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June 17, 2005

The Hon. Arlen Specter
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Hon. Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Hon. Charles Grassley
Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

**Re: *First Initial Disclosure Required under Executive Order 12731*
First Initial Disclosure Protected Under Title 42 of the United States Code
*Section 2000e-3(a) and Title 5 of the United States Code Section 7211***

Dear Mr. Chairman, Ranking Member and Mr. Grassley:

On May 25, 2005, Senator Charles E. Grassley, in accordance with his authority under the U.S. Constitution and as a member of the Senate Judiciary Committee, requested that our client, Mr. Bassem Youssef, provide to him certain information "about cultural and managerial weaknesses in the FBI's Counterterrorism Division" to "help Congress evaluate the efficiency and effectiveness of the FBI." As a consequence, Senator Grassley asked for "copies of the transcripts of the depositions of current and former FBI officials taken in *Youssef v. FBI, et al.*"

After careful review, we believe that Mr. Youssef is obligated to provide the requested information. As you are aware, Mr. Youssef is the highest ranking Arab-American FBI agent employed by the Bureau. He is currently a Unit Chief in the FBI's Counterterrorism Division. As such, Mr. Youssef is under a legal obligation to "disclose waste, fraud, abuse, and corruption to appropriate authorities." Executive Order 12731 (October 17, 1990).

Since the mid-1990s, Mr. Youssef has been among the FBI's most qualified experts in Middle Eastern counterterrorism. He coordinated major investigations into Middle Eastern terrorist groups commencing in the late 1980s. He speaks fluent Arabic (the highest ranking FBI official with this skill) and is the recipient of the Intelligence Community's most prestigious and coveted award, the National Intelligence Distinguished Service Medal, awarded by the Director of Central Intelligence.¹ The award was for outstanding accomplishments in a terrorism case involving an al-Qaeda-related investigation. He was selected by the former FBI Director Louis Freeh to be named the head of the FBI's overseas office with responsibility for Saudi Arabia and the contiguous Gulf States, including UAE, Kuwait, Oman, Yemen, Bahrain and Qatar. *See*, attached Exhibits 1 and 2, the DCI award documentation and the FBI's official inspection report for Legat Riyadh office (2000). Both the depositions of Mr. Freeh and Mr.

¹ The Director of Central Intelligence awarded the DCI award to Mr. Youssef in 1994. Both the CIA and the FBI based the award on Mr. Youssef's proven expertise in Middle Eastern counterterrorism:

“SA Youssef has shown creativity and relentless initiative in pursuing his international terrorism cases and as an example has, as a result of numerous pretext telephone calls in the Arabic language, obtained valuable information which otherwise would not have been elicited. As a direct result of his relentless investigative efforts, FBI Los Angeles has more than (redacted) IG (Islamic Group) cases pending which is a significant step in identifying the local IG's network which has the potential for committing terrorist acts anywhere in the U.S. comparable to the 2/26/93 bombing of the World Trade Center, New York, New York.”

Similar praise was contained in the FBI's internal “inspection report,” which documented Mr. Youssef's performance while in charge of the FBI's Riyadh, Saudi Arabia office:

[Youssef] established and maintained effective liaison with law enforcement entities . . . Liaison contacts with each of the host countries were viewed as excellent. . . . He was successful in establishing an excellent relationship with the Mabahith, the Saudi Arabian counterpart of the FBI . . . [The] Mabahith indicated that the FBI was the only western law enforcement agency having direct liaison with [the] office, and characterized the relationship with the FBI as exceptional Based upon the numerous contacts within the Legat's territory, it was determined that [Mr. Youssef] had established positive and valuable relationships with the numerous law enforcement agencies within its territory . . . especially in the area of cooperation and unprecedented access to information from host countries involving the Khobar Towers investigation. . . . [and providing to the FBI] invaluable insights into bin Laden

Youssef's former supervisor (Edward Curran) attest to his remarkable performance in the area of Middle Eastern operational counterterrorism.

