

National Security Council officials said they provided all the tools, both physical and legal, to do the job; intelligence agency officials said the National Security Council provided neither. Stated former National Security Advisor Anthony Lake: “In June, 1995, Presidential Decision Directive 39 mandated increased efforts to capture terrorists abroad.”<sup>21</sup> His successor as National Security Advisor, Sandy Berger, said in response to our questions for the record: “President Clinton approved every strike or other action against bin Laden proposed by his intelligence, military, and national security advisors.”<sup>22</sup>

On the other side of this divide, Members heard from intelligence officials, such as Cofer Black, former chief of the Counter-Terrorism Center, comments about being hampered by a lack of operational flexibility. Mr. Black: “I want to make this very clear. I do not feel that I had sufficient authorities to do the best job that we could.”<sup>23</sup> He underlined this point at a later hearing: “All I want to say is that there was before 9/11 and after 9/11. After 9/11 the gloves came off.”<sup>24</sup>

While the details of this debate remain classified, the JIS Report, as it does in so many other respects, documents the fact that there were discordant views without digging to find the point of failure that allowed this confusion to persist.

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<sup>21</sup>Written statement of Anthony Lake, in testimony before the joint committees, September 19, 2002.

<sup>22</sup>Memorandum from Sandy Berger to Senator Graham dated November 4, 2002, Subject: “Reply to Additional Joint Inquiry Questions.”

<sup>23</sup>Cofer Black, statements before the joint committees, September 12, 2002.

<sup>24</sup>Written statement of Cofer Black, in testimony before the joint committees, September 26, 2002.