

PREPARED STATEMENT OF JAMES D. SMITH

BEFORE THE SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL  
THREATS and CAPABILITIES and the SUBCOMMITTEE ON STRATEGIC FORCES  
of the HOUSE COMMITTEE on ARMED SERVICES,  
UNITED STATES HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 15, 2006

*“ABLE DANGER ASSOCIATION AND SUPPORT”*

Mr. Chairman, distinguished members of both Subcommittees, thank you for the opportunity to appear before you and offer my remembrance of support given to the U.S. Army, Intelligence and Security Command (INSCOM) Headquarters at Fort Belvoir, Virginia.

With my testimony, I wish to relay information concerning my involvement with activities now known to me as, “ABLE DANGER.” It is my hope that both Subcommittees realize that I will convey all pertinent information that I recall concerning my support to ABLE DANGER during the fall of 1999 into the summer of 2000. My testimony has not been coordinated or discussed with anyone else except with Mr. Mark Zaid, Esq.

From March 1997 to August, 2000, I worked at Orion Scientific Systems, McLean, Virginia, as a Program Manager. From March 1997 to approximately 15 September 1999, I managed and performed criminal intelligence support activities within the *Gulf States Initiative (GSI) Program* – an unique joint federal (U.S. Army/National Guard)/multi-state (Alabama, Louisiana, Georgia and Mississippi) effort by working with specialized contractor support personnel and the U.S. government to assist/upgrade criminal intelligence support information technology hardware, software, communications, facilities, and training within the mentioned states.

As the *GSI Program* was being phased out, I had met with personnel at Fort Belvoir (the GSI Headquarters [HQ] location) concerning Orion’s ability to perform similar support to elements of the U.S. Army. In discussions and meetings about our capabilities, I met Dr. Eileen Preisser, Chief Intelligence Officer, U.S. Army INSCOM HQ, Land Information Warfare Activity (LIWA) at Fort Belvoir. After multiple meetings and discussions held at Fort Belvoir and at Orion Scientific Systems (8400 Westpark Drive, McLean, VA), a formal support proposal was presented to Dr. Preisser on or about 12 October 1999.

My recollection is that during a two-week period (i.e., the end of October 1999), Orion Scientific and the U.S. Army were able to establish a, “Task Order Contract” (i.e., funding provided for individual tasking – no guaranteed work or tasking by the Government). All tasking would come from INSCOM, specifically Dr. Preisser to Orion with me (James D. Smith), the Program Manager/Task Manager, responsible for assigned

products/deliverables as well as the accountability for hours charged per task by experienced intelligence analysts.

**“ABLE DANGER” Support** (Not to be read in opening statement)

To the best of my recollection, specific tasking assignments started with multiple discussions beginning on or about 25 October 1999. The U.S. Army established “ground rules” for Orion’s support to LIWA:

- All support was to be unclassified and not accomplished on U.S. Government information technology equipment or within U.S. Army facilities.
- Orion personnel were not to have access to U.S. government information technology equipment or data (unclassified or classified).
- Orion personnel were not accessed to classified operations of INSCOM, LIWA or other governmental agencies associated with INSCOM activities.
- Orion personnel were not allowed access to personnel or data associated with end-user operations.
- Orion was to formally produce and deliver all task order products for Government approval.
- No tasking was to begin without specific direction from LIWA – Dr. Preisser.
- Orion was responsible for accountability of hours charged per Task Order.
- Orion was responsible to advise LIWA when chargeable task hours were within 80-85% of funding.
- No “free” work was to be produced for the U.S. Government.
- Orion personnel had no knowledge of the code name, “ABLE DANGER” or any end-user operations.

