIR Evaluations in response to DIA DH reporting. Their original analysis of HUMINT reporting identified a likely al-Qa'ida

(b)(3):10 USC 424

financial courier. DO5 conducted a fact-finding trip to CIA, but was not impressed with the level of CIA analysis on UBL.

(U) OSINT: DO5 used and procured open sources on Afghanistan on a routine basis, even ordering maps from the Library of Congress. It provided these sources, sometimes on request, to NGA and CIA. It similarly identified possible HUMINT sources working in Afghanistan, and provided these names to DIA DH.

~~(S//NF)~~ ELINT: DO5 conducted occasional ELINT analysis of Afghanistan through the NSA watch at JFIC. It identified the movement of aircraft associated with senior Taliban leadership, including Mullah Omar, and suspicious movements which they believed were linked to the movement of bin Ladin. It provided additional information on this analysis, upon request, to the CIA office on terrorist movement.

(U) Any JFIC claim that it did not know of the existence of DO5 and its seminal counterterrorism work would be disingenuous at best:

(U) (b) [redacted] the last JFIC commanding officer under which I served, was adamantly opposed to JFIC conducting any original analysis of al-Qa'ida, and directed such work be stopped in late 2000-early 2001.

(U) DO5's work was very well-known within JFIC. Several members of DO5 remained at JFIC or JFCOM. Indeed, some within the command remained bitter that (b) [redacted] had directed DO5 to stop work on al-Qa'ida, and enforced that order upon my departure.

(U) A review of JFIC's INTELLINK home page indicates that, although most of DO5's reports on Afghanistan were removed from the home page, some lists of the erased articles remain.

(U) I have a strong and abiding personal interest in this matter. As a Counter-Terrorism/Counter-Intelligence Analyst for Naval Criminal Investigative Service (NCIS), assigned to JFIC from April 1998 to June 2001, I served as the Deputy of JFIC's Asymmetric Warfare Branch (DO5), and served as the Acting Branch Chief from late 2000 to June-2001.

(U) Following my departure to DIA, I remained in contact with many JFIC personnel, including DO5 personnel, subsequent to my departure from JFIC. I taught two week-long classes on Asymmetric Warfare at JFIC, using numerous slides based upon our original work in DO5. I taught one of those classes in late 2002, and was pleased that several of my former subordinates made the time to attend the class or, at least, the section on Target Matrix Analysis, which included discussion of the pre-9/11 briefings.

(U) I retained some of the documents created by DO5, mostly briefing slides. Upon my arrival at DIA, I had these documents e-mailed from JFIC to my DIA account, so that I could use them as references for the asymmetric warfare course I was drafting

for DIA, and as references for any future counter-terrorism work I might pursue at DIA. I kept the original classifications on the slides, as historical documents, although the fact that al-Qa'ida was likely to attack the World Trade Center and the Pentagon was clearly no longer classified.

(U) When the Justice Department requested all documents relating to 9/11 from DoD in May 2002, I notified (b)(3):10 USC 424 in the DIA Congressional Affairs office that I retained these documents. He recommended I contact JFIC to ensure they had already submitted these documents. I spoke to (b) JFIC DI1, who informed me that JFIC had already submitted a response without any documents. I was surprised and disappointed when my successor at DO5 (b) notified me of the full JFIC non-response. I notified (b)(3):10 USC 424 in the Congressional Affairs office, and was told to submit the documents as DIA documents, with an explanatory e-mail. I did so on 29 May 2002, presuming (probably correctly) that the documents might be overlooked, since they originated at JFIC. I forwarded copies to (b) (who was departing JFIC that week), (b) (his subordinate), and (b) (who was also departing JFIC that week).

(b)(2),(b)(3):10
USC 424

(U) Subsequently, (b) the former DO5 chief who had been transferred to duties as the CISO for JFCOM (thus making me the acting chief of DO5), retired and took a position with DIA. He informed me that, as CISO, he had informed JFIC of the full scope of DO5's work, those involved, available materials, etc. at the time of the Congressional Inquiry. He had been told that JFIC's formal response was that al-Qaida and the 9/11 attacks had been outside JFIC's purview and that JFIC consequently held no material on those issues. He told me that he insisted that such was not the case, but was told this was the JFIC response.

~~(S//NF)~~ There were many, many people aware of JFIC's role in preparing original analysis on al-Qa'ida - I will only provide a short list. These included intelligence personnel at:

- NCIS (b)
- JTF-CS (J2, (b))
- JFCOM (b)
- DIA (b)(3):10 USC 424
- NGA (then-NIMA) (b)
- CIA (b)

NSA (b)

(U) My motivation for this complaint is multi-faceted. I do believe that knowledge of the work done by DO5 would add to DoD's understanding of its role in the events leading up to 9/11 and how to avoid future attacks. For this reason, and other more personal reasons, I believe that DO5's analysis, especially the target analysis, should be reviewed and, if possible, declassified. I have been falsely accused of revealing classified information on DO5's work, when I am certain that that information is not and has not been classified since 9/11, and I do want to see myself cleared of that false accusation. In addition, I and the deputy of that team, (b) especially carried the burden of knowledge of how close DoD came to bin Ladin and perhaps being able to reduce the number of lives lost on 9/11. I do not want that burden any longer. (b) and I discussed this issue the last time we spoke. He remains the longest missing man in Iraq in this war, and I want, one day, to be able to explain to his children what their father foresaw.