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13 January 2005

Memorandum For: Inspector General

Subject: Joint Response to Draft IG 9/11 Report

I. Introduction

The following is a joint response from all of the undersigned to the draft IG report on 9/11. Overall, we would characterize the draft IG report conclusions as unreal. The environment the draft IG report describes does not bear any resemblance to the one we worked in.

- None of the participants, however, have been allowed to see the entire IG report. Without reviewing the entire report and all the data available to the IG staff, it is impossible for us to accurately and completely respond.
 - In written communication, the IG indicated that they were not providing the complete report to us for privacy reasons. We are in the process of drafting a privacy waiver that we will sign to remove this as an issue of concern preventing us from reviewing copies of the entire report. We will submit this waiver to the IG soon and assume that will allow us to receive and review the next draft of the entire report. If this is not the case, we expect a written explanation of any further IG objections to our review of the entire report prior to submission to the DCI.
- Neither has the IG given us access to all of the data used to generate its conclusions, including statistical analyses that seem selective or flawed based upon our review.
- The letters we were all sent informing us of the review and the possibility of Accountability Boards indicate we "may have failed to perform (our) responsibilities in a satisfactory manner," but do not identify what standard we are being held to. ~~(S)~~

For the sake of completeness, we ask that the joint and individual responses be included, at a minimum, as annexes to the final IG report. If we are given access to the final report to be submitted to the DCI, we may revise these responses and, in that case, would ask that the revisions be included for the sake of a complete record.

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- o By and large, factual errors in the sections individuals have been allowed to read will be corrected in their separate, individual responses. This memorandum will address broader issues, context, and misrepresentations of the environment within CTC and the Agency as well as we can without having the entire report available to us. ~~(U)~~

The leadership team in place during the runup to 9/11/2001 (J. Cofer Black, Ben L. Bonk, Henry A. Crumpton, and []) states as a preliminary point that it was responsible for the Center's actions, within the constraints placed upon us by policy and the resources we had under our control. It is also our belief that to hold more junior officers responsible for the environment they found themselves in, and over which they had no control, would only encourage an environment of risk-aversion or discourage individuals from taking on the hard missions. ~~(S)~~

II. Context

As best we can tell from the portions we have seen, the IG report lacks appreciation for a number of key contextual issues, and as a result significantly misrepresents the environment that existed in CTC in 2001. ~~(U)~~

A. Workload. First and foremost is the issue of CTC's workload. As a group, we strenuously dispute the IG findings that imply that the workload and stress in CTC were no greater than comparably sized groups elsewhere in the Agency. Those of us who worked in CTC during this time period attest that this is simply not true. The workload, intensity, and crisis environment were not comparable to any other Headquarters unit. We believe the selective use of badge and other data is not representative of the workload of the Center. Specific corrections are being offered in the individual responses. ~~(U)~~

Remarkably, the draft IG report fails to account for the fact that an IG Inspection report issued in August 2001—just one month before the attacks—reported on the unusual workplace stresses in CTC. An excerpt from the Executive Highlights (pages vi-vii) best sums up the environment:

~~(S)~~ **Stressful Work Environment.** Center employees frequently operate in a state of crisis—resulting from a series of terrorist incidents and multiple known threats—and amidst strong demands from policymakers and Agency senior managers. Moreover, a substantial proportion of CTC personnel believe that their work unit does not have sufficient personnel to accomplish the mission. **This combination leads to employee burnout and leaves little time for strategic reflection on both analysis and operations—potentially leading to missed opportunities.** Employees told us

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that they deal with the situation by working extra hours and frequently they **have time for only the most essential tasks**. Center officers noted that **management is sensitive to this issue**. **Without more personnel, however, the OIG accepts that CTC has limited options to deal with this work environment;** the center is nearly fully staffed and crises are part of the nature of the target.