Based on his direct expertise and experience in investigating Middle Eastern-based terrorist organizations, including terrorist groups directly associated with Osama Bin Laden, Mr. Youssef developed significant concerns that the FBI's current management policies cannot properly protect the United States from another successful terrorist attack. Consequently, in accordance with Executive Order 12731, Mr. Youssef is required, pursuant to the direct order of the President of the United States, to report his concerns to the "appropriate authorities." After careful review, Mr. Youssef and his counsel have determined that the Congress of the United States is the "appropriate authority" to receive his concerns.

For your information, Mr. Youssef's concerns were reported directly to the Director of the FBI in 2002. No corrective action was taken. Mr. Youssef also reported his concerns to various attorneys working on behalf of the Attorney General of the United States. Again, no corrective action was taken. Finally, Mr. Youssef reported his concerns to the Inspector General of the Department of Justice. Given Mr. Youssef's Arabic heritage, and the fact that his concerns included concerns related to the failure of the FBI to properly promote Arab Americans into management positions within the FBI, the Inspector General referred his concerns to the FBI's EEO office. That office took no corrective action.

Having exhausted the internal procedures available to him for resolving his concerns, we strongly believe that the Congress of the United States is the only institution capable of fully investigating and obtaining the necessary corrective action needed to protect the American public from the devastating impact of another successful terrorist attack. Consequently, based on Senator Grassley's formal request for information, we are hereby submitting documentation to the United States Congress. This information fully supports Mr. Youssef's concern that FBI management cannot properly protect the American public from the threat of another attack.

This documentation is extremely significant. Most whistleblower disclosures are based on the personal knowledge of the employee-whistleblower. In this case, although Mr. Youssef's concerns are based, in part, on his direct first hand knowledge of the FBI and his substantial expertise in Middle Eastern counterterrorism, it is also based on his unprecedented ability to obtain direct testimony and documentation from the FBI that supports his concerns. Mr. Youssef's counsel has been able to question, under oath, the highest ranking current and former FBI officials responsible for the FBI's Middle Eastern counterterrorism program. These officials include the managers directly responsible for the FBI's counterterrorism program preceding the 9/11 attack, the officials responsible for re-structuring the FBI's counterterrorism program in the wake of the 9/11 attack, and

the officials responsible for managing the FBI's current counterterrorism program. Additionally, over 10,000 pages of FBI documentation were also reviewed.²

Pursuant to Senator Grassley's request, and Mr. Youssef's obligation under the Executive Order, we are hereby submitting to Congress the relevant sworn deposition testimony, along with the relevant exhibits.³ We hereby request that the Senate Judiciary Committee institute a formal public proceeding into the matters set forth herein. This proceeding should also investigate the FBI's promotional practices Bureau-wide, as they relate to the FBI's failure to comply with the requirements of Title VII of the Civil Rights Act of 1964.

The documentation provided to the Committee includes the sworn deposition testimony of the following current and former FBI officials. This testimony was taken by counsel for Mr. Youssef and provides critical confirmation of various aspects of Mr. Youssef's concerns related to the FBI's counterterrorism program. The deponents include: Robert S. Mueller, the current director of the FBI; Louis Freeh, the immediate past director of the FBI; Dale Watson, the head of the FBI's counterterrorism program on 9/11 and the former AD for Counterterrorism, and then the EAD for CI/CT; Gary Bald, the current EAD for CI/CT and the former AD and DAD for Counterterrorism; Pasquale D'Amuro, the person appointed by Director Mueller after 9/11 to lead the investigation into the September 11th attacks. He was later appointed the AD for Counterterrorism, then EAD for CT/CI; John Lewis, a current DAD in CT and Mr. Youssef's second line supervisor; Edward Curran, a former high ranking FBI Counter Intelligence official. In the 1990s Mr. Curran was in charge of the Counterterrorism and Counterintelligence programs within the Los Angeles Division and served as Mr. Youssef's second line supervisor; John Pikus, a Section Chief designated by the FBI to provide testimony regarding the FBI's post-9/11 counterterrorism promotional practices, rules and regulations.

