

June 10, 2003
Washington, DC

FBI Director Robert Mueller invited members of the Family Steering Committee and representatives of other family groups to a briefing at FBI Headquarters. Discussion topics included:

- the progress of the FBI investigation into the September 11th terrorist attacks
- what the FBI has done to improve its investigation of terrorism
- measures which are being instituted at the FBI to improve communication and collaboration with other government security agencies as well as with state and local law enforcement agencies.

Although family members had many questions regarding the FBI's knowledge about the terrorists, FBI communication with other governmental agencies and its actions prior to September 11th, Director Mueller declined to answer many questions on the basis that the answers may be integral to the government's prosecution of Moussaoui.

May 22 & May 23, 2003
Washington, DC

Second Public Hearings of the 9/11 Independent Commission

The Independent Commission's second public hearings focused on Congressional oversight and aviation and transportation safety.

Members of Congress testified about the importance of a thorough investigation into the terrorist attacks and their expectations of the commission's outcome, often based upon the needs of their constituents. Testimony was given regarding Congressional responsibilities and problematic issues related to oversight of intelligence and security agencies.

Testimony about aviation safety indicated that there have been improvements since September 11th, but that dangerous security issues continue in aviation, such as carrying cargo on passenger planes, and in the transportation industry as a whole. During an interview with a former FAA administrator who testified that prior to September 11th there had been no credible threats that airplanes would be used as weapons, Tim Roemer read from a partial list of terrorist plots which directly refuted the FAA official's testimony:

- 1995- Ramsey Yousef's plan to crash an airplane into the CIA Building in Langley, VA
- 1998 - terrorists planned to fly an explosive laden plane from a foreign country into the World Trade Center
- 1998 - Turkish Islamist extremists planned to fly a plane into Ataturk's tomb,

1999 - Al Qaeda planned an attack with a hang glider

2001 - terrorists planned to crash an airplane into a building or bomb the embassy in Nairobi

A former Red Team investigator spoke about the lack of enforcement and follow-up with the airlines after Red Team discoveries of security lapses, and in some instances, he alleged that the FAA covered-up Red Team's findings.

Aviation witnesses said that part of the problem of enforcing compliance was that the airlines would lobby members of Congress, often convincing them that by enforcing the measures required, they were unable to keep the airlines running efficiently. Congressional members would then pressure the FAA to reduce the fines for non-compliance to as little as ten cents on the dollar; thereby reducing the airlines' impetus to properly enforce the required security measures.

NORAD officials' testimony spoke of radar pointed out toward the oceans, a policy which had not changed since the end of the cold war, rendering us unprepared for an attack from within.

A NORAD timeline was presented which detailed each hijacked plane's movements as well NORAD's response. Some elements of NORAD's timeline did not match a timeline presented earlier by FAA officials. Commissioners raised questions about those discrepancies and several omissions in the timeline.

Mention was also made of maritime security, which is vulnerable due to the enormous amount of cargo which passes through our ports.

Visit the official site of the *National Commission on Terrorist Attacks Upon the United States* <http://www.9-11commission.gov> for a list of witnesses and their credentials. Archives of audio, video, and transcripts from the second public hearings will be posted on that site.

May 15, 2003

Madison, New Jersey

**Meeting with Chairman Kean, Deputy Director Kojm
and Family Liaisons Emily Walker and Ellie Hartz**

Commission and staff members: Chairman Tom Kean; Deputy Director Chris Kojm; Emily Walker, Family Liaison and Manager of the New York Office; Ellie Hartz, Family Liaison.

Family members: Carol Ashley, Patty Casazza, Beverly Eckhert, Mary Fetchet, Monica Gabrielle, Bill Harvey, Mindy Kleinberg, Steve Push, Lorie Van Auken

Questions submitted to Commission:

1. Why was General Mahmoud of Pakistan meeting with Senator Bob Graham and Rep. Porter Goss, the chairmen of the Senate and House Intelligence committees, on the morning of September 11 and what were they talking about?

