



Monday, April 5, 2004

## **Urgent & Confidential**

Thomas H. Kean, Chairman  
Lee H. Hamilton, Vice Chairman  
National Commission on Terrorist Attacks Upon the United States  
301 7th Street, SW  
Room 5125  
Washington, DC 20407

**Re: Pre-September 2001 FBI and Dept. of Justice Intelligence on Terrorism (R. Yousef)**

Dear Chairman Kean and Vice Chairman Hamilton:

Our monitoring of the Commission's hearings indicates that significant intelligence concerning the terrorist threat to the United States obtained between 1996 and early 2001 by various components of the U.S. Department of Justice has **not** been provided to the Commission.

This intelligence was provided to agents of the New York office of the FBI and senior prosecutors with the offices of the U.S. Attorneys for the Southern and Eastern Districts of New York by an informant, Gregory Scarpa, Jr., who developed a close personal relationship with Ramzi Ahmed Yousef while Yousef and Scarpa were incarcerated at the Metropolitan Correctional Center (MCC) in New York in 1996 and 1997, with supplemental information provided in 2000 by Scarpa to an official of the U.S. Bureau of Prisons after he was transferred to the Administrative Maximum Security (ADMAX) Penitentiary in Florence Colorado, to which Yousef had already been transferred and where both currently remain. In early 2001 another inmate of Florence ADMAX attempted to transmit much of the information developed by Scarpa to the director of the FBI, the President of the United States and the Attorney General.<sup>1</sup>

We first became aware of this intelligence when, for purposes entirely unrelated to terrorism, we met with Scarpa at Florence ADMAX in March 2003. In the course of these meetings Scarpa provided to us his contemporaneous (1996-97) handwritten notes of his conversations with Yousef and his terrorist codefendants<sup>2</sup> and copies of FBI Forms 302 (informant reports) recounting the information which he had provided to agents of the FBI.<sup>3</sup>

- 
- <sup>1</sup> We cannot, of course, confirm that these mailings, made by Gerard Van Hoorelbeke, in fact left the prison or reached their intended recipients. Van Hoorelbeke remains incarcerated at Florence ADMAX (Reg. No. 10376-029).
  - <sup>2</sup> Scarpa reported conversations with Yousef and with Yousef's codefendants, Wali Khan Amin Shah, Abdul Hakim Murad and Eyad Ismoil. Many of these conversations referenced a person identified by the terrorists as "Bojinga," whom we believe to be Osama Bin Laden.
  - <sup>3</sup> During his incarceration at the MCC, Scarpa was regularly debriefed by an agent of the FBI who, using the alias "Susan Schwartz," posed as a paralegal employed by Scarpa's attorney, Larry J. Silverman. In addition to these reports, Scarpa, utilizing a mini-camera provided by the warden of the MCC, provided the FBI with photographs of documents ("kites") which Yousef shared with him. Also, with the assistance of Scarpa (acting on behalf of the FBI) Yousef was able to make telephone calls, monitored by the FBI, to active (unincarcerated) members of his terrorist networks via a "patch-through" phone accessed from MCC.

The intelligence provided by Scarpa included specific threats to U.S. airlines, the identification of countries (e.g., England) through which terrorists were entering the United States and testing U.S. security procedures, instructions for smuggling explosive chemicals and detonators (including hiding these in the heels of shoes), and formulas for explosives and for the production of phosgene and mustard gases. Yousef revealed to Scarpa his strong interest in obtaining blank U.S. passports which “his people would only use for one trip to board the planes to be hijacked.” Further intelligence laid out a plan to videotape the killings of hijacking victims, with distribution of these tapes to the media.<sup>4</sup>

One very serious missed opportunity to disrupt a terrorist network here in the United States prior to September 11, 2001, involved Yousef’s agreement to meeting in New York between Scarpa’s associates (who would have been disguised FBI agents) and four active (unincarcerated) terrorists. This meeting never took place because the cognizant FBI agents and assistant U.S. attorneys refused to agree to Yousef’s demand that \$3,000 be provided to the terrorists.

It should be noted that Scarpa provided this assistance to the FBI at considerable risk not only to himself but also to members of his family, whose address he was compelled to provide to Yousef to enhance his credibility.

We have identified the following officials as having been directly involved with Scarpa in his role as an informant, as summarized in the attached “Scarpa-Yousef Intelligence Timeline”.<sup>5</sup>

**New York Office of the FBI**

- Susan Schwartz (alias)
- Pat White
- James Kallstrom

**U.S. Attorneys’ Offices**

- AUSA Michael Garcia (EDNY)
- AUSA Patrick Fitzgerald (EDNY)
- AUSA Valerie Caproni (EDNY)
- U.S. Attorney Mary Jo White (SDNY)

**Metropolitan Correctional Center (New York)**

- Warden R.M. Reish

**Administrative Maximum Security Penitentiary, Florence, Colorado**

- Mr. Manly (SIS)

---

4 Scarpa’s intelligence anticipates “shoe bomber” Richard Reed, the authorization for the 9/11 attacks given by Yousef’s uncle, Kahlid Shaikh Mohammed, Mohammed Atta’s and Al Qaeda’s English connections, the single-use passports employed to board the airplanes hijacked on 9/11, and the videotaped death in Pakistan of Wall Street Journal reporter Daniel Pearl.

5 The office of the U.S. Attorney for the Eastern District of New York was initially informed of Scarpa’s contacts with Yousef at the MCC and his willingness to serve as an informant by his attorney, Larry J. Silverman (46 Trinity Place, New York 10006; 212-425-1616), who remained informed of Scarpa’s activities on behalf of the government.

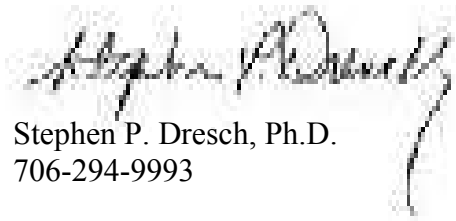
Although the information provided by Scarpa appears to have been fully documented, especially in Forms 302 prepared by the New York office of the FBI, we do not know if this information was disseminated to other agencies with responsibility for the prevention of terrorist attacks on the United States.

We understand that AUSA Patrick Fitzgerald (EDNY), in a later (sealed) court filing, attested to the credibility, accuracy and value of the terrorism intelligence provided by Scarpa. However, at the time of Scarpa's sentencing AUSA Valerie Caproni denigrated Scarpa's credibility as an informant. Apparently, Scarpa's credibility was perceived to pose a threat in the context of serious questions which had been raised concerning the informant relationship of Scarpa's father, Gregory Scarpa, Sr., with FBI Supervisory Special Agent R. Lindley DeVecchio, the revelation of which might place in jeopardy a number of convictions secured by the office of the U.S. Attorney (EDNY). This latter matter, entirely unrelated to terrorism, remains a subject of continuing, independent investigation.

We strongly advise that the Commission fully examine the terrorism intelligence secured by the government through the informant services of Gregory Scarpa, Jr., and assess the extent to which it was appropriately utilized to reduce the terrorist threat to the United States.

Respectfully submitted,

Angela Clemente  
Santrea\_143.2@juno.com



Stephen P. Dresch, Ph.D.  
706-294-9993

Principal witness: Gregory Scarpa, Jr.  
Reg. No. 10099-050  
ADX Florence  
P.O. Box 8500  
5880 State Highway 67 South  
Florence, Colorado 81226  
719-784-9464

Attachment: Scarpa-Yousef Intelligence Timeline