The information in these documents concerns the fact that the United States is not properly prepared to respond to another terrorist threat comparable to that of 9/11. It shows that Congress has been misled by the FBI in terms of the promises it has made to change its counter-terrorism program, its culture and its priorities. It shows malfeasance in the promotion of the FBI's top managers, and it shows the worst kind of cronyism still in place today, the same cronyism that was criticized as a major factor in the Bureau's failure to prevent the 9/11 attacks. Since 9/11 and up to today, the FBI has been led by

² All of the documents and sworn testimonies relied upon by Mr. Youssef's counsel are in the possession of the United States Department of Justice as part of in the case file related to Civil Action No.: 1:03CV01551 (in the United States District Court for the District of Columbia).

³ The deposition testimony and exhibits were obtained by Mr. Youssef's counsel in accordance with a protective order entered by the U.S. District Court for the District of Columbia. Pursuant to this court ordered protective order, some materials were required to be kept confidential. Should the Senate Judiciary Committee desire access to these materials, we will contact the DOJ attorneys and attempt to have the materials cleared.

managers without counter-terrorism experience or background, especially in Middle Eastern terrorism, and their testimony under oath is that they are learning about counter-terrorism on the job.

COUNTERTERRORISM PRE-9/11 VS. POST-9/11

Prior to 9/11, counter-terrorism within the FBI was considered a dead-end career track. The most rewarding track was the criminal program. Making criminal cases is what allowed for career recognition and promotion within the FBI. Criminal Division managers controlled the apparatus for promotions within the Senior Executive Service, and they promoted their buddies and others who would be loyal to them. It was not a promotional system based on merit. Meanwhile, counter-terrorism cases involved a lower profile, with labor-intensive surveillance and intelligence collection, and very few cases were ever brought – not good for an agent wanting recognition and promotion within the Criminal Division-dominated management structure.

The salient difference in methodology between the Criminal Division mindset and the counterterrorism/counterintelligence mindset is that the former is *reactive*, after a crime has been committed, while the other is *preventative*, with intelligence collection and avoidance of a crime the main goals.

After 9/11, things changed. Counter-terrorism was now the hot career track because the public and the FBI Director demanded as much. More agents, more budget and more statutory authority were in the offing. CT was now the place to be. The problem is, Criminal Division managers were still in control of the promotion process for senior management in counter-terrorism. And so, instead of bringing into the new Counterterrorism Division managers who had counter-terrorism expertise and experience, and with it their prevention orientation, the entire CT management structure was manned by those with criminal and reactive backgrounds who lacked CT experience. That is the case even today.

Both before, but especially after 9/11, Director Mueller should have ensured that the criminal, counter-intelligence and counter-terrorism divisions each were stocked with managers with sufficient subject matter expertise and experience. This is what the public thought it was getting based on the assurances of Director Mueller and then-Attorney General John Ashcroft. Indeed, one of the salient critiques of FBI CT case agents revealed by the 9/11 Commission was that: **“Many field agents felt the supervisory agents in the Counterterrorism Division at headquarters lacked the necessary experience in counterterrorism to guide their work.”** (9/11 Commission Staff Statement No. 11.) Yet this seemingly common sense prescription of having experienced supervisors at headquarters was never implemented, despite public assurances to the contrary.

SUBJECT MATTER EXPERTISE NOT A REQUIREMENT

Perhaps the single most damaging FBI mistake after the 9/11 attack was its failure to insure that the new CT Division was managed by individuals with expertise in counterterrorism and/or Middle Eastern counterterrorism. This failure has resulted in the FBI re-creating the very problem which hindered its ability to “connect the dots” before and prevent the 9/11 attack. As testified to under oath by Mr. Edward Curran, without strong subject-matter expertise within the FBI’s counterterrorism program, that program will not be able to properly protect the American public and prevent another successful attack.

All through the 20-plus depositions there is common testimony from senior managers that subject matter expertise is not required for promoting its Senior Executive Service managers into and within the CT Division. In fact, it was the official policy of the FBI, *after the 9/11 attacks*, that its CT managers did not need to possess any subject matter expertise in counterterrorism. It was the official policy of the FBI that the numerous CT managers promoted or hired after the 9/11 attacks did not need to have any actual experience in operational counterterrorism. Additionally, the FBI did not recruit or promote managers with Arabic speaking language abilities or knowledge of Middle Eastern history or culture into its CT program. Instead, the FBI decided that such expertise was not necessary for FBI “leaders.”

