

NATIONAL COMMISSION ON
TERRORIST ATTACKS UPON THE UNITED STATES

Public Hearing

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Alexander Hamilton U.S. Custom House
Auditorium
One Bowling Green
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P R O C E E D I N G S

CHAIRMAN KEAN: The official start of our first public hearing is going to be an extraordinarily important job, we believe, for the country. In my capacity as the Chairman of the Commission on Terrorist Attacks in the United States, I am honored and humbled to convene this first public hearing.

Since my colleagues and I were appointed at the turn of the year, many people from all walks of life, and actually from other nations even, have inquired about our work. And many offered their help. What they really wanted, however, were answers.

Their questions fall into three basic categories: First, they wanted to know what led to the terrorist attacks upon our country September 11th, that took the lives of almost 3,000 Americans and forever changed the lives of millions of others. There was not a person alive that day whose life was not changed in some way by September 11th.

Those who perished in those attacks or those who were wounded had done nothing to warrant it. They were going about their business. They were doing their jobs. They were flying to see family or to conduct business or to spend time with loved ones or going or returning from vacations.

They didn't personally know their assassins. Those who attacked them had no particular human target in mind. They just wanted to kill as many people as possible. They didn't care who the victims were. All they had to do to warrant their killing and maiming, they wanted to target buildings or certain airplanes.

Most of whom who died or were injured were Americans. The deceased and survivors were of all backgrounds, races, religions, creeds and even nationalities. They only had one thing in common. They were all at the time doing their best to keep ours, the finest, strongest, most productive, creative, diverse and welcoming democracy that has ever been created on the face of the earth, and, you see, that's what the terrorists sought to

destroy.

They wanted to extinguish the very freedom, vitality and diversity that characterizes the American way of life and makes it the bastion of hope for so many others in the world.

And they sought to do this by killing thousands of our people, disrupting the life pattern of this country as a whole, and by instilling what they hoped was fear, not only in our nation but in all nations that allow ideas to compete freely and fairly in the open marketplace.

The American people want the answers to so many questions around 9/11. They want to know who were these people and how could they have done this terrible thing to so many innocent people. What kind of fanaticism drove them to do this?

They also want to know how such a dastardly attack could occur and succeed in a nation as strong as ours, militarily, economically and technologically. They want to know what, if anything, went wrong on that pacific day, what evidence did those charged with safeguarding the

security of us all, what evidence did they have that might somehow have averted this tragedy and how did they use it.

What evidence then was available? What could have been done to avert this tragedy? What if people had acted differently on that day and the days leading up to September 11th? And finally, most importantly, they want to know what can be done to prevent future terrorist attacks of this scale and how can we make this country safer for all its people.

In conversations I have had with family members of people who perished in the attacks against the World Trade Center, the Pentagon, and in that plane crash in a small field in Somerset County, Pennsylvania, they told me time and again that the one thing they were concerned about was to make sure that their loved ones had not died in vain.

It's horrible enough to see someone you love struck down in this manner. It would be even worse for the rest of us to do nothing to prevent

other families from having to endure such grief and pain in the future.

As Chairman of the Commission, I want to say that I consider this task the most important part of our work. We must not allow the people who were struck down to simply become statistics. Each represented a life that was interrupted. All had families, colleagues and friends who care deeply about them, all who perished had dreams that are now unfulfilled. All became the first casualties of what has become a war against the United States, declared by international terrorists.

The victims did not know, when they said good-bye to their loved ones when they departed for work or the airport on that fateful morning, that they would be part of such a war. They had no weapons and they didn't even know the identity of their enemies.

We will, I know, in this country construct memorials, and we should, to honor these people, but the greatest service we can pay those who made the ultimate sacrifice and those who survived the

blaze is to do all we can to assure that no one ever again experiences the kind of anguish that they endured.

I know there's nothing we can do on this Commission to bring anybody back to life, but those who were taken from us on September 11th, we can work to assure that no future families suffer in this way, the way so many people have suffered. And this is what our Commission intends to do.

I want to say a word or two about the purpose of today's hearing. In the parlance of Congress, this is not an investigative hearing but an informal one. Today we will not, as we'll be doing in the future, be cross-examining witnesses. The Mayor and Governor are coming. They are coming to welcome us. We will have questions for them probably later, but today we will not be doing that.

We will be doing that on, as I say, a number of other occasions. And some of our meetings will be in public, some will not be in public because of the kind of sensitive materials

that we will be dealing with. On those occasions, we will be able to have extensive discussions with many people who will be testifying today and tomorrow.

On this first day of our hearing, we will be seeking to ascertain what those who feel a personal stake in our deliberations think is important for us to study.

We will hear from people who have lived and survived the attacks on the World Trade Center and the Pentagon. We will hear from representatives of families of those who died in those attacks. We will hear from the governor of this great state and the mayor of this great city. And finally, we will hear from a number of others who have a particular interest in the events of that terrible day.

Tomorrow we will hear from people who have particular expertise in national terrorism, the kinds of actions that made the attacks on September 11th possible, and the kinds of measures that might be taken to avoid such future events.

Before I turn over the floor to our Vice Chairman, Lee Hamilton, I want to say a couple, two additional things about what this Commission will and will not attempt to do and something about the Commission itself.

As I said, our purpose is to find out why things happened, how they could have happened, and what we can do to prevent their ever happening again. We will be following paths and we will follow those individual paths wherever they lead. We may end up holding individual agencies, people and procedures to account.

But our fundamental purpose will not be to point fingers, it is rather to answer fully the questions that so many still have and, most importantly, as I say, to prevent and to do everything we can to make the American people safer so we will not have this kind of thing ever happen again.

As we were getting ourselves organized, I asked members of the Commission staff, were there any precedents for what we were about to do. And I

came forward with two commissions. Both came into being in the aftermath of other national tragedies.

Those who are old enough to remember the bombing of Pearl Harbor and the assassination of President Kennedy remember those commissions well. Neither fully satisfied the hopes of those that created them.

It seems there are no real precedents for what we're about to attempt. To succeed, we are going to need the cooperation of the Congress, the national administration, federal, state and local law enforcement and other agencies, think tanks, foundations, university professors, business, industry and labor, survivors, witnesses, and ordinary citizens. And I thank them in advance for their help.

Finally, about the Commission itself: We were created by the United States Congress for a specific purpose. I have outlined in a general way what we hope to do. The Commission operates in a strictly nonpartisan nature. Five of us happen to be registered as Republicans, five of us as

Democrats, but we're not going to operate as party members, and the staff is not partisan.

All of us, in one capacity or another, have served in government. None of us still do. None of us have any agenda but getting to the truth to make ours a safer country.

I want in particular to single out the Vice Chairman of this Commission, Lee Hamilton. I have long admired Congressman Hamilton for his public service, in the truest sense of the word, and what he has done for this country. I am very honored to be able to serve with him on this particular Commission.

Today marks the first occasion when the American people will have an opportunity to see who we are. Each of us had our own reasons for accepting the call to serve on this Commission.

For eight years I have had the honor to serve as Governor of the State of New Jersey. I was born here in this great city, attended graduate school at Columbia, met my wife here. I've spent almost my entire life living and working around

this region.

I remember when the World Trade Center was built. I must have been in it hundreds of times. I appointed half the commissions to the Port Authority when I was Governor. I was well acquainted with many of its employees and knew some of those who died on September 11th as friends.

As a private citizen, I sat on the board of a company who lost over 80 people on that terrible day. I delivered the eulogy at that memorial service. As a university president, I counseled students who were grieving on that terrible day and afterwards.

Not far from where I live, a young pastor of a rural church that serves no more than two- or three-thousand families told the local newspaper he had performed nine funeral masses on a single day. I didn't lose any member of my family on that particular day, but I did lose a lot of friends in the World Trade Center, the Pentagon and that flight.

Adlai Stevenson said, when he learned of

John Kennedy's assassination, each of us who was alive will carry the memory of that particular death until the day of ours. That is how we feel about September 11th.

Thank you, and I will now call on Congressman Lee Hamilton, the Vice Chairman of the Commission.

VICE CHAIRMAN HAMILTON: Good morning, Governor. Thank you for a very moving and eloquent statement.

Governor Kean is an inspired choice to lead this Commission. He's the only member of the Commission appointed by the President, and I commend the President for his appointment. The other members of the Commission are appointed by members of Congress.

I am very pleased to serve with Governor Kean on this Commission, as Vice Chairman, and I have appreciated already his remarkable leadership as I have talked with him over the phone every day now for the past four or five months.

I'm pleased and privileged to be joined by

my fellow Commissioners. Each bring remarkable and unique experience from public service and from private life. They really are an exceptional group, a talented group, that gives me high confidence that this Commission will successfully complete its awesome task. Each of us believes that this is as serious an undertaking as any in which we have been involved.

The Commission exists to understand what happened on September 11th and to protect our nation against future attack. Our mandate is to look back, to learn the vital lessons of 9/11, to look forward, to make recommendations that leave the United States and its people safer.

Our primary task is to answer one essential question: What can we do to prevent another 9/11?

Our mandate is breathtakingly broad. After all, 9/11 was not simply a failure of a single person or department of government but rather a systemic breakdown of our government's defenses, our preparedness for catastrophic

terrorism and our understanding of a new world in which threats develop an ocean away and strike us with horrifying impact within our own borders.

Thus, our mandate, as stated by the Congress and reaffirmed by the President, extends to many areas of policy. We are specifically mandated to scrutinize intelligence, law enforcement, diplomacy, immigration and border controls, the financing of terrorism, commercial aviation, Congressional oversight of counterterrorism efforts and other areas that we, as a Commission, deem relevant.

In all we do as a Commission, we will strive to be independent, impartial, thorough, and nonpartisan. The Commission will provide a factual record of September 11, 2001, how events developed and how our nation responded, from the first responders at the Pentagon and the World Trade Center, to the national leadership.

As the Chairman has already said, we will also seek a better understanding of the enemy. How did al Qaeda emerge as a threat? How did our

government's counterterrorism policy evolve? What have been our successes and our failures, and what are the broad foreign-policy lessons of 9/11?

I believe this Commission can and will make a significant and valuable impact worthy of the attention and scrutiny of the American people and policymakers.

Much good work has already been done on several issues before us. The Congressional Joint Inquiry into the intelligence failures of 9/11 has concluded its work and many other credible sources have analyzed the issues that confront this Commission, but the Joint Inquiry's focus was limited to intelligence and other inquiries have lacked the breadth of our mandate.