2. Who were the Pentagon officials who were advised on September 10th not to fly the next day due to security concerns? Who gave them the warning and where did that individual get the information? Why wasn't the same warning given to the American public?

Discussion Points

I Family Liaison

A. Appointments to Family Liaison staff position

1. Emily Walker

- manager, Commission's New York City Office, 26 Federal Plaza, including management of family liaison responsibilities
- member, Independent Commission's investigative Team 9: Immediate Response at World Trade Center and Pentagon
- was at work in WTC 7 on September 11th
- experience
 - Citibank/Citigroup (on September 11 was in WTC 7) 1995-2003
 - Private Consulting 1993-1995
 - European Bank for Reconstruction and Development 1991-1993
 - Executive Secretary to Secretary of the Treasury Brady 1988-1991
- contact her at familyliaison@9-11commission.gov. *(Amended 6-19-03)*

2. Ellie Hartz

- 9/11 widow of John Clinton Hartz of Basking Ridge, NJ, Fiduciary Trust International, 94th floor, WTC Tower Two
- member, Lower Manhattan Development Corporation (LMDC) Families Advisory Council
- Connecticut resident
- contact her at familyliaison@9-11commission.gov. *(Amended 6-19-03)*

B. Role

- act as facilitator
- keep families updated
- keep Commission apprised of issues
- follow through on information/ recommendations

C. Family liaisons will be based in the New York office and will have an 800 number in addition to e-mail address

D. FSC recommendations

- have a press conference announcing the opening of the New York Office and introducing the family liaisons

- use the press conference to publicly launch the investigation of the immediate response in New York and at the Pentagon
 - include specifics about information the team will be seeking

II Public Hearings

A. Publicity

- the Commission sent press releases about the upcoming hearings to 300 newspapers
- Commission will get Department Of Justice list of family members to contact them about future hearings

1. FSC recommendations:

- advertise extensively prior to **all** upcoming public hearings
- send out a press release the week before and again the day before
- use the media to the fullest

B. FSC suggestions for the public hearings:

- prominently display the Commission's website
- announce *next* public hearing dates at conclusion
- provide closed circuit telecast for family members on west coast and others who are unable to attend the hearings
- devise a way for the FSC to submit questions to the Commissioners and/or respond to testimony during the hearings
- the commission should:
 - indicate that the investigation is a patriotic event whose goal is to make our nation more secure
 - give examples of the progress that it has already made in national security
 - explain the process by which it is acquiring information

III The Investigation

A. Whistle-blower/ Anonymous tips

1. Currently, there is internal guidance to staff to refer the caller to General Counsel

2. There will be a place on the official website, <http://www.9-11commission.gov>, to submit questions.

3. FSC/family recommendations:

- during opening remarks of the public hearing, there should be a statement

- about how to provide information anonymously.
- there should be a number where anonymous callers can call in directly.
 - staff members should be able to access all questions in a central location to get the full picture

B. Classified information

1. Clearance
 - 75% of staff has clearance
2. Access
 - the problem with the Joint Inquiry Report is that it was written with a single classification; it isn't sourced precisely
 - the Commission will try to write its report at the secret level or below
 - the commission is working on systems to communicate with each agency and is trying to get help from the White House

C. Information requests and Subpoenas

1. The time allowance for non-compliance for requests for information will vary from case to case
2. FSC/family recommendations
 - publicize the names of those who are subpoenaed
 - if witnesses need to be sworn in, and the Commission wants to avoid the public ceremony, do it in private, before the public hearing starts
 - those who are testifying in closed session should be sworn in

VII Conflict of Interest

- A. Every Commissioner is meeting with the General Counsel to review their financial disclosure statement for possible conflict(s) of interest

VIII Conference Call

- A. In a conference call on May 14 arranged by the Commission, family members discussed aviation issues and questions about September 11th with Team 7 staff members who are investigating aviation and transportation security. Both the FSC and the Aviation team staff felt the conference call was extremely productive.
- B. FSC/family recommendation
 - teleconferencing between the FSC and Commission staff should be used with the other teams as well

IX Implementation

- A. Since the Commission got the full money it requested, there will be enough to pursue implementation of the Commission's recommendations
 - B. Possible methods to pursue implementation:
 - testifying before Congress
 - meeting with the editorial boards of large newspapers
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May 1, 2003
Washington, D.C.