The fact that the FBI has engaged in serious misconduct by failing to recruit and promote managers with expertise in counterterrorism into its post-9/11 CT division was confirmed by the FBI’s current Executive Assistant Director for Counterterrorism and Counterintelligence, Mr. Gary Bald. Mr. Bald testified as follows:

Q: Isn’t it true that a strong background in international terrorism is essential for someone to be selected into the SES [the FBI’s senior management group]? Do you know?

A: I disagree. The reason is because you need leadership. *You don’t need subject matter expertise.* The subject matter expertise is helpful, but it isn’t a prerequisite. *It is certainly not what I look for in selecting an official for a position in the counterterrorism [program].*

Tr. 77 (emphasis added).

Additionally, Mr. Bald did not have CT experience himself before being hired to manage the counterterrorism program. Mr. Bald testified about his background and experience at the time he was selected, after the 9/11 attacks, to be a Deputy Assistant Director in the CTD:

Q: Up through your assignment as the DAD Counterterrorism, can you describe in which of these offices did you perform substantive operational counterterrorism work?

A: None.

Q: Were you ever assigned with primary duties for counterterrorism like a CT desk or something like that?

A: No. No.

Q: What would you define as your first substantive job in counterterrorism?

A: It would have been the DAD Ops.

Q: That would be the DAD Counterterrorism Division?

A: Correct.

When Director Mueller was asked if he was aware that his current EAD for CI/CT had no background in counterterrorism, Mr. Mueller denied it. (See deposition of Robert Mueller, 4/26/05, page 25, lines 13-15, and line 18):

Q: Were you aware that at the time Mr. Bald took his position in the counterterrorism division he had no background or experience in counterterrorism?

A: I don't think that's accurate.

The former AD for Counterterrorism, and later the EAD of CI/CT, Dale Watson, on whose watch the events of 9/11 unfolded, agreed that, post-9/11, nothing was done to bring into the FBI managers with CT background and experience in Middle Eastern terrorism. (See deposition of Dale Watson, 12/8/04, page 135, lines 16-19, and line 21):

Q: What steps did the FBI take after 9/11 to ensure that managers at the GS-15 or above level hired into counterterrorism had a background and experience and knowledge of Middle Eastern culture?

A: None that I'm aware of.

The FBI's current DAD for counterterrorism, John Lewis, also is without counterterrorism field experience. (See deposition of John Lewis, 5/17/05, page 38, lines 19-22.) He doesn't believe that it takes special skills and training for an agent to penetrate an al-Qaeda-like cell to recruit a source-in-place. Recruiting an informant

within al-Qaeda, according to the FBI's top managers, requires the same skills as recruiting an informant in a typical domestic bank robbery gang:

Q: If you (did) a recruitment-in-place in this bank robbery group of white supremacists, do you have then the skill sets you need to do a recruitment –in-place for an organization like al-Qaeda?

A: I think the answer to that is yes.... It doesn't make any difference whether somebody's from the Middle East or a white supremacist or from Australia.

And yet, it is not just the lack of experience and background in Middle Eastern counterterrorism that the CT Division leadership reveals. It even lacks command of the most basic fundamentals of Middle Eastern terrorism. (See Lewis deposition, page 110, lines 4-18, and page 111, lines 18-20):

Q. Are you aware of any relationship between the people who did the first World Trade Center bombing and the 9/11 attack?

A: I'm aware of no immediate relationship other than all emanates out of the Middle East, al-Qaeda linkage, I believe, not something I've studied recently that I'm conversant with.

Q: In terms of putting together the materials you would need for a counterterrorism FISA, have you ever done that?

A: Not personally.

Q: Are you aware of the process you'd have to go through in terms of obtaining facts for a counterterrorism FISA?

A: Generally.

(And, see page 109, lines 10-20):

Q: What is [the] organization, el Gamal Islamia?

A: It is an organization of interest.