Now, some 18 months after that terrifying day, we still have no comprehensive analysis of 9/11, no authoritative record of the many forces that led to the attacks, no definitive narrative of the events of the day, and no set of recommendations to address the wide assortment of government policies and concerns related to the

attack.

Today the Commission holds the first of its public hearings. The Commission is committed to public hearings such as these for two reasons.

First, we are revisiting a seismic event in American history and the lives of all Americans, and we are working on issues of the utmost importance to their safety and security. Thus, we are obligated to keep the American people as informed as we can of our work and our findings.

Second, the American people are our greatest resource. The success of our inquiry depends upon their intelligence, fortitude and good will. We will do our best to engage Americans of all walks of life to complete our work.

Today we seek guidance from individuals who can offer unique perspective and valuable vision. We will hear from the survivors of the attack who can relate to us the awful experience of that day. We will hear from the families of the victims.

Nobody suffered a greater loss on that

terrible day. This loss both focuses and informs our work. The families offer a solemn reminder of the gravity of our inquiry. And through the knowledge they have acquired in seeking answers to their many questions, the families also are a very valuable resource.

We will hear from the first responders who were called to duty on 9/11. Their brave and extraordinarily capable example set this nation on a path towards recovery and their experience is essential to our understanding of the events of the day and our preparedness for future attacks.

And we will hear from public officials who coordinated this city and state's response. They too were on the front lines in their decision-making and marshalling of resources. We look forward to their wisdom on preventing, preparing for, and responding to terrorist attacks.

We step into a moving stream. We operate in the context of the war on terror, which includes operations abroad, some precautions already taken, with more under consideration, and a government

that is reshaping itself to combat terrorism. And all the while, the threat of another attack looms. The urgency of our work is apparent.

Our staff, very ably led by Dr. Zelikow and Chris Kojm, represents some of the finest expertise in the country. We are establishing an office in New York, as well as Washington. We have contacted all the various agencies we will be working with in the coming months.

We have received assurances of cooperation from the White House and from the Congress. We have set a course, an infrastructure, to meet the charge of our mandate. And we have begun to review and build upon, not duplicate, the foundation of good work that has already been done by the Joint Inquiry and many others.

Our time is short and much work lies ahead. We have miles to go before we sleep. At the end of our work, it is my hope that we will have helped insure the security of the American homeland. What greater or more urgent task could there be than understanding this national tragedy and

working to strengthen the safety of the American people?

All want this Commission to succeed. With the help of our witnesses today and the many more to follow, we will produce a record that we trust will stand the tests of time, a record that heightens our understanding of the challenges ahead and sets our course, as a nation, toward peace and stability.

Thank you, Mr. Chairman.

CHAIRMAN KEAN: Thank you, Congressman Hamilton. Now I'd like to introduce Commissioner Fred Fielding.

COMMISSIONER FIELDING: Thank you, Mr. Chairman. Good morning.

At the outset, let me state how honored and awed I am to be a member of this Commission and to have the opportunity and privilege of working with the Chairman, the Vice Chairman and my fellow Commissioners.

It is a very onerous and huge task ahead of us, and I can only pledge to provide all the

time, energy and skill I may possess to the complete fulfillment of such important goals.

For my part, I come to this task with no preconceptions as to what we may find and no preconceived agenda as to what we may ultimately recommend.

I do, however, come with the anger and sorrow and the despair shared by others over the acts of 9/11 and over the loss we suffered to our national sense of domestic security and of the losses, the senseless and vicious losses, of friends and family and innocent people.

I personally lost a dear friend who was also the wife of a very close and longtime colleague and friend of mine. I also personally lost a delightful and most promising young law partner, Karen Kincaide. Her presence is so sorely missed at the law firm.

So I can't say that I am dispassionate and I can't say that I am totally objective about that day, but we all suffered losses in various and varied degrees. And that collective loss must be

the motivation to be sure that everything is done to prevent this from happening again.

We must not rush to judgment, to be sure, but we surely must make judgments. As I see our mission, it is to carefully look to the past in order that we can then realistically look to the present and ultimately formulate credible recommendations for the future.

We must be fair and respectful and impartial in our work, but we must also be thorough and surgical in our pursuit of these facts. We must follow facts wherever they lead. There are no sacred cows in this endeavor.

We must be respectful to our institutions at every and all levels of government, but we must also honor the mandate given to us to be as thorough as possible in order to make the most relevant findings and recommendations.

I don't know where the facts will lead us when we seek to determine and to understand not only what happened on that horrible day but also how it could happen and how our government entities

were then dealing with the threat that gave rise to it.

And I don't know where the facts will lead us as we probe the various institutions of our government, federal, state, executive, legislative, to determine how each of these institutions was poised and prepared to deal with other actions that could have possibly occurred or, God forbid, actions that can occur.

Further, we must probe to see if institutional oversight, pressure, or actions inhibited in any way the role or the degree of vigilance that was necessary.

To repeat the obvious, we don't know where these facts will lead us, but we will seek the facts and have them lead us to conclusions which then, and only then, can be the basis for realistic recommendations that will hopefully mitigate the possibility that we might again suffer the assaults of those who want to attack our way of life by attacking and terrorizing our citizens and our people in this country.

A word of self-imposed caution is needed. Probity, skill, intelligence, good judgment—they're all necessary to accomplishing our responsibility and should be the hallmarks of our conduct in our deliberations. But most important is our task of instilling in the public confidence in our objectivity.

Critics will look to any indicia of partisanship, divisiveness or disarray, and we must be vigilant to resist anything that leads to such a conclusion. History has shown that such actions, and especially things such as leaks of sensitive information prematurely, create the destruction of a commission's work and its vitality and, therefore, its credibility and its validity.

In today's world, I suspect no commission will ever be able to satisfy everyone by its work, but we must do everything we can to satisfy anyone about the objective way we operate. We have to have a shared commitment to an effort that is not only thorough but is thoroughly fair and thoroughly impartial and thoroughly nonpartisan.

Those who attacked us on September 11th wanted to usher in not a brave new world but a cowardly one, a world in which terrorists who envy our freedom and despise our values are willing to slaughter the innocent through any means at their disposal.

We have collectively learned this unwillingly, and at the cost of great

suffering, great shock and great sorrow. We now have a challenge to prepare a report that will honor those who died on September 11th, their families and friends who remain, and all the Americans who are trusting us to help the President and Congress to guard against any such other attacks. Thank you, Mr. Chairman.

CHAIRMAN KEAN: Thank you, Commissioner.
Commissioner Richard Ben-Veniste.

COMMISSIONER BEN-VENISTE: Thank you, Mr. Chairman, Mr. Co-Chairman, fellow Commissioners.
Good morning, ladies and gentlemen.

Like countless Americans, I felt the searing pain, shock and horror of the brutal September 11th attacks upon my fellow citizens and

the symbols of American greatness and power.

Less than two weeks before the September 11th attacks, I brought my family to visit the World Trade Center and the Statue of Liberty. Like tens of thousands of others on September 11th, I realized, there but for the grace of God go I.

In the intervening time since the September 11th attacks, we have learned a great deal about what happened on that day and the events leading up to it. In particular, we are grateful for the work of the Joint Inquiry conducted by the Senate and House Intelligence Committees.

Congress has specifically instructed us to build upon the good work of the Joint Inquiry as we proceed with our investigation and develop recommendations for Congress and the President.

Yet the Joint Inquiry's full report had only just last week been made available to the members of this Commission who have their full security clearances. As of last week, most of the Commissioners and most of the staff had not yet

received security clearances.

I believe the scheduling of this hearing has had a salutary effect on speeding up the clearance process and I am gratified that the White House has now promised the funds necessary to carry out our work.

It is important that President Bush has publicly supported this Commission and its goals. The full cooperation of the relevant departments and agencies of the executive branch is essential to the Commission's ability to carry out its responsibilities. And the result of such cooperation will be a measure of our success.

I am pleased that in recent weeks the Commission has made good progress in hiring an excellent staff, capable of carrying out the ambitious agenda Congress has set out for us.

From an historical perspective, it would seem that the closest precedent to our assignment was the Roberts Commission, created by President Roosevelt immediately after the Japanese attack on Pearl Harbor. The Roberts Commission failed to

address certain fundamental aspects of our unpreparedness at Pearl Harbor and was criticized by subsequent inquiries for serious omissions and impaired conclusions.

We must be thorough and diligent in our work in order to get it right. We have been given an historic opportunity to contribute to the public good and to provide a record that will withstand the test of time.

In fulfilling our responsibilities, it is imperative that we assess our vulnerability to terrorist attacks, and specifically, why we were unprepared for the attacks of September 11, 2001.

No department or agency in this administration, or any other, is exempted from our careful review. I do not, however, interpret our investigative mandate to be an invitation to engage in finger-pointing or to participate in the blame game. Rather, it is the essential precursor to a reasoned analysis of how changes and improvements to our security apparatus can and should be made.

I have had the privilege of meeting with

representatives of families of citizens who died in the September 11th attacks. The loss that they have suffered is beyond measure, but their strength and determination will continue to keep our nation and this Commission focused on answering the questions posed by this tragedy.

The personal involvement of surviving family members was central to the creation of this Commission, and I welcome their continued involvement as we go forward with our work.

Among the many challenges facing our nation is the need for balance as we respond to the real and ongoing threat of terrorist attacks. While our focus on protection of the homeland is paramount, we must be ever mindful of the collateral consequences of measures which may threaten our vital personal and civil liberties.

There is no question but that we must factor into the equation of proper balance the capacity of our adversaries to exploit the protections afforded by our Constitutional

guarantees of freedom of religion and due process of law to advance their nefarious objectives.

This balancing will be no easy task, but it is imperative that we get it right. And I hope this Commission will make recommendations that reflect the importance of that balancing.

In 1989, Justice Thurgood Marshall warned, "History teaches us that grave threats to liberty often come in times of urgency when Constitutional rights seem too extravagant to endure."

Similarly, in 1995, Justice Sandra Day O'Connor cautioned, "It can never be too often stated that the greatest threats to our Constitutional freedoms come in times of crisis."

If the acts of al Qaeda and other terrorist organizations who mean us harm result in a response that disproportionately curtails the personal freedoms and civil liberties that define our American way of life, then our enemies will have won a great victory without taking another life.

In conclusion, our Commission was created

to operate outside the permanent structure of the three branches of government. In addition to the experience and judgment we can bring to bear to this assignment, we can offer another critically important quality, our independence and objectivity.

