

April 21, 2004

The Honorable Thomas H. Kean, Chair
The Honorable Lee H. Hamilton, Vice Chair
National Commission on Terrorist Attacks
Upon the United States
301 7th Street, S.W., Room 5125
Washington, D.C. 20407

Dear Chairman Kean and Vice Chairman Hamilton:

During his April 13, 2004 testimony before the 9-11 Commission, Attorney General Ashcroft stated that he learned in early 2001 that FBI Agent Robert Hanssen's espionage involved "penetration" and "access to our information systems that compromises the national integrity."

The Commission did not ask the Attorney General to explain that statement. Nor did it ask him about press reports during the summer and fall of 2001 that Hanssen's theft for the Russians of INSLAW's PROMIS database software used within the U.S. intelligence community eventually enabled Osama bin Laden to penetrate the information systems of the FBI and U.S intelligence community and, thereby, evade detection and monitoring by the United States prior to 9-11. The Staff Statements prepared for that April 14 and 15, 2004 Public hearing entitled "Law Enforcement and the Intelligence Community" also did not mention these press reports, although each report had been attributed to officials of the U.S. Government. We enclosed copies of the reports in our February 5, 2004 letter.

Although the 9-11 Commission has not publicly addressed these press reports, it has already demonstrated an important causal link between the 9-11 intelligence failure and another aspect of the intelligence community's information systems problem; namely, the inadequate sharing of intelligence and law enforcement information. With regard to that, the Associated Press reported on March 2, 2004 that the FBI has been placing some of its investigative information into a special computer file, known as the "I-Drive," pending decisions on whether to upload the materials into the FBI's case management system or, alternatively, to place copies of the documents into the FBI's official paper files. The article reported that the FBI has been doing this since 1996 and that the FBI did not search the I-Drive document repository, even in response to document requests from the 9-11 Commission or Congress, or in response to court-ordered discovery.

Does the Commission know, in the context of such practices, whether appropriate units of the government actually obtained timely knowledge that bin Laden had acquired copies

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of the versions of INSLAW's PROMIS software used by the United States to track data

about terrorists and their finances? If not, does the Commission know if the failure properly to share this information prevented the government from taking action to mitigate the harm from bin Laden's penetration of FBI and U.S. intelligence systems?

We also suggest the following additional questions for the 9-11 Commission:

- Shortly after 9-11, the FBI refused even to consider upgrading to the latest user-friendly generation of INSLAW's software from the early 1980's generation of PROMIS it had misappropriated from INSLAW. Notwithstanding that refusal, the FBI has had five Chief Information Officers in the past 24 months and its project to develop new user-friendly case management software is already two years over schedule and \$120 million over budget. New user-friendly case management software is essential to improving the ability of the FBI to connect the dots but the FBI's ability to connect the dots is no better today than it was on 9-11. Is embarrassment about its role in the theft of INSLAW's PROMIS the reason for the FBI's refusal to consider the latest generation of INSLAW's software?
- Is there any evidence that bin Laden exploited his access to U.S. database systems to enter disinformation for the purpose of diverting intelligence and law enforcement resources from his preparations for the 9-11 attacks?
- Is there any evidence that bin Laden exploited PROMIS systems for information about his targets on 9-11? By way of example, the March 21, 2004 issue of Wprost Magazine, a leading news magazine in Poland, reported that one of the U.S. intelligence applications for INSLAW's PROMIS software was in U.S. Embassies, and that both Polish intelligence and the Soviet KGB penetrated PROMIS database systems in U.S. Embassies. Could bin Laden's attacks against the U.S. Embassies in Kenya and Tanzania in August 1998 have been preceded by penetration of PROMIS systems in those embassies, thereby, presaging his method of operation on 9-11?
- Should any members or staff of the 9-11 Commission be recused on this matter in light of the failure and /or refusal of Attorneys General from both political parties to enforce the federal criminal laws in regard to the government's misappropriation of PROMIS for the intelligence community?

We would be pleased to assist the Commission in any way possible.

Sincerely,

William A. Hamilton
President