

**TESTIMONY OF COFER BLACK**

Mr. Chairman, I am honored to be here. I appreciate your offer for me to speak from behind a screen in order to protect me. Normally, I would have accepted. This hearing is more important. I do not want to be only a voice. The American people need to see my face. I want to look the American people in the eye.

**Introduction**

My name is Cofer Black. I served as the Director of the CIA's Counterterrorist Center from 1999 until May of 2002. I hope these proceedings provide the relatives and loved ones of those lost some of the answers they seek. We are meeting here today because of the murder of more than 3,000 innocents on 9/11. We provided strategic warning. Despite our intense efforts we were unable to provide tactical warning on 9/11.

**CTC**

Everything we do in this global war and the very real risks of our work have only one objective: to protect America, to protect innocent people. In this long fight, my CIA colleagues operating with me in Khartoum, Sudan in 1995 preempted preparations of Usama bin Ladin's thugs to kill me. The same Usama bin Ladin and his Al-Qa'ida are the killers of 9/11.

When you look at our counterterrorism programs, you need to fully appreciate choices in three areas. These were choices made for us. Made for the CIA and made for my counterterrorism center. These involved numbers of people, finances, and operational flexibility.

People: Before 9/11, the CIA's Counterterrorism Center had as many people as three infantry companies. Three infantry companies can be expected to cover a front of a few kilometers. Our counterterrorism center has worldwide responsibilities for all terrorist threats. It was not only Al-Qa'ida we had to engage. Until 9/11 Hizbollah had killed more Americans than any other terrorist group. Hizbollah is our responsibility among all the others. We work through the Directorate of

Operations which is deployed overseas. The Head of the Operations Directorate would tell you that he had 25 per cent less covert operations officers at the end of the 1990's than he had at the start. The Director of Central Intelligence did all he could. We had the highest priority. Prior to my arrival the Director had increased our personnel nearly 100 per cent. The DCI and the Deputy Director of Operations struggled with real shortages. While all the other operating components were being cut, counterterrorism received what small increases were available.

Cash: This is what we use to pay for operations. At the beginning of each of my three fiscal years as Chief, the counterterrorism center had enough money to purchase about two modern jet fighter aircraft. When I became Chief in 1999 I faced a fiscal reality. We had less money with which to support operations than we had the year before. As a result, I cut all my subordinate units except one at least 30 per cent. We survived because of my leaderships' relentless support and "supplemental" funding in order to simply make it out of each year.

Operational flexibility: This is a highly classified area. All I want to say is that there was "before" 9/11 and "after" 9/11. After 9/11 the gloves come off.

Nearly three thousand al-Qa'ida terrorists and their supporters have been detained. In Afghanistan the al-Qa'ida who refused to surrender have been killed. The hunt is on.

At your hearing last Friday my colleague (referred to only as 'CIA Officer) was a witness before you and spoke from behind a screen. The significant point of his remarks was the unprepared statement that he had been 'overwhelmed' by the limitless work of counterterrorism and the lack of resources. We can now see why he said this. However even a fully staffed and supported effort will not provide 100 per cent defense. We must go on the offense and stay there.

**Working with the FBI**

I am very concerned that your hearings last week left you with a substantial misunderstanding about communications between the CIA and the FBI during the investigation of the attack on the USS Cole. In that case, we were supporting the FBI's investigation. Both agencies wanted to find out who killed our sailors. Both agencies were working to bring those terrorists to justice. We were in the business of providing information to the FBI, not withholding it.

I want to be as clear as I can be that FBI agents and analysts had full access to information we acquired about the Cole attack. For example, we ran a joint operation with the FBI to determine if a Cole suspect was in a Kuala Lumpur surveillance photo. I want to repeat—it was a joint operation. The FBI had access to that information from the beginning. More specifically, our records establish that the Special Agents from the FBI's New York Field Office who were investigating the USS Cole attack reviewed the information about the Kuala Lumpur photo in late January 2001.

I also want to be clear that, according to the CTC analyst who attended the June 2001 FBI-CIA meeting in New York City, an FBI employee brought the photos to New York and showed them to FBI agents at the meeting. I want to repeat that. An FBI employee brought the photos to New York. Furthermore, the CIA analyst was not able to provide all of the information FBI criminal investigators wanted because of laws and rules against contaminating criminal investigators with intelligence information. As your staff has pointed out, there are laws that complicate our work.

My statement for the record will provide more details about Kuala Lumpur.

**Successes**

We learned of some of al-Qa'ida's plots in time to provide the warning law enforcement and intelligence services needed to stop them. Examples of the many successful operations would include:

-1998: Plans to attack the US Embassy in Albania were thwarted when we identified the plotters.

-1999/2000: Millennium Plot. Al-Qa'ida efforts to blow up hotels and other tourist sites in Jordan would have resulted in hundreds of casualties. Our global effort was the largest operation in the history of counterterrorism.

-2000: Ramadan threat

-Summer 2001 Threat: This also included planned attacks on US Embassies in Yemen and France which saved lives. In addition, we rendered scores of terrorists to law enforcement.