We can and must consider carefully the actions and roles of all three branches of government as they operate to respond to the threat of further terrorist attacks. We should offer objective, neutral analysis, with no pre-set agenda or allegiance to any agency or branch of government or political party. No lesser standard will satisfy our nation's expectation of this Commission. Thank you.

CHAIRMAN KEAN: Thank you, Commissioner.
Commissioner Slade Gorton.

COMMISSIONER GORTON: Mr. Chairman, the members of this Commission are charged by the Congress of the United States to produce a thorough and dispassionate history of the events, the individuals, the organizations and the ideas that

led up to 9/11, together with the immediate response of American institutions to that attack.

I'm convinced at the same time that the members of this Commission are charged by our consciences never to forget, never to have at any place other than the forefront of our thoughts the individuals whose lives were lost in this attack and the far larger number of lives that were devastated by that attack.

We are charged by the Congress of the United States to analyze the structural and human failures that resulted in the failure of this nation's defenses, adequately or at all, to anticipate and to prevent this attack. We are told by the statute that created us to build on the work of the Joint Congressional Inquiry, which has done much good work but which recognized its own incompleteness and inadequacy.

I am convinced that one of the important aspects of this Commission's work is to examine what has taken place in the 18 months since 9/11 to prevent future such attacks. Have we changed our

ways? Is our intelligence better? Are preventative measures in effect? Could we do a better job in the future than they have in the past?

Beyond that, however, I agree one hundred percent with our Chairman's remarks that we are to come up with recommendations as to future and additional changes, changes in the structure of our intelligence and law-enforcement agencies, perhaps more difficult, a recommendation of attitudinal changes with respect to the way that individuals in positions of authority respond and do their job.

And finally, I'd like to echo the remarks of my colleague, Mr. Ben-Veniste. The object of the attack of 9/11 was a free and open society which those attackers hated and wished to destroy.

An immense challenge before this Commission and before the people of the United States is to determine ways in which that free and open society can far better prevent future such attacks, with a full balance and respect for the

values of that free society of individual liberty and openness.

This is in my view a huge task which I approach, I trust, with due humility in the hope and the expectation that the 10 members of this Commission will carry out this task not only honorably but effectively and with a result that causes the respect and the acceptance of the American people.

CHAIRMAN KEAN: Thank you, Commissioner. Commissioner Jamie Gorelick.

COMMISSIONER GORELICK: Thank you, Mr. Chairman. Good morning. Thank you, Tom Kean and Lee Hamilton, for your leadership of this Commission.

The first obligation of government is to protect its people. And clearly our government failed to do that on September 11th. As a country, we have since declared war on terrorism, but as those schooled in the art of war know, history is the best teacher.

And it is for that reason that our

military, since the Revolutionary War when George Washington appointed Baron von Steuben to assess how our newly formed Army could do better, our military has consistently demanded, in meticulous detail, after-action reports of every military event so that in the future our actions could be informed by both our successes and our failures.

That principle has also been adopted in our civilian agencies by act of Congress. We have inspectors general in every civilian agency. And they know, as do their military counterparts, that our consistent history is a prompt, effective and, most importantly, unflinching review of our failures, even, even when it is hard to accept the truth.

Now there may not be perfect historical analogies to what we undertake here today, but we have a consistent history of prompt, effective and unflinching reviews. We have already failed to undertake this review promptly.

The statute establishing this Commission was not passed until nearly a year and a half after September 11, 2001. And we have, to be sure,

encountered some obstacles in getting this inquiry off the ground. But we are now underway, and underway forcefully.

Whatever difficulties we encounter, I will dedicate myself, as I know my fellow colleagues will do also, to overcoming them because we have to. We must get this right. If we don't, we will fail to learn from our mistakes.

I am a native of New York. I am a long-time Washingtonian. The two communities that I call mine, where my children and my family and friends want and need to feel safe, are the ones that feel our vulnerability the most. So I come to this task with a great sense of urgency, which is underscored by my meetings and my communications with the representatives of the families of the victims.

In my career I have dedicated myself to a strong national defense, to a safe and secure domestic life, and to the protection of our precious liberties. And I pledge to those here and to those who have placed their fate in this

Commission's work that I will bring every ounce of my energy and each of those perspectives to bear as we undertake the solemn obligations of this Commission's work. Thank you.

CHAIRMAN KEAN: Commissioner John Lehman.

COMMISSIONER LEHMAN: Thank you, Mr. Chairman. Good morning. In my career I have served in the Naval Forces, the National Security Council Staff, the State Department, as a diplomat, and as Secretary of the Navy.

In that last tour on my watch, I lost 241 Marines and sailors to a state-sponsored terrorist attack in Beirut. Most of those perpetrators today are still recruiting and training terrorists. Both of those states that sponsored that attack are still harboring and sponsoring terrorism. And it has been a continuing dedication on my part to see that the lessons that should be drawn from that experience are applied in government.

So far, that has not been terribly successful. But my experience in government has certainly taught me one great lesson, that the

genius of our system is that we do learn the lessons of history. It takes us more time perhaps in our democratic methods than we would prefer, but I am a believer in the way our system, haltingly but inevitably, learns the lessons of history so that they are not repeated.

I think that our Commission is the ideal vehicle, the ideal catalyst, to see that the lessons of 9/11 are promptly applied, to see that they are not repeated as, unfortunately, our experience in Beirut has been repeated numerous times in the intervening decade.

And so I think you will see a very intense, a very active process in pursuing this investigation, in seeing that the recommendations of previous commissions, the longstanding and understood shortcomings in the organization of our government that have been identified by a number of previous commissions but never acted on, are going to be focused on and the new nature of the spread of international terrorism is understood and applied in concrete recommendations and proposals

that will issue from this Commission.

And I'm confident that the Executive Branch in Congress, with the catalyst of this Commission's work, will see that those proposals are implemented and we indeed will learn the lessons of history and not repeat them. Thank you.

CHAIRMAN KEAN: Thank you, Commissioner Lehman. We are going to interrupt the statements from the Commissioners because Governor Pataki has arrived. Governor, we welcome you. Thank you very much for coming.

GOVERNOR PATAKI: Good morning, Chairman Kean, Vice Chairman Hamilton, and members of the Commission. It's a privilege to be here before you this morning on behalf of the 19 million citizens of New York State. I have formal comments that you have before you, and you're welcome to make them a part of the record, but I would just like to reflect a little bit on my thoughts of September 11th.

Thank you for your efforts to make sure that every step is taken to make sure that America is prepared and proactive to try to make sure it

doesn't happen again and if there are additional attacks against anyone anywhere in America, we're prepared to respond appropriately.

Of course, when I think of September 11th, the first overwhelming feeling I have is a sense of loss, a sense of loss of not just the hundreds of brave firefighters and police officers and Port Authority police officers, but also of the thousands of civilians, just ordinary people who went to work that morning with their normal dreams for a good day and a better future for themselves and their families.

You can't help but have a tremendous sense of loss when you reflect on the individuals, friends that I know and so many in New York whom we lost on that morning. But the second thought I have is one of overwhelming pride and a tremendous sense of the courage of those who faced unspeakable tragedy with such incredible willingness to sacrifice. And because of that courage, because of that willingness to sacrifice, the efforts of the terrorists on September 11th failed.

Now certainly they succeeded in bringing down two towers, two symbols of American strength and in the process killing thousands of innocent people in a way that has broken our hearts. But they didn't want to break our hearts, they wanted to break our spirit. They didn't want to bring down towers, they wanted to bring down our confidence and our freedom and our way of life.

And because of the way that ordinary New Yorkers responded with extraordinary courage, instead of seeing us divided and frightened, we saw us unified and inspired.

I can recall the morning of September 11th walking the streets of lower Manhattan and seeing in front of St. Luke's Hospital doctors and nurses lined up with gurneys. Maybe they were frightened because no one knew what might happen next, but their fear was overcome by their courage and their willingness to stand out in the streets of lower Manhattan in the hopes that injured people would be brought that they could treat.

I walked the streets of lower

Manhattan. I will never forget turning a corner and seeing more than a block of ordinary New Yorkers lining the street. And they weren't lining the street to catch the subway uptown or to catch a bus out of town. They were lined up, in the midst of this fear and uncertainty, to give blood in the hopes that somehow they could help New Yorkers overcome this tragedy.

All of the superficial differences that on the morning of September 11th seemed so important, whether it was race or religion or politics or economic position, disappeared in the sense of unity and the sense that we had been attacked and we were going to get through this together.

And it was with extraordinary pride that I walked those streets of lower Manhattan and saw how yes, our firefighters and our police officers and our emergency-service workers charged into those towers with no regard for their own lives to save others, but also with the pride of the ordinary New Yorkers, who responded with such courage. And since that day

that sense of unity and that sense of courage is something I believe still is very strong here in New York.

We are going to hear from family members who lost their loved ones on September 11th. Their courage, their strength, a year and a half later, is something that still inspires me and, I believe, still inspires Americans.

And we are going to rebuild Ground Zero in a way that makes it a symbol of the resurgence of New York and the confidence Americans have in our freedom, but at the same time, we're going to be respectful and we're going to never forget that almost 3,000 heroes were lost on that day. And we are going to make sure we have a memorial that is appropriate for all time and a symbol of courage and a symbol of the sacrifice those heroes made on that day.

As we watch the nightly news and now see the war against terror being fought in the Middle East, a lot of people say that, well, perhaps almost two weeks ago the first shots of that war

were fired. In my view, the first shots of that war were fired September 11, 2001, right here in New York City.

In my view, the heroes and the martyrs of September 11th were the first casualties in that war, a war we're going to win. And when we win that war, New York and America and the world will be a safer place because of that.

Last week I had the privilege of being in Fort Drum, which is a military base in upstate New York, when the 77th Regional Command U.S. Army Reserve Unit was mobilized and on their way to the Middle East. I had a chance to talk to them and talk to their commanding general.

The 77th has suffered six fatalities in this war. They didn't suffer them in the Middle East. They suffered them on September 11th when firefighters, and a lawyer, one of them a very close friend of mine, died responding to that attack. And they are going over there with a tremendous sense of pride and a tremendous sense of mission knowing that their first casualties will

not occur in Iraq. They occurred on the streets of New York.

So as we go forward, I can't help but think of the President's comments when he addressed the people of America on the eve of the war. And the President said, one of the points that has stuck with me and will always stick with me, is that this war against terror should be fought by our soldiers and our sailors and our Marines and our Air Force and not by our firefighters and police officers. That to me is an important lesson of September 11th.

