



Editorial Complaints Unit

Mr P Drew
Email: peter.drew87@hotmail.co.uk

Ref: CT/1200137

24 April 2012

Dear Mr Drew

The Conspiracy Files: 9/11 Ten Years On, BBC2, 29 August 2011

I am now able to let you know the outcome of my investigation into your complaint about **The Conspiracy Files: 9/11 Ten Years On**. As I explained in my finding on your other complaint, I have watched the programme, taken account of the programme-makers' response to the points you have made and carried out additional research into the events of 9/11. I have considered your complaint against the editorial standards set out in the BBC's Editorial Guidelines on Impartiality.¹ I addressed your point about the need for a correction to information included in the original version of this programme in my other finding (Ref CT/1200138) and so I do not propose to add anything further here.

You have raised two specific points about this programme and so I propose to address each in turn.

- 1. The programme did not include a contribution from Richard Clarke, the US Chief Counter Terrorism Advisor at the time of 9/11 in relation to the role of the CIA. Mr Clarke has said that the CIA took a deliberate decision to withhold intelligence from the FBI. The omission of this information led to a lack of due impartiality and gave viewers a misleading impression about the CIA's complicity in the 9/11 attacks.**

I have understood your point to be that the programme did not address the issue of apparent CIA complicity in allowing the 9/11 attacks to occur. You have cited comments made by Richard Clarke, the National Co-Ordinator for Counter Terrorism between 1998 and 2001,² in which he suggested there was a high level decision taken in the CIA not to share information about the presence of terrorist suspects in the USA with the FBI.

As you may recall, the roles of the FBI and the CIA in the events of 9/11 were addressed towards the end of the programme. This is what was said:

¹ <http://www.bbc.co.uk/guidelines/editorialguidelines/>

² <http://www.youtube.com/watch?v=bl6w1YaZdf8>

Narrator: Nearly ten years on the US military wrote what they hoped would be the final chapter of 9/11. An audacious helicopter mission carried US Navy SEALs into the heart of Pakistan. They'd finally tracked the man responsible. Osama Bin Laden was shot dead and his body buried at sea. But in the absence of photographs, critics have questioned whether he was really killed there and then.

Jim Fetzer, 9/11 Scholars For Truth: It's utterly astonishing that we should be able to kill a man who actually died nine years earlier in this fantasy event in Pakistan.

Philip Mudd, CIA: Well I guess I should have looked in my freezer because you know I was participating in the CIA activities to hunt for Bin Laden, so we must have had thousands of people who knowingly or unknowingly were involved in a conspiracy not only to hunt for the guy when he was already dead but to keep it secret for nine years. I did not see one secret when I was at CIA that hasn't found the light of day in the past decade, not one.

Narrator: But is there is a story where the evidence stacks up against the government? The FBI and CIA insist they had no specific warnings of the hijackings on 9/11. But it seems they did have important intelligence about Al Qaeda before the attacks. January, 2000. Two terrorists arrive in California from the Far East. Nawaf al-Hazmi and Khalid al-Mihdhar were known to be active members of an Al Qaeda cell. But it didn't arouse any suspicions when the smartly dressed young men presented their passports at immigration. Their names had not been added to the watchlist for terrorist suspects. Al-Hazmi and Al-Mihdhar were allowed on their way – unchallenged. They soon moved into a San Diego suburb and lived openly under their real names. They had come on a mission. And this is where they learnt to fly. At about the same time, a CIA cable confirmed that one of them was in the country but this lead wasn't passed on to the FBI. So at the time, the local FBI, didn't know they were here.

Sheriff Bill Gore, FBI: We're just coming up here on the apartments where the 2 hijackers lived over here on my left. Not fancy apartments by US standards.

Narrator: This is where they lived. Later they moved onto the doorstep of the Feds, literally. They rented rooms from an FBI informant, but he suspected nothing. What's more, one of the terrorists was actually listed in the San Diego phone book.

Sheriff Bill Gore, FBI: I think we could have identified some of these potential hijackers before September 11th. It's very frustrating; it's very frustrating to me personally. It's very frustrating to everybody that worked on it so hard here in the FBI in San Diego. Everybody has to ask themselves, was there something that maybe could have saved 3,000 lives. That's on the forefront of everyone's mind. But it still hurts.

Narrator: Whilst the two terrorists were learning to fly, intelligence was streaming in to the FBI that Al Qaeda could be planning an attack. By the spring of 2001, "the system was blinking red" according to intelligence chiefs, but there was nothing specific for the FBI to go on.

Richard Clarke: When I was in the White House there were lots of conspiracy theories. We investigated every conspiracy theory.

Narrator: The former chief counter-terrorism adviser questions whether there was a conspiracy not to make 9/11 happen but which might have allowed 9/11 to happen.

Richard Clarke: I still don't have an adequate explanation as to why the CIA, so many people, 60 people in the CIA, knew that Mihdar and Hazmi were in the United States and didn't tell me, and didn't tell the FBI. So I think that's an open book.

Narrator: At last, 19 days before 9/11, the FBI was finally told. Had the two terrorists in San Diego been arrested, there was a chance that the whole plot could have been prised open but they had long moved on and disappeared. CIA insiders say prior to 9/11 the focus wasn't on Al Qaeda and they were under resourced.

Philip Mudd: These aren't 60 people who were responsible for two guys in San Diego, these are 60 people who are responsible not just for a national but for a global counter terrorism campaign. So to say those two individuals coming into this country indicates that this was a massive intelligence failure to me is entirely misleading.