The men and women of CTC and those in CIA who work counterterrorism are the finest Americans this country can produce. They are highly professional, smart, hard working, brave and have an unbelievable work ethic working 14-18 hour days, seven days a week, month after month for my entire three years.

Our people fought with what we provided them and turned back and defeated constant terrorist attacks saving hundreds and perhaps thousands of lives. Leading up to 9/11, CTC conducted intense intelligence war measured by constant threats emerging, engaged, and defeated. We also were the first on the ground in Afghanistan by late September 2001 and played a key intelligence and paramilitary role in supporting our armed forces.

I want to thank all in the Intelligence Community and in CIA who work counterterrorism particularly our field personnel.

I will submit the remainder of my statement for your record.

### **Early Years**

(U) My experience with Bin Ladin goes back to my service in Khartoum, Sudan from 1993 to 1995. I will provide an overview of counter terrorist programs and address issues that you have raised in your letter of invitation to this hearing. While we collectively seek to ensure that flaws in our procedures are identified and corrected, I want to again thank you for your continued care in ensuring that we not educate our enemies.

(U) We knew of Bin Ladin since his early days in Afghanistan. We had no relationship with him but we watched a 22 year old rich kid from a prominent Saudi family, change from frontline mujahedin fighter to a financier for road construction and hospitals. Then we watched him found something we learned was called al Qa'ida.

### **Growing Threat**

(U) By the time bin Ladin arrived in the Sudan in 1991, we learned he had used his fortune to train hundreds of Arab veterans of the war in Afghanistan for a worldwide jihad. Bin Ladin was developing into a significant sponsor of Sunni extremism.

- In December 1992, bin Ladin financed Islamic extremists who attacked a hotel in Yemen housing US military personnel.

UNCLASSIFIED

- In 1993, we learned that bin Ladin was channeling funds to Egyptian extremists.
- In 1994, al-Qa'ida was financing at least three terrorist training camps in northern Sudan.

UNCLASSIFIED

### **Growing Knowledge**

(U) By the mid 1990's, bin Ladin was becoming a more important terrorist target for CIA. We learned about his commercial and terrorist activities, including his connection to the assassination attempt against Egyptian President Mubarak.

(U) Our reporting provided additional information about bin Ladin's commercial holdings and related activities. An al-Qa'ida defector laid out for us bin Ladin's role as a head of a global terrorist network.

(U) When I served in the Sudan from 1993 to 1995 we were certainly well aware of bin Ladin. We watched him closely, his people and his facilities. Some believe that he was enough of a threat by the time he was leaving the Sudan that we should have picked him up. However, the US did not have a warrant. No other country would accept him before he left the country and then he fled to Afghanistan. As an aside, I will note that speculation suggesting that bilateral political relations could have provided us bin Ladin from the Sudan are simply mistaken.

### **Bin Ladin Declares War**

(U) From 1996 on, bin Ladin's threats against Americans increased dramatically.

- In 1996 his allies issued a fatwa authorizing attacks against Western military targets on the Arabian Peninsula.

In 1998, just before the East Africa Embassy bombings, his clerics issued another fatwa stating that Muslims have a religious obligation to kill military and civilian Americans worldwide.

Also in 1998, bin Ladin said that acquisition of chemical, biological and nuclear weapons was a religious obligation and that "How we would use them was up to us." We also knew from our reporting that he was actively trying to acquire weapons of mass destruction.

(U) By 1998, we developed substantial intelligence about bin Ladin, Mullah Omar, other terrorist leaders and on their training camps. Our efforts to capture him and disrupt al-Qa'ida grew increasingly intense from 1998 to the present.

#### **Kuala Lumpur**

(U) The January 2000 operation to learn what a group of suspected al-Qa'ida associated men were doing in Kuala Lumpur is a case where our procedures were - inadequate. The first part of that operation was successful. We picked up on intelligence developed during the FBI's investigation of the 1998 Nairobi attack to identify two suspected al-Qa'ida men. We tracked them to a meeting in Kuala Lumpur where they met with other terrorist operatives. We were not able to learn what the men did during that meeting, but we were able to identify other participants. That information continues to be operationally useful today.

(U) While the meeting was in progress, CTC officers detailed to the FBI kept the FBI updated through verbal briefings. Where we fell short was in our not informing the Department of State that we had identified two al-Qa'ida men so that the Department could decide whether to place them on the watchlist. Nearly two years later, those two men, al-Mihdhar and al-Hazmi, were hijackers on Flight 77.

(U) Last week, you discussed that issue at length so I won't repeat the details. In my judgment, we should have watchlisted both. That we did not do so was, in part, the result of insufficient training for our officers. But



mainly, it was due to the extraordinary pace of our operations during that period. We worked on high numbers of operations simultaneously constantly adding ever more operations - all with the objective of defeating terrorist attacks and defending our country.

(U) I identified the source of the problem and moved to fix it. We improved training for our officers and established a more comprehensive program for using intelligence to support watchlists.

