



**Remarks of Deputy Attorney General
James Comey Regarding Jose Padilla
Tuesday, June 1, 2004**

Good afternoon. On April 22nd, Senator Orrin Hatch, the chairman of the Senate Judiciary Committee, sent a letter to the Attorney General asking the Department of Justice and the Department of Defense to supply whatever information we could about American citizens being held as enemy combatants here in the United States.

As you know, there are two such people: Yaser Esam Hamdi and Jose Padilla. Much is known about Hamdi, who was captured on the battlefield in Afghanistan; much less is known about Jose Padilla, in part because rules about classification have long restricted what we could say about him publicly.

For months, even before getting Senator Hatch's letter, we have been working to compile and declassify what we know about Padilla from his own statements, from the statements of other al Qaeda detainees around the world, and from intelligence sources around the world. Senator Hatch's request energized that process, which involved the Department of Justice, the Department of Defense, along with the FBI and other members of the intelligence community.

Because so many important questions have been raised about the detention of Jose Padilla, held after being captured on American soil, all those agencies have worked as hard as they possibly can to declassify as much as they possibly can. And while some information remains classified about Padilla, those efforts of those agencies have resulted in an answer to Senator Hatch's question that is remarkable for its scope, its clarity and its candor.

That answer, which was provided to Senator Hatch earlier today, and also provided to Padilla's lawyers and to our own Department of Justice lawyers handling his case in court, enables us for the first time to tell the full story of Jose Padilla. It will allow the American people to understand the threat he posed and also understand that the president's decision was and continues to be essential to the protection of the American people.

It will also serve to underscore the danger that we still face from al Qaeda, and why that terrorist organization so badly wants operatives who can move freely into and out of the United States.

Let me tell you the sobering story of Jose Padilla.

In 1998, Padilla flew from Miami to Cairo, where he spent the next year and a half. He has admitted that in March of 2000 he attended the religious pilgrimage, the hajj, in Saudi Arabia, and there he met a man from Yemen who was a recruiter for al Qaeda and they discussed the training opportunities al Qaeda offered in Afghanistan. Two months later, at this recruiter's request, Padilla traveled in May of 2000 to Yemen, where the recruiter introduced him to a sponsor, somebody who could arrange for his training in Afghanistan by al Qaeda.

In June of 2000 Padilla made that journey. He went to Pakistan and then traveled over land to Kandahar, Afghanistan. He has admitted that there he completed an application to receive training at an al Qaeda

camp, sponsored by the man he met in Yemen who helped him fill out the paperwork. The FBI found Padilla's application to the al Qaeda training camp. They found it in a binder that contained 100 other such applications, typewritten, each with the title at the top, "Mujahideen Identification Form/New Applicant Form." Padilla's application was dated July 24th of 2000, and bears one of his aliases, "Abu Abdullah Al-Muhajir." It bears his date of birth, October 18th, 1970. It shows that he is an American citizen; that he speaks Spanish and English and is proficient at Arabic; that he has traveled through Afghanistan, Yemen, Saudi Arabia and Egypt.

Padilla has admitted that after filling out his application he attended the al-Farouq training camp in September and October of 2000, using the name Abdullah Al-Espani. Padilla says he went to the camp with the understanding that he would be sent to Chechnya to fight for jihad, although he recognized that the recruits of al Qaeda were offered no guarantees. According to Padilla, his training included weapons instruction on AK-47, on G-3, M-16, Uzi and other machine guns.

Training on topography; communications; camouflage; clandestine surveillance; explosives, including C-4 plastic explosives, dynamite and mines; as well as physical fitness and religious training. Padilla completed this basic terrorist training successfully and then spent three months in the fall of 2000 with other new al Qaeda recruits, guarding a Taliban outpost north of Kabul, Afghanistan.

Padilla admits that he first met al Qaeda's military commander, Abu Hafs al-Masri, better known as Mohammed Atef. He met him in Afghanistan when Atef approached this American in the al-Farouk camp and checked him out to gauge his suitability and his commitment to the cause. Atef no doubt spotted the tremendous value this American terrorist offered because he met with him again several times, even giving Padilla money to go back to Egypt to visit his wife.

In early 2001, Padilla walked into the American consulate in Karachi, Pakistan and said his passport had been lost in a market in Karachi and got a new one, a classic act of al Qaeda tradecraft designed to eliminate suspicious travel stamps and cover the nature of the traveler's work.

In April 2001, having completed his basic terrorist training and having found a mentor in the military leader of al Qaeda, Mohammed Atef, Padilla departed Karachi, Pakistan and returned to Egypt, ending his first trip to Afghanistan.

Two months later, in June of 2001, Padilla returned to Afghanistan and sought out Mohammed Atef. He met with Atef at a safe house that was reserved for the instructors and the leaders of al Qaeda. According to Padilla, about a month later his mentor, Atef, asked him a question. He asked him if he was willing to undertake a mission to blow up apartment buildings in the United States using natural gas. Padilla told him he would do it.