~~(S//NF)~~ CTC also must cope with information overload, frequently resulting from successful operations against terrorist cells. Most Center interviewees who had an opinion gave mixed reviews of CTC's ability to effectively exploit the data the Center collects. They generally believed that the Center **does its best to scope, scan, and prioritize information for immediate action**. Some officers acknowledged, however, that the demands placed on CTC do not allow it to exploit all the information it collects. As a consequence, **the risk exists that a potential warning will go unidentified**. Once again, the OIG recognizes that CTC has **limited options in dealing with this issue...**" (Emphasis added.)

These conclusions were not surprising to those of us who worked in the Center. Just as important, however, is the fact that in August 2001 the OIG did not recommend the Agency take any action to deal with these well-known workplace stresses. There is no/no recommendation for increased staffing in the 2001 IG report. This undoubtedly reflected the IG's contemporaneous understanding that the Agency was stretched thin after the reductions of the 1990s and that there was not much prospect that CTC was going to be given additional resources from elsewhere within the Agency. We had to "play the hand we were dealt," and the August 2001 OIG report indicates we were doing the best we could under the circumstances

- That said, for completeness, we point out that in summer 2001 CTC was working on a formal proposal to expand the center, although we did not expect that significant additional personnel would be forthcoming in response to this initiative based on responses to earlier, informal requests for additional resources.
- It is also worth noting that the data selected by the IG that led it to reach its conclusion that we only "perceived" that we carried a heavy workload is seriously flawed. Our review is, of course, limited by not having access to the data used by the IG. Although data problems are described in individual responses, a couple of examples are worth noting here:

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- o One of the time periods examined by the current IG draft (March 2000) probably biases the data on hours worked downward. In March 2000, most people were coming off a 24/7 surge for the Millennium Threat. Consequently, March was a time when people were catching up after a crisis that had kept them here around the clock during the Millennium Threat, and they were still putting in an average of 9.5 hours per day, according to IG badge data. We would need to see, however, the data behind the IG conclusions and compare it to other time periods to adequately respond to this specific item because the hours do seem low.
- o We also question the IG data for cable traffic. As noted in one of the individual responses, we could not duplicate the IG data based on our searches. Our data shows double the amount of cable traffic, compared to the numbers cited in the IG draft report. We also dispute the use of cable traffic as a measure of workload. ~~(S)~~

As a result of the nature and extent of CTC's workload and the limited resources available, we were often forced to conduct triage on incoming leads, cases, and lines of analysis, as acknowledged in the 2001 IG report. ~~(S/NF)~~

B. Resources. The central factor contributing to the stressful workload environment described in the 2001 IG report--and well known to everyone in the Center--involved funding and staffing.

- On the funding front, CTC had witnessed growth in its base budget through FY1998. Beginning with FY99, after the East Africa bombings, however, supplemental funding heavily influenced the CTC budget. When the Center was also experiencing a growing mission. Funding shortfalls developed in the lean years and produced a "stop-and-go" problem that undermined our approach to building a consistent program. Indeed, after the Millennium Threat surge, the entire CTC management chain was forced to spend a great deal of its time trying to cut non-personal services by about 25 percent to bring expenditures in line with budget realities. DC/CTC met with each group during early 2000 to look for programs and other expenditures that could be delayed or cut. These were not just internal issues. We were faced with pressure from the NSC to maintain our operational tempo without adequate funding; at one point the NSC staff even "encouraged" us to use personal services money to fund operations, which our budget office informed us would potentially violate provisions of the Anti-Deficiency Act. Supplemental funding was not available until August 2000, despite promises from the NSC staff. Funding discussions consumed a great deal of time for CTC management, taking place at about the same time the Center would have been

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attempting to follow up on leads emerging from the Millennium period, including those that emerged out of the Malaysia meeting.

- On the personnel front, the Center attempted to balance operational and analytical demands with the skills and expertise it had available to it during a period when the entire Agency was understaffed. Again, the 2001 IG report acknowledges this issue, reports on initiatives underway within the Center to cope with it, and makes some suggestions as to further improvements. The report on page 45 concludes:
 - “CTC has limited options for dealing with this perceived personnel shortage. . . .Center employees are managing this perceived shortage in a way that leaves many vulnerable to burnout and allows little time for strategic work. Personnel regularly work extra hours and are only able to perform what they perceive to be the essential tasks. One manager commented that the demand on the staff means that they go from crisis to crisis and are not able to look at trends or more long-range issues to get ahead of the terrorists.”