Notes (incomplete), from my monthly calendar for this time period reveal the following:

- 26 October 1999, Dr. Preisser, James Smith, and John Sconda met to discuss Orion MAGIC (Orion proprietary software) capabilities.
- 1, 2, 3 November 1999, Dr. Preisser, James Smith, and others met to discuss a task research activity concerning “Chinese military and business influences around the globe.”
- 09 November 1999, James Smith met with Dr. Heath at INSCOM and Orion’s support Task Order contract was started.
- 17 November 1999, Dr. Heath and staff met at Orion for discussions.
- 22, 23 November 1999, James Smith met with Dr. Heath at Fort Belvoir.
- 01, 02, 03 December 1999, James Smith met with Colonel Worsocki (sp.) concerning Orion’s unclassified collection processes and possible studies.
- 20 December 1999, Task Order Delivery to LIWA (product not identified).
- 13 January 2000, Dr. Preisser presentation to Command (all input sent to her on time – topic not identified).
- 19 January 2000, Meeting with Dr. M. Heymann concerning LIWA support.
- 20 January 2000, Briefing from James Smith to Major Erik Kleinsmith (topic

- unknown).
- 24 January 2000, Major Task Order delivery to Dr. Preisser (Taliban Visual chart).
  - 03 February 2000, Meeting with Dr. Heath and staff on progress.
  - 08 February 2000, James Smith met with Major Kleinsmith and Dr. Heymann
  - 09 February 2000, Orion produced additional information concerning China to Dr. Preisser for meeting 10 February 2000, with the SSCI.
  - 22 February 2000, James Smith met with Major Kleinsmith (4 hours) concerning a Project Plan (subject of Plan unidentified).
  - 23 February 2000, Information (data extraction) samples discussed with Dr. Preisser of Law Enforcement related and open source data.
  - 28, 29 February 2000, James Smith worked on the DIESCON II proposal.
  - 01 March 2000, James Smith prepared a report of all direct labor charges to report to INSCOM.
  - 02 March 2000, James Smith met with Dr. Heath and staff concerning developed Program Plan.
  - 06 March 2000, New LIWA Task Order assigned (topic not identified).
  - 08 March 2000, Task Order delivery given to Major Kleinsmith by James Smith.
  - 10 March 2000, Task Order meetings at Fort Belvoir (4 hours).
  - 17 March 2000, James Smith attends meetings at LIWA all morning (4 hours).
  - 23 March 2000, Orion plans to install “Magic” at LIWA per request.
  - 27, 28, 29 March 2000, installation of Magic at LIWA.
  - 31 March 2000, James Smith meetings at LIWA (4 hours).
  - 05 April 2000, James Smith meets with Major Kleinsmith all morning at LIWA (4 hours).
  - 06 April 2000, James Smith met with Dr. Heymann (topics not identified).
  - 07 April 2000, James Smith met with LIWA for two hours – progress report.
  - 14 April 2000, James Smith met with Dr. Heath and staff concerning deliverables.
  - 18, 20, 21 April 2000, James Smith met with Major Kleinsmith and Colonel Worsocki (sp.)
  - 27 April 2000, Major Kleinsmith and Dr. Preisser hosted at Orion for major meeting (topics not identified).
  - 28 April 2000, James Smith met at LIWA for monthly progress reporting.
  - 01 May 2000, James smith delivered major research activity to LIWA (topic not identified).
  - 02 May 2000, James Smith prepared a major Task Order Report with future budget needs projected.
  - 05 May 2000, LIWA meeting (4 hours).
  - 08 May 2000, James Smith met with Major Kleinsmith (4 hours).
  - 11 May 2000, James Smith delivered Task Order charts, fiscal reports and projections.
  - 25 May 2000, Task Order delivery to LIWA (chart with data not identified).

- 30 May 2000, James Smith delivered to LIWA monthly reports.
- 09 June 2000, James Smith meets at Fort Belvoir (no further information).
- 17, 18 19 July 2000, Multiple meetings with Major Kleinsmith and Dr. Preisser – topics unknown.
- 04 August 2000, last day at Orion for James Smith

### **Task Order Visual Charts and Background Documentation**

Data mining is defined as a technique for extracting knowledge from large volumes of data, and it is being used increasingly by the government and by the private sector. Many federal data mining efforts involve the use of personal information, which can originate from government sources as well as private sector organizations.