Q: Do you know its relationship to al Qaeda?

A: No, not as I sit here right now.

Q: ... Do you know who the head of that organization was?

A: I do not.

Q: Or the relationship between the head of that organization and bin Laden?

A: I do not

(And, see page 111, lines 18-20):

Q: (I)n terms of the Blind Sheik, do you know his relationship to Osama bin Laden?

A: Not particularly... No.

Mr. Lewis is not alone in his meager knowledge of the fundamentals of Middle Eastern terrorism. Mr. Watson similarly was not well informed. (See Watson deposition, page 149, lines 14-22, and page 150, lines 1-11.):

Q: Now did there come a time when you offered an opinion about Mr. bin Laden being killed or dead?

A: Yes I did.

Q: What was your factual basis for that?

A: It's my gut instinct.

(Page 152, lines 6-11):

Q: Do you know who Osama bin Laden's spiritual leader was?

A: Can't recall.

Q: And do you know the differences in the religion between Shi'a and Sunni Muslims?

A: Not technically, no.

(And finally, page 155, lines 10-14):

Q: And if someone in the 1990s was to say they worked on an investigation known as Islamic Group, do you know who they would be looking into.

A: No, I do not.

Even the Director of the FBI is unfamiliar with some of the fundamentals. (See Mueller deposition, page 36, lines 21-22, and page 37, lines 1-5):

Q: And you're familiar with the blind sheik, Sheik Omar Abdul Rahman?

A: I am.

Q: And are you aware of his relationship with bin Laden?

A: ... I'm actually not.

(And, lines 10-16)

Q: Were you aware that the blind sheik was Mr. bin Laden's spiritual leader?

A: ... Again, I am not certain of the role between the blind sheik and bin Laden.

The FBI managers appointed to run the Bureau's post-9/11 counterterrorism program all admitted under oath that the hiring and recruitment policies utilized by the FBI to staff that program did not require that any official have any subject matter expertise concerning terrorism, Middle Eastern terrorism or other skills directly relevant to obtaining intelligence on al-Qaeda (such as knowledge of Middle Eastern history and culture or knowledge of Arabic). The justification for this misconduct in its staffing policies was even more troubling than the policies themselves. The FBI's top counterterrorism officials testified that there is no difference in the skills needed to investigate a bank robbery from the skills needed to obtain reliable intelligence information of al-Qaeda. They compared the World Trade Center attacks to a domestic bombing case, and they testified that the skill set necessary to understand a domestic "criminal," are the same as those needed to understand the thought process of an al-Qaeda member.

Thus, the FBI's current top Middle Eastern counterterrorism officials have stated, under oath, that there are no special skills needed to investigate an al-Qaeda cell.

Based on his substantial knowledge and expertise in Middle Eastern counterterrorism, Mr. Youssef fully understands the disastrous implications of this management policy. To compare the organizational, ideological and *modus operandi* of al-Qaeda to a domestic bank robbery gang is fundamentally flawed. It demonstrates a level of ignorance among FBI top managers that dwarfs even their inability to know the differences between Shiite and Sunni Muslims or to know of the role the Blink Sheik played in contributing to bin Laden's terrorist world-view.

One of the FBI's former high-ranking counterintelligence officers, Edward J. Curran, was also deposed. Mr. Curran, a 38-year FBI veteran, was additionally the Director of Counterintelligence for the Department of Energy and in the mid-1990s was Mr. Youssef's second-line supervisor, in charge of the CT and CI desk in Los Angeles. Mr. Curran took sharp exception to the statement by Mr. Bald that expertise in CT management was not a necessary requirement for FBI CT managers. He testified that the failure of the FBI to understand that its CT managers need expertise was one of the primary reasons why the Blind Sheik and bin Laden were able to twice bomb the World Trade Center.

After being shown Mr. Bald's testimony that "*you don't need subject matter expertise*" to manage the FBI's CT program, Mr. Curran's response was honestly blunt:

A: The statement is absolutely ridiculous. It's asinine....

Q: Why would you consider that to be an asinine statement?