I am sure this Commission, as it goes about its hearings and listens to so many people, will learn a lot of other lessons of September 11th. I thank you for your service. I thank you for your commitment and willingness to put in the time and the effort to try to do everything we can to protect the people of New York and to protect the people of America.

New York State government and I'm sure the people of New York stand ready to cooperate in any

way we possibly can to help you on this important mission. Again, let me just say that when you think of September 11th, yes, we will never forget the sadness and the heroes, but let's never forget the courage and the strength that ordinary New Yorkers showed under extraordinary circumstances. Thank you and God bless you. Thank you, Chairman.

CHAIRMAN KEAN: Thank you, Governor. Thank you very much. I'd like to introduce Commissioner Tim Roemer.

COMMISSIONER ROEMER: Thank you, Mr. Chairman. I'd just ask permission to have my entire statement entered into the record so I can be a little bit briefer than the whole statement.

I am honored to serve with you, Mr. Chairman. You bring such a good bipartisan reputation to this Commission. I am honored to serve with the Vice Chair, Mr. Hamilton, with whom I served in Congress. And I'm honored to be here with the families that could have stepped away in their grief and their sorrow and instead participated in a process that helped bring us here

today with the Commission.

We are here today because we love democracy. And in democracy, sometimes it is not easy to get at the facts, to ask the tough questions, to make people feel uncomfortable, to move paradigms and models from old ways into new ways, to take on the threat of al Qaeda, who wants to kill hundreds if not thousands of people and do it anyplace in the world, including in the United States of America.

We are here to get at the facts. And getting at the facts won't kill us, but not getting at those facts might. We need to make sure that we follow the clues and the evidence wherever they will lead.

Walter Lippman, a gifted and prolific writer, reminded us that "A central function of democracy is to allow a free people to drag realities out into the sunlight and demand a full accounting from those who were permitted to hold power."

As our Declaration of Independence

proclaims, those holding power, "Deriving their powers from the consent of the governed" should be accountable to their citizens. That's what we are going to do on this Commission.

New York City is the appropriate place to begin this great task. Even before September 11th, at 12:18, on February 26, 1993, a bomb exploded in the World Trade Center, killing six people, injuring 1,000 people, and causing \$510 million in damage. On June 24, 1993, the FBI arrested eight individuals for plotting to bomb a number of New York City landmarks.

Why did it take our bureaucracies, our intelligence community and our politicians so long to react to targets and clues and evidence that had been building and building and building over time?

A distinguished historian, Roberta Wohlstetter, wrote a superb book on Pearl Harbor. And the forward by Thomas Schelling is even more superb, and I quote, "It would be reassuring to believe that Pearl Harbor was just a colossal and extraordinary blunder. In fact, blunder is too

specific. It was just a dramatic failure of a remarkably well-informed government to call the next enemy move in a Cold War crisis."

Today it might be some of the same words, a "well-intentioned but well-informed government to call the next enemy move." It was not a Cold War crisis and it wasn't the Japanese, but it was al Qaeda and it was an enemy that had declared war on the United States in 1998.

We need our agencies, our bureaucracies, our people to react with a sense of urgency, the urgency that we have in the war right now in the Middle East. We should have had this sense of urgency years ago.

When I have criticisms that maybe our Commission got off to a slow start, when I have criticisms of the White House, even reluctantly, in finally coming forward with some of the funding, \$9 million instead of \$11 million, through a new account instead of through a supplemental appropriation that should have gone through the United States Congress, it is not a personal

criticism, it is not even a political criticism.

It is because of the urgency that I feel that al Qaeda is coming after us again and again, and soon.

It is the sense of urgency that the country should feel, not only because of 9/11, but because of the impending and direct threat of terrorists that have changed their modus operandi from we "will cause damage and terror but not kill lots of people" to "we will terrify people and kill thousands of them to get their attention."

Let me conclude by saying, we should have three objectives: a full accountability in sunlight that this Commission asks the tough questions of our government, asks the tough questions.

In an unclassified finding of the Joint Inquiry that I served on, we asked, were other governments involved in funding the terrorists. We need to get to the bottom of those questions.

Secondly, the sense of urgency in this bond of the American people that we need to establish. Many commissions have made countless recommendations that sit on dusty shelves, going

nowhere.

These recommendations, with this sense of urgency and bond with the American people, need to find their way to the President's desk and be signed into law so that we make this country a safer place and that they are not ignored at the end of the day.

We bury today not just someone from Hell's Kitchen or someone New Yorkers are proud of but somebody that all America is proud of and somebody I served with in the United States Congress, former Senator Daniel Patrick Moynihan. He gives us all the sense of urgency that we should have in our great work ahead.

He said in a Harvard commencement ceremony last year, and I quote, "The terrorist attacks on the United States of last September 11th were not nuclear, but they will be."

That is the sense of threat, of urgency, of love for democracy and accountability of our government that I hope this Commission will bring forward in a non-partisan, bipartisan way and get

to the bottom of why this happened and how we make the country a safer place for every single American in this great country that we love so much. Thank you.

CHAIRMAN KEAN: Commissioner Jim Thompson.

COMMISSIONER THOMPSON: Mr. Chairman, thank you. I too am honored to serve as a member of this Commission and to serve with extraordinary people who have each in their own way contributed much to this nation.

I have always believed, as Commissioner Gorelick has already noted, that the first obligation of government, all governments, is to protect the lives and property of its citizens.

Here is the American bargain. Each of us, as individual citizens, take a portion of our liberties and our lives and pass them to those whom we elect or appoint as our guardians. And their task is to hold our liberties and our lives in their hands, secure. That is an appropriate bargain.

But on September 11th, that bargain was

not kept. Our government, all governments, somehow failed in their duty that day. We need to know why. No one who was not there nor bound by family or emotional ties to the victims can completely understand the horror and still present shock of that day. It is incomprehensible. But as Americans, we are all victims of September 11th and the whole nation must be satisfied when we finish our work.

I remember watching the television news as I prepared to go to work that morning and saw the first plane crash into the World Trade Tower. And my assumption was that this was a grievous, horrible accident. By the time I reached the street and learned of the second plane crashing into the second tower, the whole world knew it was no accident.

A number of young people worked with me at our law firm. And by midmorning, when we made our decision to close our offices and send our people home, they asked if they could go home with me. Nobody wanted to be alone on September 11th. One

young man and his wife and baby came to my house because I live on the seventh floor. They live in another building on the 12th floor. They felt safer with me, closer to the ground.

Several months later, when I was in New York, I stopped at Ground Zero, got out of my car, ran to the fence before the policeman could shoo me away, peered through the barricade and looked at that vast empty space. Space had replaced people and instruments of commerce. Others will fill that space one day with buildings and memorials and human life will flourish again there.

Our task is, to borrow a phrase, without fear or favor to fill that space with the facts, with the truth, and with answered questions. Thank you, Mr. Chairman.

CHAIRMAN KEAN: Commissioner Max Cleland.

COMMISSIONER CLELAND: Thank you very much, Mr. Chairman.

I am deeply moved by the emotion and the dedication and the commitment of these fine Americans on this panel and the wonderful Americans

in the audience toward finding out what happened, why and making sure it never happens again. So I'm honored to be among these wonderful people today.

Let me just say that 18 months ago, this city and our country suffered an attack like none we had ever experienced before. On that day we lost more than the thousands of innocent men and women and children who perished or were grievously injured. We lost more than the two great towers that fell, we lost our sense of safety and invulnerability.

Almost without question, we could and should have been better prepared, we know that, to protect our homeland against the terrorist assault. As in the final report of the Joint Congressional Intelligence Committee Inquiry into the 9/11 attacks found, "Prior to September the 11th, the intelligence community was neither well organized nor equipped and did not adequately adapt to meet the challenge posed by global terrorists focused on targets within the domestic United States. These problems greatly exacerbated the nation's

vulnerability to an increasingly dangerous and immediate international terrorist threat inside the United States."

Because of this I believe the work of this Commission will not only affirm those intelligence deficiencies but will find corresponding lapses in border control, aviation security, and a host of other fields.

As a member of the 107th Congress of the Senate Committee on Armed Services and Commerce and Governmental Affairs, I participated in literally dozens of hearings which thoroughly delved within our unpreparedness for the terrorist threat. And I was pleased in some small way to play a role in the development of the Department of Aviation and Transportation Security Act of 2001, Maritime Transportation and Security Act of 2001, and the Homeland Security Act of 2002.

But I believe that this investigation will show that, as true of executive agencies, the Congress should have been and could have been better prepared and done better. It's not hard to see

parallels between September 11th, 2001 and December 7, 1941. I am particularly sensitive to such comparisons because my father was stationed in Pearl Harbor after the attack. That attack had a profound effect on this country and on my family personally.

As a CIA-funded study of the agency's history reported, the intelligence community we had in place in 2001 was in many respects a product of the 1941 debacle, after which our national leaders had concluded "that the surprise attack could have been blunted if the various commanders and departments had coordinated their actions and shared their intelligence."

And boy, does that have a familiar ring. That was right after 1941. These sobering assessments led to the adoption of the National Security Act of 1947 which "attempted to implement the principles of unity of command and unity of intelligence."

In many ways that is what now, over 50 years later, we have been trying to do in the wake

of the 2001 disaster. But there are some important differences between Pearl Harbor and 9/11 which also must be kept in mind as this Commission and the country chart our course on where we go from here. As shattering a blow as December 7, 1941, it was a military strike, aimed at military targets, ordered by the Imperial Government of Japan and coming at the end of a long period of tensions between the two governments.

September the 11th, 2001 was a terrorist strike, aimed primarily at civilian targets, in which the perpetrators were not acting for a nation but for a terrorist network. It's true that previous attacks, as has been stated, by al Qaeda, including the 1993 bombing of the World Trade Center, the thwarted 1995 Bojinka plot in the Philippines, the 1990 embassy bombings in Kenya and Tanzania, and the 2000 attack on the USS Cole should have produced, and amongst some governmental officials did produce, a heightened sense of urgency and attention to the new terrorist threat.

But these attacks were all either far away

or of limited success or both. They were not enough to shake us out of our collective sense of invulnerability which was borne of the security long provided us by two great oceans and friendly neighbors for almost 200 years, since the war of 1812, without significant hostile foreign assaults on the continental United States, and by our more recent victory in the Cold War which eliminated the Soviet threat.

Thus, the pre-9/11 attacks by al Qaeda were not sufficient to make intelligence bureaucracy shed their turf-consciousness and their Cold War mentalities or our border-control agencies to overcome inertia and budget shortfalls or the airlines and airports to tighten security, even if it meant some added inconvenience to the traveling public or the executive or legislative branches to prioritize homeland security above other spending programs.

