

On Wednesday, August 22, the FBI Legat in Paris provided a report that [_____]
_____] started a series of discussions between Minneapolis and Headquarters RFU as to whether a specific group of Chechen rebels was a “recognized” foreign power, that is, was on the State Department’s list of terrorist groups and for which the FISA Court had previously granted orders.

The RFU agent told Joint Inquiry staff that, based on advice he received from the NSLU, he believed that the Chechen rebels were not a “recognized” foreign power and that, even if Moussaoui were to be linked to them, the FBI could not obtain a search order under FISA. The RFU agent told the Minneapolis agents that they had to connect Moussaoui to al-Qa’ida, which he believed was a “recognized” foreign power. The Minneapolis case agent later testified before the Joint Inquiry that he had had no training in FISA, but that he believed that “we needed to identify a – and the term that was thrown around was ‘recognized foreign power’ and so that was our operational theory.”

As the FBI’s Deputy General Counsel would later testify, the agents were incorrect. The FBI can obtain a search warrant under FISA for an agent of any international terrorist group, including Chechen rebels. Because of this misunderstanding, the Minneapolis field office spent [page 338] valuable time and resources trying to connect the Chechen group to al-Qa’ida. The Minneapolis field office agent contacted CTC, asking for additional information regarding connections between the group and al-Qa’ida. The Minneapolis supervisor also suggested that the RFU agent contact CTC for assistance on the issue. The RFU agent responded that he had all the information he needed and requested that Minneapolis work through FBI Headquarters when contacting CTC in the future. Ultimately, the RFU agent agreed to submit Minneapolis’ FISA request to attorneys in the FBI’s NSLU for review.

In interviews, several FBI attorneys with whom the RFU agent consulted confirmed that they advised the RFU agent that the evidence was insufficient to link Moussaoui to a foreign power. One of the attorneys noted that Chechen rebels were not an international foreign terrorism group under FISA. The Deputy General Counsel, however, testified before the Joint Committee that “no one in the national security law arena said that Chechens were not a power that . . . could qualify as a foreign power under the FISA statute.” The FBI attorneys also said that, had they had