Atef then sent Padilla to a training site near the Kandahar airport, where Padilla would train under the watchful eye of an al Qaeda explosives expert and be trained with a man who was to be his partner in this mission to destroy apartment buildings, another al Qaeda operative. When Padilla saw this other operative, he recognized him immediately because he had known him from Florida. Padilla and the other operative trained under the guidance of this explosives expert and learned about switches and circuits and timers. They learned how to seal an apartment to trap the natural gas and to prepare an explosion using that gas that would have maximum yield and destroy an apartment building.

I told you that Padilla recognized this other al Qaeda expert who -- excuse me, this al Qaeda operative who was to be his partner, recognized him immediately. And you will too, because that other operative was Adnan Shukrijuma, also known as Jafar or Jafar the Pilot, a man that the Attorney General and the

FBI director told this country about last week, one of the seven we want so badly to find.

Padilla and Jafar, though, could not get along. That personality conflict led them to abandon this operation, although only temporarily, after Padilla reported to Atef that he didn't think he could work with Jafar and he couldn't work this operation alone.

As I continue with Padilla's story, let me note, as the attorney general and Director Mueller did last week, that Jafar took another path and remains out there somewhere and is extraordinarily dangerous; an explosives expert who is also an experienced commercial pilot.

Padilla admits that after this specialized explosives training, he spent much of September of 2001, including after the attacks of September 11th, staying with Mohammed Atef at Atef's safe house near Kandahar. That was the same safe house where Atef was killed by American forces after it was bombed in November of 2001 in a military raid. Padilla's life was spared only because he happened that night to be staying at the safe house run by his explosives teacher. But he returned and dug his mentor Atef's body out of the rubble.

And then, according to Padilla, a decision was made that all Arab fighters had to be moved out of Afghanistan because the Americans were coming. Padilla, armed with his assault rifle, joined many other armed al Qaeda fighters in moving to the Pakistan border to escape the American forces. At that border, Padilla met Abu Zubaydah. Abu Zubaydah, one of the most important and powerful members of al Qaeda, was in charge at that border of sorting the fighters into two groups: those who should continue on and be relocated to Pakistan, and those who should be sent back into Afghanistan.

Padilla admits that after crossing into Pakistan he met Zubaydah again at a safe house in Lahore, Pakistan, and then met with him yet again at another house in Faisalabad, Pakistan. Padilla says it was at the place in Faisalabad that he and a new accomplice, a new partner, approached Abu Zubaydah with an operation in which they proposed to travel to the United States to detonate a nuclear improvised bomb that they had learned to make from research on the Internet. Padilla says that Zubaydah was skeptical about the idea of them building and deploying a nuclear bomb, but nonetheless, told them he would send them on to see Khalid Sheikh Mohammed, also known as KSM, the operational leader of al Qaeda and the mastermind behind September the 11th.

We know separately that Zubaydah did think the nuclear bomb idea was not feasible, but he did think, as well, that another kind of radiological device was very feasible -- uranium wrapped with explosives to create a dirty bomb.

Zubaydah believed this was feasible, and encouraged Padilla and his accomplice to pursue it. He warned them, though, that it would not be as easy as they might think, but they seemed convinced that they could do it without getting caught.

Zubaydah's plan was to use Padilla and his accomplice for Zubaydah's own operations in the future. But they were so eager, so intent on carrying out an operation in the United States that in March of 2002 he sent them to see Khalid Sheikh Mohammed, even going so far as to write a reference letter to Khalid Sheikh Mohammed about Padilla, giving Padilla and his accomplice money, and urging them to seek out KSM about the dirty bomb plot. Zubaydah separately called Khalid Sheikh Mohammed, told him about the dirty bomb project, and also told him he didn't think it was practical, but he wanted Khalid Sheikh Mohammed to check it out himself and to evaluate it. He told Khalid Sheikh Mohammed that he was free to use Padilla in his operations in the United States if he wished.

Mohammed did meet with Padilla and his accomplice, and he was, as Zubaydah was, skeptical about the dirty bomb plot. Instead, he suggested to Padilla and his accomplice that they undertake the apartment building operation that had originally been conceived by the now-dead Mohammed Atef, the former military leader of al Qaeda. KSM suggested that they enter the United States by way of Mexico or by way of Puerto Rico, and that once in the country they locate high-rise apartment buildings that had natural gas supplied to all floors, that they rent two apartments in each building, seal those apartments, turn on the gas, and set timers to detonate and destroy the buildings simultaneously at a later time. This was precisely the mission that Padilla and Jafar had trained for, and now Padilla had a new accomplice.

Khalid Sheikh Mohammed gave Padilla full authority to conduct an operation if he and his partner succeeded in entering the United States. I should note that Khalid Sheikh Mohammed was not himself sure which operation Padilla intended to carry out. By that I mean in Khalid Sheikh Mohammed's mind, it was still possible that Padilla was going to pursue the dirty bomb plot. What KSM knew for sure, however, was that he had authorized this explosives-trained al Qaeda operative to mount an attack in the United States.