A: You could have the background, the knowledge of your area of expertise and still have leadership, but... I don't know how you could be a leader with no expertise. The people you are supervising and coming in contact with would know within 24 hours that you don't know what the hell you're talking about. So how are you going to lead and address people and have them follow you if you don't have a clue what's going on? To say that, that you don't need to have expertise in your field, is absolutely ridiculous. I think that's why we had two bombings in the FBI. We have people in there that don't know their field. You think after the first bombing we would have solved the problem rather than waiting for the second one. The problem right now, we have people that don't know what they are supposed to be doing.

FAILURE TO UNDERSTAND THE TERRORIST THREAT

How is it that, notwithstanding the tragedy of 9/11, senior FBI CT managers still lack CT expertise and experience, and even awareness of the fundamentals of Middle Eastern terrorism? The answer is, the mentality of making a reactive criminal case, instead of prevention of a crime, is what is still driving FBI decision-making, including the CT program. That is a recipe for disaster.

That the "crime is a crime" mentality is still alive and well in FBI CT, even today, is revealed in the Curran deposition. Mr. Curran is currently the Deputy Director of the Office of Counterterrorism, State of New Jersey and a member of the Joint Terrorism Task Force (JTTF) in New Jersey, working daily with the FBI and other law enforcement agencies. Mr. Curran explains the distinction between the criminal and the CI/CT mindset in the FBI, and points out that the Bureau is still conducting counterterrorism

cases with a criminal approach. (See deposition of Edward J. Curran, 4/21/05, page 41, lines 2-5 and 15-24):

A: Most of the people other than the Intelligence Division were criminal agents. Their whole culture was from a criminal investigation point of view and it still is today... You can arrest somebody to prevent something and that's not the only way. And I think the FBI is still dealing with that.

Q: What do you mean by that?

A: We deal with the FBI and their whole focus is the arrest... rather than trying to get into the organization, develop other assets in the organization, find out what the organization is. It always appears the first thing they want to do is arrest somebody.

The view that the crime of a bank robbery is no different from a terrorist crime, like that of 9/11, is prevalent among all the senior CT management, even Director Mueller, as revealed in the depositions. They fail to distinguish between the two mentalities because they don't comprehend that there is such a distinction. They understand reaction to a crime, but not how to prevent one.

Several deponents testified that there is no distinction. Mr. Watson testified that law enforcement guidelines were all that is needed to prevent al-Qaeda from attacking the United States homeland again. (See Watson deposition, page 87, lines 3-14):

Q: (W)hat skills would an agent need in addition to those that your GS-13 with 10 or 12 years of experience in American law enforcement here in the United States, what skill sets would they need to better identify, penetrate and/or prevent a future Osama bin Laden-style terrorist attack?

A: They would need to understand the Attorney General guidelines for counter-terrorism and counter-intelligence investigation.

Evidently, this statement by Mr. Watson reflects his lack of distinction between investigating a simple crime after the fact, versus putting in the extraordinary effort it takes to deal with an organization like al-Qaeda. The element of prevention is missing in how Mr. Watson regards the two. (See Watson deposition, page 46, lines 20-22, and page 47, lines 1-4):

Q: Would you think the bombing case say of Oklahoma City was similar to the bombing case say of Khobar Towers or the embassy bombings?

A: Without going into specifics, I mean, if you look at it, yes, you can make those comparisons. Truck bomb, truck bomb. The explosives were different.

And when asked about what skill sets were needed for each type of investigation, Mr. Watson said that a strong criminal investigation background was superior. (See page 48, lines 2-18):

A: They have similarities. And if you don't have a strong criminal investigative background working general criminal matters, you'd probably be, you know, behind a little bit on that.

Q: And what would be the differences in terms of the skill sets?

A: Differences would be location, obviously. Foreign country as opposed to being inside the U.S.

Q: Any other differences come to your mind?

A: Oh, probably access to witnesses and the language.

Q: ... What about in terms of understanding the criminal, the culprit who did it?

A: ... I wouldn't say that was any different than what you look at from the general criminal mind of people that do that.