### **Counterterrorism Scope**

(U) I want to digress for a moment from our focus on Bin Ladin. To fully understand the CIA's counterterrorism program, you need to appreciate its scope. During the early and mid 1990's, al-Qa'ida was not our principal counterterrorism target. Until September 11, Hizballah had killed more Americans than any terrorist group. The Egyptian Islamic Jihad, Hamas, Shining Path in Peru, Abu Saayef in the Philippines, 17 November in Greece, were all threats to Americans or American interests. Personnel and financial resources, management attention, policymaker interest were spread among these groups.

### **Threats in 2001**

(U) I want to turn to the period leading up to the September 11 attacks. During the spring and summer of 2001, I became convinced that al-Qa'ida was going to strike hard. We did not know where but the Arabian peninsula and Israel were the most likely targets. By late summer, I was growing more concerned about a potential attack on the United States. However, I knew that we needed very specific information about an attack if anyone was going to pay attention to us and facilitate action. Warning is one of our most important functions, translating warning into effective, specific homeland defense defensive action is hard. As an example, I concluded my briefing of 15 August 2001 to the Department of Defense's Annual Convention on

Counterterrorism that "...we are going to be struck soon, many Americans are going to die, and it could be in the U.S." However, the DCI and the President of the United States need exacting intelligence in order to take effective, selective defensive action. They need to know such things as -- the attack is coming within the next few days and here is what they are going to hit. I regret that we did not have specific, actionable intelligence before the September 11, 2001 attacks as we had provided many times before.

### **Partnerships**

(U) I want to emphasize that our work against al-Qa'ida and other terrorist groups was a partnership with our colleagues in the Intelligence Community and law enforcement. Law enforcement agencies in the US and other countries put terrorists in jail and the courts keep them there.

(U) I am not going to tell you that all relationships among our partners were as effective as we wanted them to be. Varying missions, interests, and capabilities affected the effort. Personal relationships also affected our work--overwhelmingly they are positive but sometimes they are not. I will tell you that when we had problems with our colleagues we worked to fix them.

(U) I want to focus on our relationship with the FBI, in part because so much misinformation has been published about our relationship with the FBI. My colleague, and good friend, Dale Watson is at the table. He was a key champion of the close relations between CIA and FBI.

(U) The Counterterrorist Center at CIA has had FBI officers assigned to it for years. A senior FBI special agent served as my deputy. Other senior FBI special agents served at the supervisory and working levels in CTC. CIA officers were supervised by FBI agents and vice versa. FBI

special agents were full partners in our war against terrorism long before September 11.

(U) Furthermore, in Washington, CIA officers were assigned to FBI Headquarters and worked on counterterrorist issues. Last week, one of those officers testified in your hearing. In the field, CIA and FBI officers have worked on Joint Terrorism Task Forces and in operations abroad. Despite what you have heard in the media, since the beginning of CTC in 1986, the relationship between the FBI and CIA is evolving into an increasingly effective, productive partnership.

#### **Pre Attack Capabilities**

(U) You have asked for an assessment of our capabilities before and after the September 11 attacks. While the DCI and the Intelligence Committees worked hard to provide additional resources - we had to deal with ten years of decline in the Directorate of Operations generally, and in our overseas capabilities in particular. At the most fundamental level, the answer to both questions is simple—before September 11, we did not have enough people, money, or sufficiently flexible rules of engagement. After September 11, we did.

(U) After September 11, we jumped to a whole new level of effectiveness. We had the resources we needed to do the job. The proof of the value of those resources lies recognizable to the American people for example in the end of the Taliban regime, the end of al-Qa'ida's sanctuary in Afghanistan and in prison cells and graves around the world.

(U) You have asked for my recommendations to improve the Intelligence Community's counterterrorism efforts. We will be in this war against terrorism for the foreseeable future. My central recommendation is to support the war with people and money and appropriate operational authorities. We can't win the war on the cheap. Lurching

from supplemental funding to supplemental funding is not a very effective way to support a global counterterrorist intelligence war. Provide multiyear funds so that we can manage and plan our programs effectively. Resources won't solve all of our problems—but resources will solve the majority of them.

### **Final Thoughts**

(U) As the committee conducts its work, I want to reflect for a moment on my service as Chief of CTC. We are at WAR. We in CTC were aware of this fact. We gave it all we had: We, CIA, are this country's primary offense abroad against the terrorist threat. We willingly accept this tough job. I know that some Americans are alive today because of our efforts. And the same for citizens of other countries.

Nobody regrets more, that we did not stop the attacks on September 11, than the officers of CTC or their former Chief. Frankly from an intelligence perspective, in order to have a fighting chance to protect this country from al-Qa'ida, we needed to attack the Afghan terrorist sanctuary protected by the Taliban. CIA appreciated this all too well. That is also why on 11 September we were ready and prepared to be the first boots on the ground in Afghanistan in late September.

I know that we are on the right track today and as a result we are safer as a nation. "No Limits" aggressive, relentless, worldwide pursuit of any terrorist who threatens us is the only way to go and is the bottom line. What we have managed to achieve abroad has been due in large part to the extraordinary professionalism of our men and women in CTC and those CIA operatives overseas who do the risky, hard work of counterterrorism. Lastly, I was proud of them then, am now, and will be until I die.