



## Would the NSA's PRISM Have Prevented 9/11?

Former Vice President Dick Cheney [said](#) on Fox News Sunday this week that if the National Security Agency's daily collection of private telephone records and Internet messages had been in place before the 9/11 attacks in 2001, the terrorists' plot might have been foiled. Rep. Mike Rogers (R-Mich.) and Sen. Dianne Feinstein (D-Calif.), chairmen, respectively, of the House and Senate Intelligence Committees, are among the public officials who have made similar claims in defense of the NSA's controversial PRISM program.



"As everybody who's been associated with the program's said, if we had had this before 9/11, when there were two terrorists in San Diego — two hijackers — had been able to use that program, that capability, against that target, we might well have been able to prevent 9/11," Cheney told host Chris Wallace. The hijackers Cheney referenced were Nawaf al-Hazmi and Khalid al-Mihdhar, who were sharing a residence in San Diego from January 2000 until a few months before the September 11, 2001 attacks.

FBI Director Robert Mueller made the same claim when he testified before a House panel on June 13. Referring to an al-Qaeda "safe house" in Yemen, Mueller [said](#), "If we had the telephone number from Yemen, we would have matched it up to that telephone number in San Diego, got further legal process, identified al-Mihdhar ... The 9/11 Commission itself indicated that investigations or interrogations of al-Mihdhar, once he was identified, could have yielded evidence of connections to other participants in the 9/11 plot." But Mueller, in that same testimony, seemed to be saying the intelligence officials had the number of the safe house.

"They understood that that al-Qaeda safe house had a telephone number, but they could not know who was calling in to that particular — that particular safe house. We came to find out afterwards that the person who had called in to that safe house was al-Mihdhar, who was in the United States, in San Diego," he [said](#).

Mueller's statements appear to be contradictory. Either the intelligence officials had the safe house phone number or they didn't. If they didn't, they wouldn't have been able to match it up with al-Mihdhar in San Diego. If they had it, they could have traced any call to or from that number. Either way, it's hard to see how collecting billions of telephone records, e-mails, and other forms of communications every day would help them find who might have called a safe house in Yemen. The principle of government surveillance appears to be that if you can't find a needle in a particular haystack, you should add more hay — tons and tons of it.

But a little history of the path al-Hazmi and al-Mihdhar took to their 9/11 destination indicates they were not that hard to find, once the CIA had discovered the number and wiretapped the line to the Yemen safe house in late 1999. Listening in, they learned that the two men would be attending a secret al-Qaeda meeting in Kuala Lumpur, Malaysia, in early January 2000. They also knew that right after the



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meeting al-Hazmi flew to Bangkok and then on to Los Angeles. They learned later that al-Mihdhar arrived on the same flight, and they knew that he had a multiple-entry visa that allowed him to enter and leave the United States at will.

The pair rented a house in San Diego and from then on they were, so to speak, hiding in plain sight. *Newsweek* related their comings and goings in a June 9, 2002 article called [“The Hijackers We Let Escape,”](#) an excerpt from which reads:

Alhazmi and Almihdhar lived openly in the United States, using their real names, obtaining driver’s licenses, opening bank accounts and enrolling in flight schools — until the morning of September 11, when they walked aboard American Airlines Flight 77 and crashed it into the Pentagon.

Neither man was the hijacker who piloted the plane. That was Hani Hanjour, a fellow al-Qaeda conspirator whom al-Hazmi hooked up with at flight school in Phoenix. But had the FBI had its far-reaching sights on al-Hazmi and al-Mihdhar, they might have led them to some interesting get-togethers, such as al-Mihdhar’s meeting with Mohamed Atta and other September 11 plotters in Las Vegas in the summer of 2011. But the problem was not, as Cheney, Mueller, and others have argued, a lack of data that would have enabled investigators to find the San Diego terrorists. The problem, *Newsweek* [pointed out](#), was no one was looking for them.

