

The CIA only decided to watchlist al-Hazmi and al-Mihdhar in late August 2001, by which point they were already in the United States and in the final stages of preparing for the September 11 attacks.⁴² By this point, tragically, it was too late for the FBI – hamstrung by its own investigative regulations – to stop them. Although the FBI scrambled in late August and early September to locate the two terrorists in the United States,⁴³ it denied itself the services of any of its own agents assigned to criminal work and refused even to conduct a basic Internet search that would have revealed al-Hazmi and al-Mihdhar living under their true names in San Diego. (According to testimony from an FBI agent in New York who conducted just such an Internet search *after* the September 11 attacks, finding al-Mihdhar’s address “within hours.”⁴⁴) It also denied itself any assistance that could have been obtained from Treasury officials in tracking down al-Mihdhar and al-Hazmi through their credit card or banking transactions. As it turned out, however, on September 11, 2001, the two men boarded American Airlines Flight 77, and helped fly it into the Pentagon.

(3) *The “Phoenix Memo”*

The affair of the FBI Electronic Communication (EC) sent by the Phoenix field office to FBI Headquarters in order to warn officials about potential dangers from Al-Qa’ida-affiliated individuals training at U.S. flight schools, also illustrates the tremendous difficulty our

⁴² JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 10; *see also* Rolince, *supra*, at 3.

⁴³ JIS, written statement presented to SSCI/HPSCI joint hearing (September 20, 2002), at 11.

⁴⁴ FBI Agent from New York Field Office, testimony before joint SSCI/HPSCI hearing (September 20, 2002), *available from* Federal News Service (response to question from Senator Shelby).