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What does all of this say about the environment in the years leading up to the attacks of 9/11? That there was widespread recognition within the Center, the OIG, and the Agency of funding and staffing concerns, but that the environment did not allow for significant change. Certainly, neither funding nor staffing levels were within the control of CTC management. Other Agency programs had already been cut to the bone, and CTC was widely viewed as having been relatively protected from the cuts of the 1990s. Even within the Center, the 2001 IG report on page 45 acknowledges we had tried to move resources to work the al-Qa'ida target without gutting other key CT programs. ~~(S)~~

Finally, the draft IG report is schizophrenic. It accuses some officers of not having provided or obtained adequate resources for the Center to conduct its mission. At the same time, it claims that other officers had sufficient resources, if only they had utilized them more effectively. ~~(S)~~

C. August 2001 IG Report. It is worth noting the contradictions between the 2001 IG report on CTC and the current draft IG report. The conclusions are so strikingly different that any comparison clearly points out how big a role hindsight plays in criticizing the actions of CTC officers from the vantage point of 2005. On three broad issues covered in the current draft, the 2001 IG report reaches fundamentally different conclusions. These three charges lie behind most of the recommendations for accountability boards:

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- The current draft criticizes and recommends accountability boards for nearly every CTC manager in the chain of command dealing with al-Qa'ida issues. Yet the 2001 report on page iii of the Executive Highlights concluded: "The DCI Counterterrorist Center is a well-managed component that successfully carries out the Agency's counterterrorist responsibilities to collect and analyze intelligence on international terrorism and to undermine the capabilities of terrorist groups."
- As noted above, the 2001 report concludes that CTC officers worked in a stressful and often crisis-driven environment amidst strong demands from policymakers and senior Agency officials that prevented the organization from exploiting all of the information it collected and that forced officers to prioritize their actions based on short-term demands. And, most importantly, that CTC had few options to address these issues. Yet the current draft claims that units within CTC were either adequately staffed, not overworked, or could have been reinforced by scaling back work that the IG now retrospectively claims was unproductive or not related to al-Qa'ida. We fundamentally disagree with the IG view that "continued emphasis on terror groups other than al-Qa'ida raises questions". CTC was charged with conducting collection, analysis, and operations against international terrorism, not just al-Qa'ida. Not only were we dealing with the threat to US interests posed by these other groups, but also the policy community was and is concerned about more than just al-Qa'ida. They expected and demanded that we work these issues. This is especially true with respect to Hizballah, which prior to 9/11 had killed more Americans than any terrorist group. But even smaller groups, such as the [] posed threats to US interests: Renditions Branch helped capture and render [] This capture was a key event []
[] Even today the CIA does not have the luxury of devoting all of CTC's resources to just al-Qa'ida. Unless the IG intends to recommend that Agency management stop doing these things now, this criticism is absurd and a red herring.
- The current draft report also claims that the analytic cadre was large and experienced enough to have produced more and better strategic analysis. But, the 2001 report at page 27 acknowledges that: "AIG management is aware of the relative inexperience of the analyst cadre and the time pressure. [] noted that the cadre is relatively junior, and some lack the experience to conduct sophisticated long-term analysis." And on page iv of the Executive Highlights, the IG notes that "Customers describe CTC as the leading source of expertise on terrorism... (but) worry that Center analysts do not have the time to spot trends or to knit together the threads from the flood of information." ~~(S//NF)~~

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Ultimately, the 2001 IG report made only three recommendations—to develop a written strategy for the [], to develop a plan for the Language Exploitation Branch to address workflow and morale issues, and to prepare detailed, written career guidance for each discrete CTC home-based occupation. None of these three recommendations changed any of the conditions over which the Center is now being criticized. Although there were other suggestions made, most fell into areas where CTC was already working to address problems or fell outside our ability to influence the outcomes, as implicitly acknowledged in the 2001 IG report. ~~(S)~~