Had law-enforcement agents been looking for Alhazmi and Almihdhar at the time, they could have easily tracked them through bank records. In September 2000, Alhazmi opened a \$3,000 checking account at a Bank of America branch. The men also used their real names on driver’s licenses, Social Security cards and credit cards. When Almihdhar bought a dark blue 1988 Toyota Corolla for \$3,000 cash, he registered it in his name. (He later signed the registration over to Alhazmi, whose name was on the papers when the car was found at Dulles International Airport on September 11.) Of course, agents might have used another resource to pinpoint their location: the phone book. Page 13 of the 2000-2001 Pacific Bell White Pages contains a listing for “alhazmi Nawaf M 6401 Mount Ada Rd. 858-279-5919.”

The pair went undetected due to the lack of communication between the CIA and other agencies, a major finding of the report of the 9/11 Commission. The agency did not notify either the Immigration and Naturalization Service or the State Department, which routinely issued al-Mihdhar a new passport after he had lost the one he’d had. Most significantly, the CIA, which is forbidden by law to conduct surveillance within the United States, didn’t tell the FBI that al-Hazmi and al-Mihdhar were in the United States until August 23, 2001, even though FBI officials were assigned to the agency’s Counterterrorism Center in Langley, Virginia. “That was unforgivable,” a senior FBI official told *Newsweek*. Even after the CIA discovered a photo in its files of al-Mihdhar at the Kuala Lumpur meeting, standing next to an al-Qaeda fighter suspected in the October 2000 bombing of the *USS Cole*, they did not alert the FBI. That, and not a shortage of “metadata,” is what the FBI claimed in 2002 kept them from discovering the San Diego terrorists.

According to the *Newsweek* story, the FBI at that time had constructed a chart showing how, based on their contacts with at least five other of the eventual hijackers, they could have uncovered the 9/11 plot if they been alerted sooner to the presence al-Hamzi and al-Mihdhar in this country. “There’s no question we could have tied all 19 hijackers together,” the official said.

The FBI, of course, dropped the investigative ball a time or two itself in the weeks and months leading up to 9/11, most notably when the would-be 20th hijacker, Zacarias Moussaoui, was in custody in



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Minnesota. When agents in the Minnesota office, acting on a tip from the Phoenix division, asked for permission to seek a court warrant to search Moussaoui's laptop computer, the request was [denied](#) at headquarters in Washington.

Ironically, defenders of the NSA program have often cited this April's Boston Marathon bombings as an example of the kind of terrorist attack that might be prevented by evidence uncovered by the NSA'S massive data sweep — though the program had been in place for seven years by then. Mueller told the House panel last week that the program helped the FBI find a friend of the bombing suspects. The friend, though unarmed, was shot to death in an altercation with the FBI agents interviewing him. But the FBI, at the request of Russian authorities, had investigated one of the alleged bombers, Tamerlan Tsarnaev, two years earlier for potential links to alleged terrorists in his native Chechnya. The investigation turned up nothing, but the bureau has been criticized for [not notifying](#) the Boston or Massachusetts state police of the Russians' suspicions, despite the fact that Boston police have three detectives and a sergeant on the FBI's Joint Terrorism Task Force.

Would that have prevented the bombing? Probably not. Try as they might, government agents can't watch everyone 24/7, and there's no assurance police would have detected a plot by the Tsarnaev brothers had they known they were under suspicion. But neither is there reason to believe either the Marathon attack or the 9/11 disaster would have been prevented by piling into a government database the daily call records and Internet communications of millions of Americans, for whom there were no grounds for suspicion. Nor was there good reason to build a huge and expensive new bureaucracy, the Department of Homeland Security, and the massive NSA data sweep because the CIA wasn't talking to the FBI and the FBI is not sharing information with local law enforcement. As the warden said in the movie *Cool Hand Luke*:

"What we got here is a failure to communicate."

*Image: logo for the PRISM program*



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