Family members met with Commissioners Kean, Hamilton, Ben Veniste, Fielding, Gorelick, Gorton, Lehman, and Roemer, as well Executive Director Zelikow and Deputy Director Kojm regarding the progress of the investigation into the September 11th attacks.

Organizational Structure

Nearly all the staff has been hired. Staff biographies will be posted on the Commission's official website: <http://www.9-11commission.gov> .

The staff is divided into nine investigative teams:

- 1) Al Qaeda*
- 2) Intelligence *
- 3) Counter-Terrorism
- 4) Terrorist Financing*
- 5) Immigration*
- 6) Law Enforcement
- 7) Aviation*
- 8) Immediate response to the attack
- 9) the White House

*The timetable for document requests has been completed by these teams and the Commission has reviewed their work plans.

Extensive documents have been requested across the entire mandate. Each team's goal is to determine

- What happened?
- What was the oversight?

Security clearance

All Commissioners have top-secret clearance. Staff will have access to classified information on a need to know basis. Half the staff has received clearance. The process for the others will take about a month. Those awaiting clearance are studying non-classified literature in their area of responsibility.

Conflict of Interest

Commissioners have filed financial disclosure statements for review by the Senate Ethics

Committee. There are guidelines in place to determine whether a Commissioner will need to recuse himself or herself because of a conflict of interest. Staff has been asked to notify the Commission's general counsel of any potential conflict(s) of interest.

Access to Joint Inquiry Documents

After a five day period in which the White House considered invoking executive privilege on some requested documents, the Commission now has access to the source material used in the Joint Inquiry on Intelligence including

- written reports
- hearing transcripts
 - Sandy Berger, President Clinton's National Security Advisor, testified. However, there was no testimony from President Bush's National Security Council.
- interview reports (170 of 300 to date) ; some information has been redacted due to Congressional privilege
 - The Commission's attorney is developing new guidelines for interviews and depositions.

However, the Commission must go back to the originating agencies for copies of the original documents provided to the Joint Inquiry because staff notes which are subject to Congressional privilege are intermixed with the official documents.

Regarding those documents

- the FBI kept a second set ; its documents are currently available
- the CIA did not keep a second set and is in the process of supplying copies of the documents
- the NSA did not provide any documents to the Joint Inquiry

To verify that all documents have been received, the Commission has asked for an index of all documents received by the Joint Inquiry and a complete list of all documents turned over to the Joint Inquiry by the FBI and CIA. The lists will be cross-referenced.

Subpoenas

No subpoenas have been issued.

Rebuttal of inaccurate testimony

The Commissioners indicated that they should be advised of inaccurate testimony.

FSC position:

Access to Joint Inquiry Documents

- There should be a free flow of information, including all official and working documents, as well as interim notes from the Joint Inquiry.
- Nothing should be redacted.
 - Congress mandated that the Commission build on the Joint Inquiry's work. It is inefficient and redundant for the Commission to go back to the originating agencies for copies of the documents, especially in light of the limited time allotted to the investigation.

Testimony

- The FSC requested a list of the individuals who will be testifying both publicly and in closed session, so that we can submit questions for them.

Goals

- The FSC agrees with the discovery questions, "What went wrong?" and "What was the oversight?" as we anticipate that the answers will incorporate accountability. The FSC also agrees with the Commission's goal of ensuring that their recommendations are implemented."

The New York Office

The New York office will be in the Federal Building at 26 Federal Plaza. As soon it is operational, additional information will be posted on the website.