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INTERAGENCY SECURITY CLASSIFICATION APPEALS PANEL,
E.O. 13526, SECTION 5.3(b)(3)

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**Workplan: Issues Relating to The FBI Informant with Whom 9/11
Hijackers Nawaf al-Hazmi and Khalid al-Mihdhar Resided**

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**The FBI Informant with Whom 9/11 Hijackers
Nawaf al-Hazmi and Khalid al-Mihdhar Resided**

Item 1: Key Questions

A. Informant's Credibility

1. Did the FBI informant who lived with hijackers Nawaf al-Hazmi and Khalid al-Mihdhar in San Diego accurately portray to the FBI his relationship with the hijackers? What accounts for any inaccuracies in his statements to the FBI?
- 2. Was the FBI informant aware of the hijackers' terrorist affiliations, plans, and intentions prior to the September 11 attacks?
3. Has the FBI completed its investigation of issues relating to the informant's credibility? If so, what were the results of this investigation and was it sufficiently thorough and impartial?

B. Congressional Oversight of the FBI

[Philip: We are not sure if these are worded too strongly. What do you think?]

1. Did the FBI intentionally withhold from the Joint Inquiry information about the informant's relationship with the hijackers and subsequently attempt to obstruct the Joint Inquiry's investigation of the matter?
2. If the FBI did withhold information and obstruct the Joint Inquiry's investigation, were the FBI's actions indicative of a larger pattern of FBI non-compliance with Congressional oversight? What changes would therefore be needed to ensure more effective Congressional oversight of the FBI?
3. Why did the FBI, Department of Justice, and White House refuse to allow the Joint Inquiry to interview or depose the informant?

C. The FBI's Informant Program

- 1. Prior to September 11, did the FBI adequately exploit the informant's access and reporting, and validate the information the informant provided to the extent allowable and/or required under FBI and Department of Justice regulations? If not, were the FBI's failures indicative of systemic problems within the FBI's informant program?
2. Did the FBI and Department of Justice guidelines regarding the handling of informants inhibit the FBI's ability to adequately exploit the informant's access and reporting prior to September 11? If so, what changes are necessary to ensure the success of the informant program?

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D. Issues for the Commission to Consider in Pursuing the Informant Issue

1. Would the Commission be able to resolve issues relating to the informant's credibility through interviews and/or deposition of the informant?
2. Should the Commission pursue the issue of interviewing or deposing the informant in the face of likely FBI, Department of Justice, and White House opposition?
3. Should the Commission seek approval to provide the informant with transactional or use immunity in exchange for the informant's testimony?

Item 2: Suggested Readings

1. Transcript of October 9-10, 2002, Closed Joint Inquiry Hearing;
2. Final Report of the Joint Inquiry, pp. 165-176;
3. Michael Isikoff, "The Informant Who Lived with the Hijackers," Newsweek, September 16, 2002 (attached);
4. James Risen, "Threats and Responses: The Inquiry; Congress Seeks FBI Data on Informer; FBI Resists," October 5, 2002 (attached);
5. Susan Schmidt, "9/11 Panel Discusses Informant," Washington Post, October 11, 2002 (attached);
6. CBS Morning News: "Confrontation between Congress and the FBI Over Key Information about 9/11" (transcript), October 11, 2002 (attached).

Item 3: Interview Candidates

1. The informant; *- explain issue*
2. Former Special Agent Steven Butler, FBI San Diego Field Office;
3. San Diego FBI agents who conducted the post-9/11 criminal investigation of the informant;
4. Current and former Special Agent(s) in Charge, FBI San Diego Field Office;
5. Current and former Assistant Special Agent(s) in Charge for International Terrorism, FBI San Diego Field Office;
6. Current and past Informant Coordinator(s), FBI San Diego Field Office;
7. Current and former International Terrorism Squad Supervisor(s), FBI San Diego Field Office;
8. Supervisory Special Agents, Unit Chiefs, and Intelligence Operations Specialists, Middle East Unit, FBI Headquarters;
9. Supervisory Special Agents, Unit Chiefs, and Intelligence Operations Specialists, Radical Fundamental Unit, FBI Headquarters;
10. Supervisory Special Agents, Unit Chiefs, and Intelligence Operations Specialists, Usama Bin Laden Unit, FBI Headquarters;
11. Former Chief, International Terrorism Operations Section, FBI Headquarters.

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Item 4: Document Requests

1. All FBI non-administrative documents, including Letterhead Memoranda, since September 11, 2001, concerning the informant;
2. All FBI or Department of Justice policy statements, directives, or guidelines regarding the informant program, 1998 - present;
3. All reports from the FBI's Inspection Division concerning the informant program, 1998 - present;
4. All documents disseminated to FBI Headquarters prior to September 11, 2001, that contained information provided by the informant;
5. All documents disseminated to the Intelligence Community prior to September 11, 2001, that contained information provided by the informant;
6.

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7. All documents provided to the Criminal Division of the Department of Justice prior to September 11, 2001, that contained information provided by the informant;