None of these things happened before 9/11. But all of them have occurred to at least some degree since then. It could and no doubt should

have been different. If it had been different, some or all those who perished on that day would still be with us. Now at the very least, we do want to, for those victims and their families, make sure we're never again so ill prepared to defend our homeland.

But I say that those families and the sacrifices of their loved ones, that they have not have died in vain. The victims themselves have galvanized the public, the private sector and the government into action in a way which unfortunately would not likely have occurred otherwise.

And the surviving families members, many of them who are with us today, through your dedication, your persistence, and your untiring efforts, more than any other force, are responsible for this Commission, and thus have given us the grave responsibility and opportunity to help produce a more secure country for all of us as Americans.

However, if a false sense of invulnerability and security was our downfall on

September the 11th, in many ways the current danger, in my opinion that we will succumb to what FDR called "fear itself." Continuing the quote, "nameless, unreasoning, unjustified terror, which paralyzes needed efforts to convert retreat into advance."

That was from 1933. President Roosevelt was speaking, of course, of the fear of economic insecurity wrought by the great global depression of the '30s, but I believe his words still ring true these 70 years later as we confront "nameless, unreasoning, unjustified fear," of the global terrorism of the 21st century.

We must never again lapse into complacency about homeland security when the march of technology has made physical boundaries and international borders more and more surmountable and has expanded the destructive power of weapons to the point that small groups, or even individuals, can now inflict a degree of death and destruction heretofore reserved to great armies.

But if we are to prevail in this struggle,

we must not give in to the terror of terrorism which is, after all, at once both the major weapon and the chief objective of al Qaeda and its allies.

The war against terrorism bears many similarities to the Cold War against communism, a war in which President Kennedy called on our country to "bear the burden of a long twilight struggle, year in and year out, rejoicing in hope, patient in tribulation, in our struggle against the common enemies of man, tyranny, disease and war itself."

That is our challenge. We walk in that great challenge in the last half of the 20th century with firmness and strength but also with the patience and hope that JFK spoke of. We need a similar combination to vanquish the new enemy.

In my judgment, that is the task to which this Commission must dedicate itself, to assist the country in being neither complacent nor fearful in maintaining a sense of safety but not false invulnerability.

In closing, I'd just like to say a word of

prayer and thanks to the great men and women of the Armed Forces of our country who, even as we meet here today, stand in harm's way, far from home. God be with them and bless them and their families. Thank you very much, Mr. Chairman.

CHAIRMAN KEAN: Thank you very much, Commissioner. I'd now like to introduce and welcome Mayor Michael Bloomberg of the City of New York.

AUDIENCE MEMBER: How about jobs and not rhetoric? How about saving human rights in this country?

MAYOR BLOOMBERG: Governor, want me to start?

CHAIRMAN KEAN: Yes, please. I introduced you before. I will welcome you.

MAYOR BLOOMBERG: Thank you very much. If I need the introduction, I'm in big trouble here in this city.

Governor, members of the Commission, welcome to New York City. We hope you spend a lot of money and generate some sales-tax revenues while

you're here. We could use you.

Your Commission has a broad mandate, that is, to look at the reasons why 9/11 happened, to consider the steps the federal government should take to make sure attacks like that don't occur again and to propose measures that would be taken now to prepare us to respond to future terrorist incidents.

Much of your work will focus on such important questions as how did terrorists get into this country, what should we do to make our borders safe, how were the terrorists allowed to learn to fly airplanes in our own country, how on earth could they get by airport security with the obviously unenforced and ineffective federal regulations, and how can we stop other acts of terrorism in the future. These are the issues for your Commission.

I want to focus on different but also important issues. I will describe our city government's reaction to the attacks to the World Trade Center, including our emergency response that

day, our recovery effort in the days and months immediately afterward, and what we have done since in the areas of counterterrorism and preparedness.

Simply put, the terrorist attack on 9/11 was one of the darkest days in New York's history. It took the lives of 2,700-plus of our loved ones, friends and colleagues, including more than 360 valiant city firefighters, police officers and emergency workers.

It revealed our vulnerability to murderous plots formulated half a world away. It shattered forever any illusions that our vast ocean boundaries can protect us. But out of the devastation came one of our finest hours, defined by the heroism of those who rushed into the buildings to save others, the selflessness of New Yorkers who supported the recovery through acts as simple as lining up on West Street to say thank you to our emergency workers and the resilience of New Yorkers who refused to stop living their lives in the difficult days, weeks and months that followed the attack.

New York City has learned, and continues to learn, the lessons of 9/11. Today I want to underscore the need for an effective and ongoing counterterrorism partnership with the federal government.

Police Commissioner Ray Kelly and Fire Commissioner Nick Scoppetta are with me today. They will make statements following my testimony, if you so desire, and are prepared to answer your questions.

As you know, I was not the mayor on 9/11. Our administration took office the following January. But the efforts of 9/11 have been a major focus of our administration over the last 15 months. We have examined the city's response to 9/11 thoroughly, and I can tell you that it was swift, massive, heroic and extraordinarily effective.

Within 10 minutes of the first attack at 8:46 a.m., 50 percent of the Police Department's Special Operation Units were deployed and were either at or on their way to the World Trade

Center. By 9:00 a.m., before the second plane even hit, both the Fire Department and our Emergency Medical Service had command posts on the scene directing rescue operations. By 9:10 a.m., less than half an hour after the first tower was struck, 100 percent of the Fire Department's rescue and high-rise units had been ordered into action.

Police officers immediately secured the perimeter around the World Trade Center and police emergency-service units entered the towers to assist in evacuations. Department of Health officials started considering public-health effects and began contacting area hospitals to establish procedures for accepting the heavy influx of injured people that was anticipated.

Sadly, those numbers did not materialize. I say sadly because instead of the influx of injured New Yorkers, we experienced massive fatalities.

The professionalism of our rescue efforts and the bravery of those who carried them out is encapsulated in one statistic, some 25,000 people

were safely evacuated from the World Trade Center that morning, the most successful urban emergency evacuation in modern history.

After the towers collapsed, the city's response was just as exemplary. Department of Sanitation officials at the recently closed Fresh Kills Landfill in Staten Island, knowing they had heavy lifting and hauling equipment at hand, immediately made plans to send that equipment into Manhattan.

The offices of the city's Department of Design and Construction, or DDC, acted with equal dispatch, obtaining equipment from some of the city's major construction firms. Despite the fact that its command center was destroyed in the attack, the city's Office of Emergency Management, OEM, established a temporary command post. By the evening of September 11th, lights lit up the entire site while the search for survivors went on.

Firefighters worked day and night to extinguish fires that burned beneath the rubble for months. The Department of Design and Construction,

along with the Fire Department and the Office of Emergency Management, spearheaded interagency coordination among city agencies and with federal and state agencies and private organizations.

In the first five days alone, almost 3,000 truckloads of debris were removed. Over the next seven months, an average of more than 7,000 tons of debris, per day, was taken from the site. Barging operations were established at Hudson River Piers 25 and 26 to transport debris from Manhattan to the Fresh Kills Landfill, which was reopened to accommodate the enormous tonnage of material.

The recovery proceeded in a manner that made the search for human remains the highest priority. Work came to a halt any time it appeared such a discovery might be made. To date, the remains of 1,481 victims of that attack have been identified by the Office of the Chief Medical Examiner, an office that has led the nation in its use of state-of-the-art DNA identification technology.

The clearing of the site, which was

initially expected to take years, instead took eight months. The work was not only accomplished much faster than expected but done under budget, without a single loss of life, with an injury rate far less than at an ordinary construction site, despite the unprecedented conditions in which the work was done.

Would you like me to wait while we finish?

I'd be happy to wait until we catch up, soon as we finish briefing, then we can continue. It's quite all right. I have plenty of time, so I'd be happy to do it.

In retrospect, there is little this city could have done on 9/11 to avoid the tremendous loss of life that occurred so quickly after the attacks. The failure of airport security doomed the 2,700 poor souls who are no longer with us. However, since then we have taken it upon ourselves to learn everything possible from this tragedy.

Shortly after 9/11, the consulting firm of McKinsey & Company agreed to study, on a pro bono basis, the response of the Police and Fire

Departments to the attack on the World Trade Center and to make recommendations for the future.

These extremely valuable consultant studies, which are available on the Web, complemented studies already underway in both these departments. And many of the consultants' recommendations were already in effect or were being implemented when the final reports were issued.

For example, at the NYPD, one of Commissioner Kelly's first acts was to establish a Counterterrorism Bureau and expand the department's Intelligence Division. Protective and other equipment issued to officers responding to possible terrorist incidents also was upgraded.

McKinsey & Company also recommended that the NYPD create a comprehensive disaster-response plan with the means to effectuate it, measures that have already be carried out. The McKinsey report concerning the FDNY was eloquent in its praise for the heroism and sacrifice of our firefighters.

It also focused on four principal areas;

operational preparedness, planning and management, communications technology and the provision of counseling and support services to members of the department and their families.

Since its release, the Fire Department also has appointed a Terrorist Advisory Task Force, headed by former CIA director, James Woolsey.

Perhaps the most encouraging McKinsey finding was that while the city's massive response was taking place downtown, the rest of the city remained protected with response times to emergencies elsewhere in the five boroughs barely impacted.

Other key agencies have also responded to the lessons of 9/11. The Department of Health has enhanced its bioterrorism surveillance, developed a Web-based system to communicate with medical providers in our city and is building a state-of-the-art bioterrorism laboratory.

Our Office of Emergency Management has an interim headquarters and is in the process of building a new permanent home. It has also

coordinated a series of inter-agency preparedness exercises which have guided our city's response to the increased security needs occasioned by the current war in Iraq.

New York City, which unfortunately is one of, if not the primary potential target of a terrorist attack, must be prepared to both prevent those attacks and to respond quickly and effectively if they occur. Our administration is committed to doing just that.

We have developed an extraordinary system to guard and protect this city, and every day we're making those systems even more effective. We are developing the most sophisticated systems possible, both to prevent terrorism and respond to it.

Some 10 days ago I met with President Bush and the Homeland Security Secretary, Tom Ridge, to brief them on the counterterrorism measures the city has taken because of the war in Iraq. Our operation is known as Operation Atlas. Secretary Ridge later said, "There is no city in this country that does a better job of working across the board

to prevent terrorism than the City of New York."

After 9/11 President Bush pledged \$20 billion in federal rebuilding assistance to New York City and he has been as good as his word. We have also benefited from bipartisan support in both houses of Congress on this matter, but we now need additional help from the federal government to meet the high costs of homeland security.

