

Nor was this all. After the FBI was belatedly notified by the CIA in August 2001 that known Al-Qa'ida terrorists al-Mihdhar and al-Hazmi were in the United States, the Bureau began trying to track them down. Despite the urgency of this task, however, FBI Headquarters prohibited FBI criminal investigators in New York from participating in the search for these terrorists and refused even to tell them what little was known about the two men at the time. As one of the New York agents was informed in an e-mail from Washington, D.C., "that information will be passed over the wall" only if "information is developed indicating the existence of a substantial federal crime."⁹⁹ Perceiving there to be an unbridgeable gap between law enforcement and intelligence work, the FBI thus refused even to talk to *itself* in order to prevent mayhem by known Al-Qa'ida terrorists in the United States. Meanwhile, al-Mihdhar and al-Hazmi were in the final stages of their preparations for the September 11 attacks.

As noted by the JIS, these information sharing problems clearly "reflect misunderstandings that have developed over the last several years about using information derived from intelligence gathering activities in criminal investigations."¹⁰⁰ DOJ's "policies and practices regarding the use of intelligence information in FBI criminal investigations" helped make it enormously harder for the government to find al-Mihdhar and al-Hazmi in the last weeks before September 11¹⁰¹ – even though they were both living and traveling under their true names at the time, and a simple Internet search requested by one of the New York FBI agents

⁹⁹ JIS, written statement presented to joint SSCI/HPSCI hearing (September 20, 2002), at 21.

¹⁰⁰ JIS, written statement presented to joint SSCI/HPSCI hearing (September 20, 2002), at 13 (*quoting* e-mail message sent on August 29, 2001, from FBI Headquarters to FBI Special Agent in New York City).

¹⁰¹ JIS, written statement presented to joint SSCI/HPSCI hearing (September 20, 2002), at 20.