Hindsight should not drive the conclusions of a review like this one. The current draft IG report is clearly written from a perspective that ignores the realities of the time and tries to blame individuals for systemic issues that were well beyond their control. It is clear there were systemic issues at work here that went beyond what CTC or even CIA could control, and that these issues were either not recognized at the time or were uncorrectable in that environment. They were not, however, individual failings. ~~(U)~~

III. Key Issues

A. Watchlisting & Passing Intelligence to the FBI

These two topics are frequently treated as part of one issue, when they are, in fact, distinct. ~~(U)~~

(1.) Watchlisting—the Visa Viper Program. This was a systemic issue for the USG, not one associated with one or two individuals or units within CIA or CTC. For CIA, per long established guidance as promulgated regularly in [] flagging individuals for watchlisting was primarily a field function. The [] instructed the stations [] either to flag the individuals locally,

[] Although UBL was a “virtual” station, it obviously did not have a corresponding Embassy/Consulate to work with on Visa Viper-related issues, it functioned as a Headquarters element, not a Station. ~~(S)~~

The Visa Viper function was a dialogue between the field recipient of information meeting watchlisting thresholds, and either the [] consular office or CTC/RR. A survey of queries from Field Stations (sample from [] in May 1999 is attached, as is the CTC/RR response) in 1999 about watchlisting procedures indicates that there was a regular dialogue between the field and CTC Reports over the Visa Viper watchlisting function. As noted by one of the former Chiefs of CTC, the Center sent out [] to all Stations and Bases explaining the importance of the Visa Viper program and providing instructions on how to

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support the program. As he recalls, the language in these cables was painstakingly negotiated with State Department. Visa Viper reporting channels explicitly did not include Headquarters-based targeting officers or operations managers. Headquarters served as an informal backstop for the field on this program. The 2001 IG report makes no recommendations on the Visa Viper system. Further, because all of this involved a nomination process for a program that CIA did not control, responsibility was diffuse. After 9/11, Tiger Teams were established to improve the program. To attach responsibility to one or two individuals is to hold them inappropriately responsible for a system no one could individually control. ~~(S)~~

(2.) Sharing intelligence with the FBI. Passing information to the FBI on al-Mihdhar and al-Hazmi is an entirely separate issue from the Visa Viper program. The written record indicates the CIA passed, at least informally, the relevant information to the Bureau. Travel information was disseminated by [] to the FBI and the Bureau was clearly briefed on the results of [] [] In addition, a number of FBI officers—in the Center and at the Bureau—were clearly aware of the information. At most, CTC can be faulted for not following through with a formal CIR on al-Mihdhar's visa. This would have left an official record of the information passed to the FBI, although we believe copies were informally sent to the Bureau. But, again, CTC clearly intended to share the information with the Bureau, did in fact share information, and did not purposefully withhold anything. ~~(S)~~

B. Strategic Analysis

Two key points that are lost in the lengthy IG discussion of strategic analysis are worth noting in order to present a balanced understanding of this issue. ~~(U)~~

- **Was there a way to realistically do more without the commitment of additional resources?** The current IG report indicates that CTC should have produced more strategic analysis. The management chain and most of the analysts all wanted to produce more strategic analysis. Indeed, at one point in the August 2001 IG report states at page 24: "... some of the more senior analysts cited their disappointment at perceptions that management was attempting to emphasize long-term research at the expense of support to operations because they had been attracted to CTC by the opportunity to undertake nontraditional analysis." The problem was inadequate resources. Even in the resource-constrained environment of the time, the current IG draft report clearly indicates that AIG produced several strategic analytic pieces every year in the runup to 9/11.
- **Did any key policymaker not understand the serious nature of the threat?** Regardless of the number of formal analytic pieces produced, there is no indication that policymakers and others were not informed of