New York City is the nation's financial capital and its communications nerve center. Protection for New York is protection for the nation. And the key to our city's ability to respond to any future terrorist attack is funding.

I am sure you're aware of the city's fiscal plight. We face a multi-billion-dollar budget gap for the fiscal year beginning July 1st. Much of that deficit is the result of the increased expenses and decreased economic activity created by 9/11 and its aftermath.

I urge the Commission in the most emphatic form possible to recommend to Congress that it appropriate sufficient monies earmarked to the

cities most vulnerable to attack to help us defray the extraordinary costs of protecting our citizens and the whole country.

Specifically, we have requested additional funds for counterterrorism training, equipment and to cover the costs of our massive security operations around the city in the supplemental appropriation the administration sent to Congress last week. The Homeland Security Fund should be allocated on the basis of threat analysis and risk. Any other formula, for example by population, defies logic and makes a mockery of the country's counterterrorism efforts.

New York City has been targeted, let me remind you, four times by terrorists and the federal government cannot ignore our symbolic value, recent history and common sense as it works to increase homeland security. To argue that most other cities have comparable threats is just ridiculous.

New York City, to put it into perspective, is estimated to receive between 8 and 11 million

dollars out of the 560 million dollars from the last Homeland Security distribution. At some point politics has to give way to reality. If we distributed monies to the military this way, our troops in Iraq would have bows and arrows to fight with.

I want to close with some comments on another problem that deserves your attention and that of our policymakers. It is how to deal with the massive destruction and personal injuries that can result from a terrorist attack.

New York's response to 9/11 was truly extraordinary. Within hours of the collapse of the World Trade Center buildings, the city government and private companies had equipment and personnel at Ground Zero to undertake the massive recovery and debris-removal operations that were necessary. The city and these contractors stayed there until the end and did so selflessly and without a thought to the consequences.

However, in the real world there are consequences, and one of those is lawsuits. The

city and the private contracting community are now aware of the risks we took on without the benefit of federal protection to cover our operations. It took over a year and a special act of Congress for any significant insurance to become available to protect the city and private contractors from such lawsuits arising from the cleanup operation.

And the insurance provided is billions of dollars less than sought in lawsuits already filed. Personal-injury claims regarding alleged long-term health damage could bankrupt our city over the next 20 years. Congress must give us retroactive indemnification or the drag on the national economy from New York's economic burden will ruin opportunity throughout all 50 states.

Knowing what we know now, it is imperative that a federal indemnification plan be enacted that would insure municipalities and private contractors so that in the future, when we respond to a terrorist attack, we will be protected against the inevitable lawsuits.

The attacks on 9/11 were attacks on the

United States, not just the City of New York. We cannot afford the substantial risk that, in the wake of another terrorist attack, a municipality or state will feel it has to wait for the Army Corps of Engineers to do the necessary work or private companies will feel they have to refuse to provide assistance until and unless a statute is passed giving them protection.

Therefore, the Commission should urge Congress to enact a special indemnification or insurance program for governmental entities and their contractors who respond to such an attack to insure that FEMA can and will fund significant intermediate insurance coverage to such governments and contractors. Without Congressional action, the nation will be unprepared to respond to the destruction created by any future terrorist attacks.

Despite their extraordinarily busy schedules and the work they're doing right now to meet the heightened security concerns accompanying the war in Iraq, Commissioners Kelly and Scoppetta

are here to answer any questions you may have.

Before turning over the floor to you and to them I want to conclude with this thought: You are charged with performing a great service to this nation and we all want to do what we can to remember those who perished on 9/11 and those who so selflessly toiled for the days and weeks and months thereafter.

We must learn the lessons of that terrible day and make sure that this city and other cities in our nation have the communications systems, the well-trained personnel and the federal assistance we need to prevent and respond to such attacks in the future. Thank you.

CHAIRMAN KEAN: Thank you very much for your comments. We did not expect Commissioners Kelly and Scoppetta -- excuse me?

MR. SCOPPETTA: Scoppetta.

CHAIRMAN KEAN: -- Scoppetta this morning.

MAYOR BLOOMBERG: I thought it would be easier with all of us here, since one of the keys is to make sure that we have all the departments

cooperating, so I thought that if we all testified together, it would give you a better opportunity to understand just how well prepared this city was and is.

CHAIRMAN KEAN: We'd be delighted to hear. I know we have a panel tomorrow at which representatives from your departments are going to take part. We would be delighted at this point to hear Commissioner Kelly and Commissioner Scoppetta, any comments you would like to add to the Mayor's.

MR. SCOPPETTA: I think we just can answer questions, Mr. Chairman.

CHAIRMAN KEAN: Commissioner?

COMMISSIONER ROEMER: Mr. Chairman, I apologize, Mayor, I was asking the staff if this meant that we would not have their expertise and their insight and their counsel tomorrow.

MAYOR BLOOMBERG: Keep in mind that neither were commissioners when the attacks occurred, or in the first three months. They're really only able to testify to the city's response after 9/11's aftermath, starting January 1st, when

they took the lessons that we learned and actually tried to implement them.

And for the last 15 months, they have been working very hard to increase this city's preparedness to any future attack, but certainly more than that, to focus on preventing an attack. People talk about first responders, these are our first preventers.

And the city is well-served by the NYPD and the Fire Department, not only to prevent possible terrorist attacks, but if you take a look at the murder rate and the deaths from fires continues to decline and has precipitously in the last 15 months, that's their job and they do it very well.

COMMISSIONER ROEMER: But Mayor, my question was, will they still be available to us tomorrow at the 1:30 to 3:00 panel?

MAYOR BLOOMBERG: I thought I would make the head of the Department of Design and Construction, Ken Holden, available. He's the only one in the administration that was running an

agency then and was onsite, and he can add a lot. I think if there were specific questions, unfortunately, both of these guys have an awful lot to do, so I thought if we all came, we could avoid wasting their time.

CHAIRMAN KEAN: Congressman Gorelick?

COMMISSIONER GORELICK: Let me say this. Ray Kelly is probably the best-suited person in this country to talk to us about the coordination that is taking place in real time between our localities and the various agencies of the federal government.

I had the privilege of working with Ray when he was in the federal government in various capacities, and I know that he's deeply involved with our federal agencies. I would find it enormously helpful if we could have a session with you at some later point to talk in detail about how it is working for you in the city.

I would love to hear a general statement now, but to Commissioner Roemer's point, I think we could learn a great deal from you, if you would

make yourself available to us, I know you're incredibly busy, but if you could make yourself available to us, give us a sense of how the various elements of the federal government are relating to each other and to you.

MR. KELLY: Sure, we can do that in the future.

COMMISSIONER GORELICK: But if you could characterize it now, I think it would be helpful just to get us started and locate it, if you would.

MR. KELLY: I think there's no question that state and local and federal agencies are working more closely now than ever before. We have an excellent working relationship, that is the NYPD does with both the FBI and the CIA, and also the state's Office of Public Security that is involved. We're much closer now than ever before. We have a free flow of information.

I don't think there's any question in my mind that we're not getting information certainly relevant to New York City on an immediate basis. Internally in the city, I think we're working much

closer. Commissioner Scoppetta and I and the staff of the Fire and Police Department work closely together.

We now have executives assigned to each other's headquarters. We make available our helicopter assets to fire chiefs to survey the scene of major events or major fires. We are now able to communicate on a city-wide basis, an interagency-communication net that exists. I think it certainly needs further development.

Commissioner Scoppetta can give you more specific information about their communications systems.

So just, you know, in a nutshell, there's much more communication, much more coordination than there has ever been before. Are there occasional hiccups? Yeah, but nothing really of significance. So I don't know how I can say it more directly.

We're getting the information that we think we need. We, for instance, have increased our Joint Terrorism Task Force component. On September 11, 2001, there were 17 investigators

from the NYPD, on the Joint Terrorism Task Force, there are now over a hundred and they are working with the FBI literally throughout the world.

The CIA has been very forthcoming with information, as well. We have brought onboard General Frank Libutti, retired, a Marine Corps Lieutenant General, to head our Counterterrorism Bureau, and in that bureau is our Joint Terrorist Task Force component.

We have also brought onboard David Cohen, former Deputy Director and Director of Operations for the CIA. Commissioner Cohen is in charge of the Intelligence Division. He has really done a remarkable job pulling that together. We have our own Arabic speakers, Urdu, Pashtu, Hindi speakers that we've brought together, and again, in that construct, we work closely with the federal government, as well.

COMMISSIONER GORELICK: As we proceed, I think it would be enormously helpful if we could sit down with you and your team as we --

MAYOR BLOOMBERG: I thought tomorrow we'd

deliver a statement from both the Police Commissioner and the Fire Commissioner, a written statement, so that you can start going in that direction. And as you get more information and formulate specific questions, we'd be happy to answer questions.

COMMISSIONER GORELICK: Thank you, Mayor.

CHAIRMAN KEAN: Commissioner Hamilton?

VICE CHAIRMAN HAMILTON: Mayor, I am very grateful to you and your colleagues for coming this morning. And what especially I appreciated about your statement was the specific recommendations you made.

Our task as a Commission, at the end of the day, will be to make recommendations to policymakers to prevent such attacks occurring again. And while you're here -- and I hope without taking advantage of you -- I would like to get from you what several recommendations you think are most important for this Commission to make with regard to the prevention of future attacks.

MAYOR BLOOMBERG: Well, funding for the

people on the ground is perhaps the most important thing that Congress could do. In the end, it is the cop on the beat, it is the firefighter in the truck that does the work.

We can talk about policies, we can fund studies, but you need to get those people that do the work to be well trained, to have the equipment they need and to be fairly compensated. And you will only do that if you direct the monies to where the need is.

It is laughable, and tragically laughable, to think that a tiny city in another state is under the same kind of threat that New York City is or that if an attack were -- let us pray not -- but if an attack were to take place that it would have the same kind of effect on the entire country.

VICE CHAIRMAN HAMILTON: My point was prevention, your point is protection. Your point is very, very important and very valuable. And I think your experience in New York City can teach us an awful lot about how we respond to terrorism and how we can protect against terrorism, but is there

anything that comes out of the New York City experience that can guide us with regard to the prevention of terrorism?

MAYOR BLOOMBERG: We have a thousand of our police officers on intelligence. The New York City Police Department has its own police officers in major cities around the world so that we get intelligence. What you see under Operation Atlas, a group of heavily armed men and women in police uniforms all of a sudden show up and then go someplace else totally unexpected, that is a preventive thing.