Padilla, for his part, admits that he presented the dirty bomb plot to Khalid Sheikh Mohammed, just as he admits he presented it to Abu Zubaydah.

Padilla says that Mohammed wanted him to hit apartment buildings in New York, although they also talked about Florida and Washington, D.C. Padilla was given the discretion about choosing the apartment targets.

According to Padilla's new accomplice, who is also in custody, the one who replaced Jafar, Khalid Sheik Mohammed wanted them to blow up 20 apartment buildings simultaneously. In response, Padilla pointed out that he could not possibly rent that many apartments without drawing attention to himself, and that he might have to limit this operation to the destruction of two or three entire apartment buildings. Padilla, by his own admission, accepted this terrorist assignment, although as our answer to Senator Hatch notes, he continues to maintain that he was not in the United States for that reason, and he was never really planning to go through with it. He does admit, however, that after accepting Khalid Sheik Mohammed's assignment, Ramzi Bin al-Shibh, who was the coordinator and organizer of the 19 hijackers on September 11th, trained Padilla in using telephones securely, and in al Qaeda's e-mail protocol. And Khalid Sheik Mohammed himself, according to Padilla, gave \$5,000 cash to Padilla. And then Ammar al-Baluchi, who is Khalid Sheik Mohammed's right-hand man, give Padilla another \$10,000 in cash, travel documents, a cell phone, an e-mail address to be used to notify al-Baluchi when the operative, Padilla, reached the United States.

Padilla also said something else remarkable. He says that the night before his departure, he and his accomplice attended a dinner with Khalid Sheik Mohammed, with Ramzi Bin al-Shibh, and with Ammar al-Baluchi. That is, the night before Jose Padilla left on his mission to the United States, he was hosted at a farewell dinner by the mastermind of September the 11th and the coordinator of those attacks.

After that dinner, Padilla departed Pakistan on April the 5th, 2002, bound for the United States by way of Zurich. After spending a month in Egypt, Padilla traveled on and arrived at Chicago's O'Hare International Airport on May the 8th of 2002. He was carrying over \$10,000 in U.S. currency given to him by his al Qaeda handlers. He was carrying the cell phone provided to him by Ammar al-Baluchi, Khalid Sheik Mohammed's right-hand man. He was carrying the names and telephone numbers of his recruiter and his sponsor, and the e-mail address for Ammar al-Baluchi, who he was to contact upon safely reaching the United States.

Padilla was arrested by the FBI in Chicago on a material witness warrant authorized by a federal judge in New York.

And he was transferred to Manhattan, where I was then the United States attorney. He was appointed a lawyer at public expense, and we set about trying to see if he would tell the grand jury what he knew about al Qaeda. With time running out in that process, on June the 9th of 2002, just about two years ago, the president of the United States ordered that Padilla be turned over to the custody of the Department of Defense as an enemy combatant, where he remains.

We have decided to release this information to help people understand why we are doing what we are doing in the war on terror, and to help people understand the nature of the threat we face, and in particular to help people understand why it is so important that we find Jafar, Adnan Shukrijuma, the pilot trained with Padilla in explosive destruction.

Much of this information has been uncovered because Jose Padilla has been detained as an enemy combatant and questioned. We have learned many things from Padilla that I'm not going to discuss today and that we did not include in our answer to Senator Hatch.

Had we tried to make a case against Jose Padilla through our criminal justice system, something that I as the United States attorney in New York could not do at that time without jeopardizing intelligence sources, he would very likely have followed his lawyer's advice and said nothing, which would have been his constitutional right. He would likely have ended up a free man, with our only hope being to try to follow him 24 hours a day, seven days a week and hope -- pray, really -- that we didn't lose him.

But Jose Padilla was more than a criminal defendant with the broad menu of rights that we offer in our great criminal justice system. On May the 8th of 2002, a soldier of our enemy, a trained, funded and equipped terrorist, stepped off that plane at Chicago's O'Hare; a highly trained al Qaeda soldier who had accepted an assignment to kill hundreds of innocent men, women and children by destroying apartment buildings; an al Qaeda soldier who still hoped and planned to do even more by detonating a radiological device, a dirty bomb, in this country; an al Qaeda soldier who was trusted enough to spend hour after hour with the leaders of al Qaeda: Mohammed Atef, Abu Zubaydah, Khalid Sheikh Mohammed; an al Qaeda soldier who had vital information about our enemy and its plans; and lastly an al Qaeda soldier who, as an American citizen, was free to move in, within and out of this country.

Two years ago, the president of the United States faced a very difficult choice. After a careful process, he decided to declare Jose Padilla for what he was: an enemy combatant, a member of a terrorist army bent on waging war against innocent civilians. And the president's decision was to hold him to protect the American people and to find out what he knows.

We now know much of what Jose Padilla knows, and what we have learned confirms that the president of the United States made the right call, and that that call saved lives.

Thank you for your time.