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the seriousness of the threat. Policymaker understanding of the threat rather than the quantity of research papers completed is the best measure of whether “enough” analysis was produced. Perhaps the best indication of senior policymaker understanding is embedded in the Memoranda of Notification providing the Agency with its covert action authorities for dealing with UBL and al-Qa’ida. Many of the MONs include a threat assessment. But more importantly, the fact that policymakers clearly recognized the seriousness of the threat is demonstrated by the nature of the extraordinary authorities the CIA was granted after 1998. Indeed, based on testimony in front of the 9/11 Commission, policymakers claim to have given us far more authority than a strict reading of the MONs would justify. Not once did any senior official indicate that they held back because they did not understand or view the threat seriously. Line 827 of the current IG draft says: “the team’s review confirms that CIA kept senior policy makers aware of the threat.” Traditional research papers are only one way of conveying intelligence. On this topic, multiple approaches were used that ranged from classified briefings for senior officials via the NSC-chaired CSG, to briefings on the Hill, to unclassified testimony by the DCI during his annual Worldwide Threat Briefings. It is not at all clear what standard the IG is using to decide that we did not produce “enough” strategic analysis. With the resources then available, CTC concentrated on producing analysis that would not only inform, but also lead to action.

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In any event, the implicit belief expressed by the IG draft that the shortfall in strategic analysis—as defined by the IG—was somehow a material failing is belied by history. Strategic analysis can help people understand a problem; but it is clear the policymakers within the government, by their own admission, already understood the nature of the threat. Strategic analysis is not a substitute for tactical analytic and operational actions to prevent an attack. And, as demonstrated by the 1995 NIE and the 1997 update, warnings drawn solely from logical analytical conclusions—in this case about the threat to civil aviation in the United States—do not usually convince anyone to spend large sums of money to counter a threat that has not been documented. (U)

C. Khalid Shaykh Muhammad (KSM).

The IG charges with respect to KSM are perplexing. With the benefit of much hindsight the IG draft claims that analysts and operators should have recognized KSM’s links to al-Qa’ida earlier and more clearly. These connections were simply not as clear as the IG implies prior to our debriefings of KSM after his capture. Even then, the picture that emerges is not completely consistent with the one painted by the IG. On top of this, however, the IG report does not present a credible scenario as to the implications of our limited understanding of the role played by KSM.

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- KSM was already indicted and being pursued by the Renditions Branch within CTC. On this point the IG reports ignores USG policy issues. Law enforcement was a key component—some would argue the key component—of USG counterterrorist policy prior to 9/11. We were implementers of USG policy, and as such were pursuing KSM within the bounds of that policy. In fact, the main reason for having a Renditions Branch within CTC was to provide support to the law enforcement community in implementing USG policy. The Branch served as a key focal point for interaction with the FBI.
- Our pursuit would not somehow have been made successful by this last linkage. It is not as if CTC did not capture and render KSM because we were not able to document his role in al-Qa'ida beginning in the late 1990s. Indeed, debriefs of KSM [] clearly indicate that the CTC view of his role in al-Qa'ida throughout the 1990s was largely accurate. In the mid-1990s, KSM decided that he was not interested in becoming a member of AQ, and it was not until after 1997 that his contacts brought him closer to AQ. Even then because of a personal dislike for Sayf al-'Adl, KSM limited his linkages to work for Muhammad Atif. It was not until KSM relocated to Qandahar in 1999 that his role within AQ grew beyond his fairly autonomous connections with Atif.
- Assigning the hunt for KSM to the Renditions Branch was also a logical way to share the workload within CTC. Yet the IG draft claims that this was a mistake and that an already overworked UBL unit should have been given primacy. (~~S~~ [] ~~NOFORN~~ [])

Overall, the IG's emphasis on KSM is in part like a "red herring" borne of 20/20 hindsight. (~~U~~)