Mr. Curran, on the other hand, who worked for the FBI for 38 years in more sophisticated counterintelligence investigations, disagreed sharply with that viewpoint. (See Curran deposition, page 44, lines 3-19):

Q: Now what about in terms of knowledge of the target, would you agree that, say, that a criminal is a criminal and understanding that, say, the mindset of a Middle Eastern terrorist like al-Qaeda would be similar to the mindset of a bank robber?

A: No, there's absolutely no comparison whatsoever. A bank robber is a local thug, a criminal. Al-Qaeda or whatever is an ideologue. He is doing this because that is what he totally believes. He believes in killing the enemy. He's going to heaven or wherever the hell he's going to reach. There's no negotiations. It's an entirely different mindset you're addressing other than criminal. These people don't perceive themselves to be criminal. How do you attack a target like that? You have to have somebody that understands the target.

(And, on page 42, lines 12-24):

A: ... It's a mentality approach. The closest division that you come to, the Intelligence Division, in the criminal side, is the organized crime side of the house. They work it as an intelligence-gathering activity. They don't go out and arrest the first person they find. They want to develop something, get to the next guy, get to the next guy, it's long term, day in and day out. You give up the arrest when appropriate and penetrate that organization. It's extremely difficult in that the mindset you can't change, even today. Even with the terrorism investigation, they are looking for the arrest.

Based on Mr. Youssef's direct first hand knowledge, and the testimony and other documentation his attorneys have assembled, Mr. Youssef has a number of additional allegations highly relevant to this Committee's jurisdiction and investigatory authority. Some of this information is contained in the documentation being provided in response to Senator Grassley's letter. However, we are currently preparing a second disclosure letter to your office which will fully document the following additional concerns:

- Direct examples as to how the lack of subject matter expertise within the FBI has severely prejudiced the counterterrorism program since *before* the first bombing of the World Trade Center in February, 1993. These problems existed after the 1993 attacks, and continue to exist today;
- Evidence concerning the FBI's discriminatory policies and practices which have prevented the promotion of individuals with skills critically needed within the CT division, including native Arabic speakers and experts in Middle Eastern counterterrorism;
- Direct evidence that the FBI engaged in retaliatory practices concerning employees who raise concerns in legally protected forums, including providing information to Congress or addressing human resource abuses within the authorized EEO process;
- Misconduct in the promotional practices of the FBI, including the use of "favoritism" to pre-select candidates who will be selected for top positions;
- Mishandling of critical liaison with Saudi Arabia, an essential partner in America's efforts to defeat al Quada;
- Direct evidence that the FBI misled Congress and the American public after the 9/11 attacks concerning how it would respond to the terrorist threat;

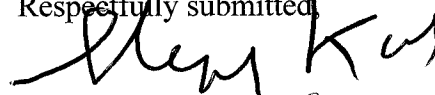
- Direct evidence that the FBI has failed to appropriately utilize one of its top terrorism experts in the war on terror;
- The failure of the FBI to use polygraphers fluent in Arabic to conduct examinations of potential “recruitments-in-place” in order to determine the reliability of these critical informants;
- Direct evidence that the FBI did not change its promotional criteria for work within its CT division after the 9/11 attacks and did not undertake any effort to insure that its most qualified experts on counterterrorism were provided assignments related to the 9/11 attacks.

Finally, we have obtained direct testimony that the FBI still harbors discriminatory animus against its employees who contact Congress and/or participate in proceedings related to ending discriminatory practices. In this regard, Mr. Youssef’s second line supervisor testified that he was highly critical of Mr. Youssef for having participated in a meeting with a Congressman and the FBI Director, in which Mr. Youssef attempted to address the FBI’s failure to properly utilize his expertise after the 9/11 attack. Moreover, this supervisor also testified that Mr. Youssef could be subjected to adverse personnel actions merely for participating in an EEO proceeding.

Given the level of animus against FBI agents who provide information to Congress in accordance with Executive Order 12731, we hereby request that the Committee take whatever steps are necessary to insure that Mr. Youssef is not subjected to additional retaliation as a result of this communication.

Thank you in advance for your prompt attention to this matter.

Respectfully submitted,



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