VICE CHAIRMAN HAMILTON: Are you comfortable with the amount of intelligence you get from the federal government? Is there good coordination with our intelligence agencies at the federal level and your intelligence agencies?

MAYOR BLOOMBERG: As the Commissioner said, that in terms of information that references New York, Commissioner Kelly is comfortable that we get it virtually instantly. The problem with intelligence is there's so much and it tends to be

so unspecific that there isn't a direct answer to your question.

Only in retrospect can you look back and say whether or not you had too few assets deployed. We will never know whether we had too many, but we have an obligation to prevent, to protect, and if need be respond to the public, not just terrorism from terrorists, terrorism from criminals.

There's lots of different things that all of our security agencies, law-enforcement agencies, Fire Department, medical people, have to respond to every day. Not everything is caused by terrorists.

I think we're going in the right direction. We have a commitment to provide the level of security that we believe is adequate. It is not as much as we would like. I'd love to have a firehouse on every corner. We can't afford that. I'd love to have a police officer stationed in the lobby of every building. We can't afford that. We have to deal with the economic realities of the world.

Having said that, we will provide the level that our senior management in police and fire think is appropriate to make this city safe. And the consequences of doing that are that we will have to, unfortunately, not do many of the other things that the people of this city and this country need, due to the limited resources.

CHAIRMAN KEAN: Commissioner Ben-Veniste?

COMMISSIONER BEN-VENISTE: Mayor Bloomberg, I thank you for your pledge of full cooperation, and we will certainly take you up on it. I would like to congratulate you on your selection of my old friend and colleague, Nick Scoppetta, to be Fire Commissioner. And I see Ray Kelly, who I have had the privilege of meeting with in the past.

MAYOR BLOOMBERG: Let me also point out that we have our Corporation Counsel here, so out of the four of us up here, three are lawyers.

COMMISSIONER BEN-VENISTE: Not a bad thing.

MAYOR BLOOMBERG: It depends.

COMMISSIONER BEN-VENISTE: Let me ask Nick Scoppetta this question, and one we will continue to think about, and that is the relationship of the federal and state and local systems working together.

Traditionally, there has been a criticism that federal agencies and particularly our domestic law-enforcement agencies, the FBI, has treated state and local authorities in a manner involving a one-way street of information. Many criticisms have been laid to that situation.

And let me ask both Commissioner Scoppetta and Commissioner Kelly whether, in the post-9/11 environment, you see any improvement in the flow of information from the federal government to the state and city authorities.

MR. SCOPPETTA: I think Commissioner Kelly is in a better position to address that question. And I'd like to start by saying that we rely heavily on the Police Department, and I in particular rely heavily on my contacts with Commissioner Kelly, which are frequent and

continuous. And there has been more than one occasion when he has called me directly to discuss a piece of intelligence that we then jointly acted on.

I will say that I think I have never seen better cooperation and coordination between the various city agencies that might be called upon to first responders and, in particular, fire and police. We have done four joint exercises together.

We have, as Commissioner Kelly mentioned, executive liaisons at each other's headquarters that report there every day. We have a high-level working committee, our chief of the department, our chief of operations and their counterparts in the Police Department meet on a regular basis.

And so there is a lot of coordination and cooperation and joint planning with police and fire, which is the thing that concerns me primarily. And the relationship with the FBI and the other law-enforcement and intelligence communities on the federal level is one that Ray

Kelly has I think a very good relationship with.
And we rely heavily on police intelligence.

MR. KELLY: I have been in law enforcement
a long time, both on the federal and the local
level. And clearly there were some issues in the
past with the flow of information.

I can tell you that has changed
significantly in the aftermath of September 11th.
I think the Patriot Act also has changed it. So
there were some restrictions placed on the federal
agencies restricting them from talking to other
agencies, and indeed talking to local agencies. That
has changed.

There is a palpable difference in their
approach to doing business. They want to get that
information out. They are getting it out. Again,
we're commingled, you might say, on the Joint
Terrorism Task Force level, as never before, with a
number of investigators that we have assigned over
there.

So in terms of the flow of information, it
is much, much different, much better than it was

prior to September 11th.

MAYOR BLOOMBERG: But let me also add that it is not just police and fire with this kind of terrorism that you saw on 9/11. Our Office of Emergency Management, our Department of Health and Mental Hygiene, our Medical Examiner's Office, our Department of Environmental Protection, all of those agencies meet virtually every day, have contacts, either in person or over the phone.

The threat to this country and the threat to this city of an attack on our water supply or a bioterrorism threat or a chemical threat, those are the kinds of agencies that would have to recognize threats, occurrences, when they take place, which is not easy to do.

You don't just wake up and say, oh, we have a bioterrorism threat or an attack. It's over a period of time that you build information to say, hey, we must have been attacked days ago. That's the way bioterrorism works. And it is having scientists, researchers, personnel on the ground that look and have their

eyes and ears open and exercise common sense and have the interdisciplinary as well as interagency coordination. I just cannot tell you the amount of research that is done every day to make sure the city stays safe. And it's not just looking for the kinds of acts that are obvious once they take place.

COMMISSIONER BEN-VENISTE: Let me follow up in one way. And I'm gratified to hear Commissioner Kelly's statement with respect to cooperation from the FBI and other intelligence-gathering agencies of the federal government.

Are there specific areas where you feel improvement still needs to be made?

MR. KELLY: I think it's something that has to be worked on every day. You have to be aware of it and be conscious of it every day. We don't want agencies to fall back into old habits. And I think that it is very important at the top, certainly here in this city, we have a great working relationship with the Assistant Director of

the FBI, Kevin Donovan.

It's something that you have to focus on and use. You just can't let that slip. So I can't think of a particular area where we would want to say we need more information in that area.

I think it's general approach. People want that information to go forward. Quite frankly, they don't want to be caught holding onto information that should be disseminated. So people now see it in their interest to move that information forward.

COMMISSIONER BEN-VENISTE: I appreciate that. And we look forward to you continuing to think about these issues and to advise us of where we may be helpful in making recommendations for even further cooperation.

CHAIRMAN KEAN: We'd better move on because we have two more Commissioners with questions. I know we're going to deal with this subject more tomorrow. Commissioner Thompson and Commissioner Roemer.

COMMISSIONER THOMPSON: I'd be interested,

Mr. Chairman, in hearing from either Commissioner about their opportunity, if one has presented itself -- I know that they have been extraordinarily busy with their New York duties -- in passing on to their peers in law enforcement and firefighting across the United States and other large metropolitan areas the lessons that these departments have learned, or if they have not yet had that opportunity, whether they plan to do that in the future.

MR. SCOPPETTA: A lot of our people have spent a lot of time since 9/11 traveling to other jurisdictions, talking about our experience, talking about the lessons we have learned. And in fact, when we had the McKinsey study done of our response on 9/11, the McKinsey people and our senior chiefs traveled across the country, both talking about our experience and trying to learn something from other jurisdictions. That was extremely useful. So there's been a lot of that.

MR. KELLY: We have done some of that, but quite frankly, our focus is right here in New York.

There's an opportunity cost when you take your senior leadership and maybe send them to other jurisdictions. I think people are welcome to come here to New York.

I think the Mayor proposed that perhaps even there is a possibility for us to maybe have some lessons given and perhaps some money can come our way as a result of that, but quite frankly, we are focused on New York and protecting this city. So we haven't done as much of that, I guess, as we could have.

MAYOR BLOOMBERG: I did volunteer to the President and to Secretary Ridge, that we would be happy, financing and time being available, to share lessons which we learned here with other municipalities. Keep in mind that New York, because of its size and density, is somewhat different than any other city, even the other very large cities.

To put it in perspective, our police department is bigger than the police departments of the next four largest cities in this country

combined. So we have a different problem.

Forty percent of our population was born outside of the United States. There is roughly 140 different languages spoken here in New York City. So when another city might look for somebody that speaks a language, we probably have a hundred people in the Police Department that speak that language.

We have a service where you can call 24 hours a day, seven days a week, to interact with municipal government. We have identified 170 different languages that we could take your question in and give you a response.

I will say that when we had the terrible tragedy of 9/11, this country responded to help New York in ways that New Yorkers will forever remember and forever be grateful. And I said to the President and to Secretary Ridge, if we can find the funding and the time, perhaps there are some ways that we can, in a small measure, by helping the rest of this country, say thank you for their outpouring of support back then.

CHAIRMAN KEAN: Thank you.

MR. KELLY: I just want to add one thing, I'm sorry, Governor. We do have an excellent working relationship with the senior staff of the Chicago Police Department. They did visit here with us and we have sent representatives there. So I know you might have particular interest in Illinois. I wanted to emphasize that.

CHAIRMAN KEAN: Congressman Roemer.

COMMISSIONER ROEMER: Commissioner Kelly, you not only hit right away on one of the Governor's concerns, you hit absolutely on the mark in your two minutes what the United States Congress looked at for 12 months in the Joint Inquiry with regard to what are the two key issues to make sure the federal government is sharing information with local Police Departments and Fire Departments and intelligence agencies.

The two key issues that we found, and I wish you would comment on them, are one, how do we make sure the people in your department get clearances. The Governor of Virginia, Jim Gilmore, eloquently

complained to Congress that he wasn't even cleared, as a governor, to get certain information. And how do you then make sure that you get the information to you and your top people.

The second issue is, as you again hit on and I wish you'd be a little bit more explicit about some ways we can improve this, is actionable intelligence. How do we improve the specifics of that information to you the first time, if not the second time, to give you the right information that can help you prevent some kind of terrorist attack from taking place?

MR. KELLY: I think the granting of clearances is a real issue. It is still an issue and it obviously has to be handled on the federal level. There has been some give in the granting of interim clearances, but it just has to be speeded up.

And we are on the receiving end of that. I think the Mayor and I have had some discussions about that. The background checks are extensive. There's some archaic regulations.

I myself have not been, I've gone through the nomination process twice. And when I was in the federal government, I moved from one job to the other requiring another clearance process. That whole thing had to be done again, even though I was sitting in an office. I was an Undersecretary moving to the Commissioner position. I had to go through the whole process again. It simply did not make sense. So I think that we just need give in that regard.

As far as actionable intelligence, the problems, it just doesn't come in a neat package. It's not specific. We're not getting it as a nation with great specificity. It's not coming to us with specificity. We're getting bits and pieces and it's difficult for our intelligence agencies. And we work with them. It's difficult to put it together. There's no easy answer.