D. Management (Coordination & Cooperation).

The current IG draft criticizes the interaction between CTC and regional divisions, especially NE Division. These criticisms are an exaggeration of the constructive tensions that have always, and will always, exist between functional and regional organizations. Again, the 2001 IG report presents a completely different picture of these interactions. Although it acknowledges differences, it documents that about two-thirds of field officers praised CTC (on page 13), 70 percent of Headquarters officers were satisfied with their interaction with CTC, and 78 percent rated the overall quality of the work relationship as good or excellent (on page 16). On top of this, senior management worked closely together to deal with any issues that arose on an almost daily basis. The current IG draft does not take into account all of the communications that took place on a regular basis: meetings, phone calls, and perhaps most important, countless ad hoc

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informal exchanges. Criticism of management on this issue seems like another red herring. ~~(S)~~

E. Liaison Relationships and []

The draft OIG report notes that CTC struck a balance between liaison and unilateral operations, especially after mid 1999 when CTC management began an initiative to boost unilateral reporting []

[] This context is critical in understanding CTC's overall liaison program, especially against al-Qa'ida. The focal point for all CT liaison efforts rested with the individual chiefs of station and the specific station; CTC aimed to complement these liaison efforts through a variety of means, [] **where they were deemed likely to be effective.** Many factors played into the decision about how to achieve operational liaison objectives and, thus, where to place [] And, often, CTC decided to leverage liaison using means other than a [] the OIG ignores or fails to appreciate the many nuances of CTC's liaison operations. ~~(S//NF)~~

The draft OIG report specifically states that: "The [] was neither systematic nor focused on developing liaison service capabilities [] against CTC's principal threat—al-Qa'ida—prior to 9/11." Regarding [] the al-Qa'ida sanctuary in Afghanistan, [] because CTC accurately judged that other liaison efforts would be more effective, and the IG's report points to nothing that disproves CTC's judgment--only supposition. ~~(S//NF)~~

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Moreover, our focus was on Afghanistan, []

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- CTC, [] opted to focus on a sophisticated and highly productive []
- []
- These and other efforts, underscored by multiple trips of senior CIA officers to the area (to include DCI, C/CTC, DC/CTC [] [] prior to 9/11, led to robust FI collection []

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[] US Special Forces into Afghanistan after 9/11. For the IG to conclude that CTC failed because it [] is to ignore political context, operational reality, and ultimately the success of a robust liaison effort. CTC should be lauded for this liaison program. ~~(S//NF)~~

The OIG draft report. []

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[] the CIA built and managed a superior unilateral foreign intelligence and covert action program. Again, CTC's judgment [] in retrospect, exactly on the mark. ~~(S//NF)~~

The OIG draft report also questions why CTC did not honor [] [] Circa August 2000, two months prior to al-Qa'ida's attack on the USS Cole, [] chided a senior CTC officer about "America's creation of UBL...and how Saudi Arabia had no responsibility in this matter." Even as late as the summer of 2001, the Saudis insisted to DC/CTC that they had everything under control inside the Kingdom and did not need our help. Pre-911 this was a USG problem. []

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Finally, the OIG draft report states that the [] [] Yet, the OIG report does not address resources available []

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CTC Front Office Management Statement & Signature Blocks

Finally, the former CTC front office wants to re-emphasize that we were responsible for the activities of the Center under our watch. We believe it is not appropriate for more junior officers to be held responsible for conditions over which they had no control. All of the undersigned believe that the Center admirably discharged its responsibilities even under the constraints under which it was operating. If we were not always successful, it was not for want of trying or dedication to the mission. We are proud to have served with our fellow officers on the front line in the war against terrorism during this difficult and stressful period. There was no more expert and determined group of individuals anywhere than those who labored in anonymity within CTC to protect our country and our fellow citizens. CTC's capabilities are clearly demonstrated by the long-series of operations and analyses conducted by the Center that set the stage for the USG response to the 9/11 attacks, and perhaps more dramatically by the success achieved when previous restrictions and resource constraints were removed. The country and we owe a debt of gratitude to those who gave of themselves before and after 9/11 to fight the terrorists who plot attacks against America. It was an honor to serve with them. (U)

J. Cofer Black
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