Narrator: The evidence points to intelligence mistakes before 9/11.

As you can see, the programme did include a contribution from Richard Clarke in which he said he still hadn't received an adequate explanation why he and the FBI were not told by the CIA that two suspects were in the United States. I accept that his contribution to this programme was not as forthright as in the interview you have cited but he was making the same point; the CIA knew the two men had arrived in the USA but did not tell other agencies and that prevented the two men being arrested before 9/11. Although you have suggested that the CIA "knew" that an attack was imminent and there was a "conspiracy by the CIA to actively allow the 9/11 attacks to occur", that doesn't appear to be the view of Mr Clarke. I have watched the interview you cited and it didn't appear to me that Mr Clarke said the CIA knew the two men were "planning something" (to use your words). His view was that the CIA intended to "flip" the two suspects and turn them into informants. He said his theory was that the CIA did not reveal its information because it would be unable to offer an explanation why it had not made the information available from the beginning. As Mr Clarke said "We would have begun an investigation that day into CIA malfeasance and misfeasance".

It seems to me that viewers would have been aware that there was a lack of co-operation between the CIA and other agencies. The narrator also made Mr Clarke's point that the suspects might have been arrested if the CIA had made their information available earlier than they eventually did. I therefore cannot conclude that the programme failed to reflect high level concerns about the actions of the CIA. There does not appear to be persuasive evidence that the CIA knowingly allowed the 9/11 attacks to take place and so I cannot agree that this point should have been included.

- 2. The programme did not include the "bombshell admission by NIST... that Building 7 had in fact fallen at FREE FALL SPEED for at least 2.25 seconds". The omission of this information was crucial because the only way a building can collapse at free fall speed is through controlled demolition.**

The programme devoted a significant amount of time to considering the latest evidence, as put forward by Professor Niels Harrit, that the collapse of WTC7 was the result of a controlled demolition. The programme initially summarised his theory as follows:

Now a new theory has evolved about a third huge skyscraper that was destroyed on 9/11. But this one was not hit by a plane. World Trade Centre 7 has become the focus for conspiracy theories. The New York City command centre for civil emergencies was based here. The Secret Service, Pentagon and the CIA all had offices in the building. Some argue that's just too suspicious. The official explanation is that it collapsed because of uncontrolled fires which burnt for seven hours. But if that is the case this is the first time a steel framed skyscraper has collapsed because of fire.

It included the following contribution from Professor Harrit:

There were three high rises but there are only two airliners. Now you don't have to a PhD in physics to count to three, OK? So what happened to Building 7, what was roughly a little less than half the height of the Twin Towers? It collapsed on its own seven hours after the north tower and the way it came down indicates that it was a controlled demolition. There is no way a steel framed high riser can come down due to fire.

I appreciate that you think it was important to explain that the National Institute of Standards and Technology (NIST) has acknowledged in its most recent report on the collapse of WTC7³ that the building fell briefly at free fall. In an ideal world where the duration of a programme was not an issue, I can see that it would have added to the audience's understanding and awareness of what various parties say happened if this aspect of debate had been included. It is also arguable that it would have lent weight to the theory expounded by Professor Harrit.

However, I am not persuaded that the omission of this aspect would have given a materially misleading impression or led to a lack of the necessary due impartiality. As I have explained above, the programme considered the theory that WTC7 was brought down by controlled explosion and allowed Professor Harrit to explain his thinking in some detail. Viewers would have been in no doubt that there are those who believe WTC7 (and the Twin Towers) were demolished by explosives. If the programme had called into question the NIST findings in the manner you suggest, it would have been necessary to explain in more detail exactly what the NIST report said. As I am sure you are aware, the final report published in November 2008 said there were three stages to the collapse of WTC7 (pages 44-46);

- *In Stage 1, the descent was slow and the acceleration was less than that of gravity*
- *In Stage 2, the north face descended at gravitational acceleration*
- *In Stage 3, the acceleration decreased somewhat*

This appears to suggest that NIST believes the building only collapsed at free fall for a proportion of the time it took to come down (Stage 2). NIST has explained the descent of the north face effectively in free fall as follows: "*This is consistent with the structural analysis model which showed the exterior columns buckling and losing their capacity to support the loads from the structure above*".⁴ Furthermore, NIST considered whether the building could have been brought down by explosives and concluded:

...there was no demolition type blast that would have been intense enough to lead to the collapse of WTC7 on September 11, 2001.

³ http://www.nist.gov/customcf/get_pdf.cfm?pub_id=861610 (NCSTAR 1A)

⁴ http://www.nist.gov/public_affairs/factsheet/wtc_qa_082108.cfm

I therefore cannot conclude that the omission of any reference to the finding of the NIST report on WTC7 led to a breach of editorial standards.

In conclusion, there are no grounds for me to uphold your complaints about this programme, although I would be happy to consider any points you might wish to make on my finding. I would be grateful if you could let me have any comments within ten working days of this letter. As I explained in my other finding, you can also ask the Editorial Standards Committee of the BBC Trust to review my finding. Correspondence for the Committee should be addressed to Lucy Tristram, Complaints Advisor, BBC Trust Unit, 180 Great Portland Street, London W1W 5QZ or you can send an email to trust.editorial@bbc.co.uk. The Trust normally expects to receive an appeal within four weeks of the date of this letter, or of any further substantive correspondence between us, and expects complainants to limit the details of their appeal to no more than one thousand words.

Yours sincerely

A handwritten signature in black ink, appearing to be 'CT' with a horizontal line extending to the right.

Colin Tregear
Complaints Director