Data mining efforts have a variety of purposes and uses and employ different data inputs and outputs. In addition to information collected directly from individuals, the efforts use information provided by other sources (such as public data bases and search engines that extract data from news sources, etc.). For example, the data mining effort of the IRS's Reveal System is used to detect evidence of financial crimes, fraud, and terrorist activity. The SBA Lender/Loan Monitoring System, provided under contract by Dun & Bradstreet, is designed to identify, measure, and manage risk in two SBA loan programs.

Orion visual charts were produced using "Orion Magic" software (Orion Scientific proprietary software), and to the best of my knowledge did not contain any connection to any Government information sources for data extractions. Our Task deliverables all centered on the concept of, **"Find and associate unclassified data meeting specific topics, activities, historical events, and/or research topics assigned by INSCOM."** All data represented on INSCOM deliverables were from the internet, private sources, and/or automatic pre-designed searches using a variety of search tools. Assembly of associations was completed by multiple trained, experienced analysts, and their work producing any associations/linkages was documented in "drill-down" capabilities within each visual presentation chart. As an example, any picture would contain, as a subset, data about that picture and why it was represented in the chart. Data may contain documented associations with other events, pictures, facilities, and/or geographic references in the chart.

### **CONCLUSION**

During the Orion support (on or about 25 October 1999 to 04 August 2000), James Smith delivered multiple open-source task order visual charts and printed support documentation that identified "linkages" or "associations" of people of interest and events including timeline charts, and historical events visual charts, as defined by the U.S. Army INSCOM interests. James Smith was the Task Lead/Program Manager/Business Developer for this support effort during the identified timeframe. Detailed analytical support was supplied by a variety of experienced analysts on a, "per

task/availability” schedule. Produced within James Smith’s support timeframe (to the best of his recollection) was a visual chart that identified associates of known terrorists (Omar Abdul Rahman) within the New York City geographical area (name of the visual chart is not documented within current notes); Mohamed Atta’s picture and association with Rahman was on the chart. Several of these visual charts were printed and due to the size of the charts (approximately 41/2’ X 5’) in size, printing irregularities would result. Several of these charts addressing multiple topics were retained by JD Smith and turned over to Representative Curt Weldon. James Smith’s copy of the chart containing the picture of Mohamed Atta was destroyed in an office move in 2004.

**RESPONSE TO THE HONORABLE SLADE GORTON, MEMBER, NATIONAL  
COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES  
LETTER DATED 20 SEPTEMBER 2005**

The Honorable Slade Gorton composed and delivered to the Honorable Arlen Specter, Chairman of the Committee on the Judiciary, a detailed accounting of the 9/11 Commission reviews and conclusions concerning claims by Lt. Col. Shaffer, Captain Phillpott, and Representative Curt Weldon.

The Honorable Slade Gorton concluded that: No documents have been found, and the Pentagon has conducted its own internal investigation with its probe being, “Broad,” “Deep,” and “Aggressive.” The Pentagon uncovered no charts or evidence to support the “Allegation” that ABLE DANGER identified Mohamed Atta before 9/11. He further concluded that each of the individuals (i.e., Shaffer, Phillpott, and Weldon) has an “excuse” as to why he can no longer provide the chart, and his final point is: “Claims about Mohamed Atta - even if they were true – would not change the Commission’s recommendations...”

I have no issues with the Honorable Slade Gorton or any other members of the 9/11 Commission. I agree with Slade Gorton’s comment that, “The 9/11 Commission has never claimed to be the last word on the topic of the September 11<sup>th</sup> terrorist attacks.” The Commission acknowledged in the preface to its Report: “New information will inevitably come to light.”