And you know, we can go back 30 years and all of these discussions that we've had about over-reliance on technology versus human intelligence, but that's what we're faced with now,

that's what we get on a national level, that's what comes down to us on the local level.

MAYOR BLOOMBERG: Let me add to that. One of the surest ways to let the terrorists attack us again is for all of us to stay home, seal ourselves in, and let our economy and our lives fall apart because of a perceived threat.

America is a country that for 225 years has been willing to stand up, run risks, fight to make sure that we stay a democratic country and to try to help the rest of the world. And we have not gone back and hidden ourselves at home. We have to say, turn it over to the professionals and go about our business.

And this constant reaction to ill-defined terrorist threats can only damage our economy and prevent us from responding later on when a real threat does occur. And we have to be very careful that we don't go in the other direction in the interest of being able to show that we had X number of threats and we responded here, here and here.

The fact of the matter is, the public has

to go on. This is, by and large, let us pray, totally, it is a safe country. And we have professionals certainly in this city, and I think, although I have a little less experience at the state and federal level, to prevent terrorist attacks in the future, let us all pray. In the meantime, we have to go about our business and our lives.

CHAIRMAN KEAN: The last question, Secretary Lehman.

COMMISSIONER LEHMAN: Yes, thank you for your statement. I would really like to request at a subsequent opportunity that we get the city government's best recommendations with regard to a problem that was highlighted in the Joint Committee investigations and became a major criticism of the FBI in particular, and that is the dominance of the law-enforcement and prosecutorial approach to terrorist issues and the obstacle that that becomes in the sharing of intelligence, which may be evidentiary, and becomes protected as soon as an investigation gets going, and how you, at your

level, can come up with procedures to insure that there is full sharing among all the offices in your government, as well as the federal government, even at the expense of perhaps weakening the evidentiary sanctity of a prosecution. That would be very valuable to us in the future.

MR. KELLY: I agree. I think that is an excellent point. I think it's an issue of culture. We need that change, again, in the FBI, and obviously the Department of Justice, That's their business, the prosecution. We are now forced to be in the preventive mode where we have to focus on stopping another event, preventing another event, rather than doing a retrospective examination of one of these horrific events.

It takes a lot of focus and a real culture change in those agencies. I think that Director Mueller is doing an excellent job in that regard, but it is a heavy lift, and he understands it. I've had these conversations.

COMMISSIONER LEHMAN: Do you think you

have the right balance in the NYPD?

MR. KELLY: I think we have it in the department more so than perhaps on the federal level because I think we're literally at Ground Zero. There is much more of an awareness of the need for prevention than perhaps on the federal level. It's something we have to focus on, as well.

MAYOR BLOOMBERG: And evidentiary considerations are not just for criminal prosecution. We live in a litigious society, and we have to continue day in and day out and pay the bills.

CHAIRMAN KEAN: Mayor, I want to thank you very much, Commissioner Kelly, Commissioner Scoppetta, Counsel, thank you for your time very, very much today. I appreciate it.

I now ask the panel of Mr. Waizer, David Lim, Lee Ielpi, Brian Birdwell and Craig Sincock, please. All right. Are we ready to get started again? We are running behind, which I apologize for. We did not expect the Commissioners from New

York but thought it was wrong, since they made themselves available, they are an important part of this, and I thought it was wrong not to ask them questions when they offered to accept questions.

Mr. Waizer, do you want to start in?

MR. WAIZER: Governor Kean, members of the Commission, thank you for asking me to speak before you today. My experience of 9/11 differs from yours and that of the general public. As this nation and much of the world watched in shock and horror on 9/11, as events unfolded at the World Trade Center, at the Pentagon and in the air over the farmlands of Pennsylvania, I was otherwise engaged, battling for my life. If hearing my personal story can help this Commission fulfill its important task, I will gladly tell it.

On September 11th, at approximately 8:46 in the morning, I was in an elevator, somewhere between the 78th and 101st floor, in Tower 1 of the World Trade Center. I had left my wife, Karen, and our three children, Katie then age 13, Joshua 12, and Jodi 10, at about 7:15 that morning and I was

on my way to my offices on the 104th floor where I was employed as Vice President and Tax Counsel in charge of national and international tax matters for Cantor Fitzgerald.

The elevator was ascending when, suddenly, I felt it rocked by an explosion, and then felt it plummeting. Orange, streaming sparks were apparent through the gaps in the doors at the sides of the elevator as the elevator scraped the walls of the shaft. The elevator burst into flame. I began to beat at the flames, burning my hands, arms and legs in the process. The flames went out, but I was hit in the face and neck by a separate fireball that came through the gap in the side of the elevator doors. The elevator came to a stop on the 78th floor, the doors opened, and I jumped out.

I began the long walk down 78 flights in the fire stairwell. I walked, focused on my single mission: to get to the streets and find an ambulance. I knew I was seriously hurt. The stairwell was filled with people calmly walking down, with no apparent sense of the magnitude of

what had just occurred. I was shouting out to people in the stairwell, telling them I was burned, asking them to step aside so that I could get down more quickly. Faces turned towards me, sometimes with apparent annoyance at this intrusion on the orderly evacuation process. I saw the look on many of those faces turn to sympathy or horror as they saw me. At one point I noticed a large flap of skin hanging on my arm. I did not look any further.

Somewhere on the way down, I believe around the 50th floor, I met a man who appeared to be either a firefighter or Emergency Medical Technician walking up. He stopped, turned around, and walked in front of me, leading me down. We made it to the lobby and walked two blocks to find an empty ambulance, which took me to the Burn Center at New York Presbyterian Hospital. I stayed conscious only long enough to give them my name and my wife's phone number.

I have no memories after that for some six or seven weeks; I spent that period in a state of

induced coma, but I can offer a secondhand account of some of the more important personal events. I was triaged at the hospital, where they took my clothes, wallet, watch and glasses, none of which I ever saw again. They began to cut off my wedding band from my badly burned fingers, but a sympathetic nurse used an entire jar of lubricant to remove it intact and saved it for my wife. Karen has worn that ring on a chain around her neck since then, saving it for the day when I can wear it on my finger again.

As the world watched with horror as the events of that morning unfolded, Karen began receiving phone calls from friends and relatives. She tried to call me and waited, with fading hope, for me to call her. Friends and family gathered at my home to offer hope and, if the worst happened, comfort. My two older children, having heard of the attack called home and were allowed to return home. My 10 year old daughter remained in school, unaware. At 12:30 the nurse was finally able to call Karen, who took the call in our kitchen and

passed the news on to the others that I was alive. Screams and tears of joy filled that room. But as one nightmare ended for her, another was to begin.

Karen had no idea how seriously I had been injured. She was unable to reach me at the hospital until almost 8 o'clock that evening. When Karen first saw me that night, I was not recognizable. My head was swollen almost basketball size, the rest of my body had similarly swelled and my features were either covered by bandages or so blackened and distorted as to be unidentifiable. It was only the ring that gave her any comfort that the swollen, misshapen body lying in that hospital bed was in fact her husband.

The doctors explained to Karen the nature and severity of my injuries. I was particularly at risk because the fireball in my face had seared my windpipe and lungs and I had inhaled a large amount of jet fuel, leaving me particularly prone to life-threatening infections. I have since been told that my chances of survival at that moment were roughly five percent.

That night began a seven-week roller-coaster ride for Karen, friends and family. I would appear to be recovering one day and be diagnosed with a highly dangerous infection the next. I underwent multiple surgeries to graft new skin on my hands, arms, face and neck, suffered a blood clot, a seizure, a partial lung collapse and a series of blood and lung infections.

Karen's mother moved up from Delaware into our home to take care of our three children. Members of our local and our synagogue communities delivered dinner to our home and drove our children to their various activities. Friends and family accompanied Karen to the hospital every day. Mine was not just a personal struggle, it was shared by family and community.

After five months of hospitalization, multiple surgeries, a year and a half, and counting, of painful, sometimes grueling, therapy, I am here today to bear witness. My injuries have left me with lung damage, chronic pain in my right elbow, my left knee, my back, damage to my vocal

cords and the prognosis for the nerve and tendon damage in my hands is still uncertain. But I can enjoy various activities, play with my children, and enjoy my time spent with my wife, with my friends and family.

I am one of the handful of lucky ones. Just blocks away from here lay the unrecovered remains of many friends and colleagues, some dear friends. They can no longer speak for themselves and I am left with the unchosen, unhappy task of trying to speak for them. I do this with no particular moral authority, but neither I nor they have a choice.

I have no rage about what happened on 9/11, only a deep sadness for the many innocent, worthy lives lost and the loved ones who lost so much that day. There have always been madmen, perhaps there always will be. They must be stopped, but with the cold detachment reserved by a surgeon for removing a cancer. They are not worthy of my rage. Neither do I feel anger at those who arguably could have foreseen, and thereby

prevented, the tragedies. If there were mistakes, they were the mistakes of complacency, a complacency in which we all shared.

This Commission cannot turn back the hands of time. There's nothing to be gained by asserting blame, by pointing fingers. The dead will remain dead despite this Commission's best efforts and intentions. But it is my hope that this Commission can learn and teach us from its scrutiny of the past, and if the findings of this Commission can prevent even one future 9/11, if they can forestall even one plan of Osama bin Laden, prevent even one more act of madness and horror, I and the rest of this nation will owe the Commission our gratitude, and I will be proud of the small part I was allowed to play today.

I do have one concern I would like to voice. I have no political experience, but I do have experience as an informed citizen. It tells me that commissions such as this are usually formed by men and women of good will, have committed, intelligent members and staff possessed of good

will, and eventually produce reports that are read carefully and seriously by others of good will. Yet the findings of such commissions are often ignored in the end. Compassion and concern are often spread thin, and other important issues become priorities after the glare of the public spotlight fades.

My fear is that the work of this Commission will have a similar fate. My hope is that by speaking to you today, by putting a human face on the tragedy that was 9/11, by attempting to speak, however inadequately, for those who no longer have voices, I can help further the cause of this Commission and this nation, to help build a safer, more secure tomorrow for all of us, and that doing so will help bring peace for us and our children. Thank you.

CHAIRMAN KEAN: Mr. Waizer, thank you for your eloquence, sir. Mr. David Lim, of the Port Authority.

MR. LIM: I would first like to say, that was one of the most moving statements I have ever

heard. And it makes what I have to say, I guess, pale in comparison.

I would like to thank the Commission, Governor Kean, for allowing me to speak before you today in regards to my personal experience on 9/11. As Mr. Waizer said, if what I can tell you will help you in any way, find a cause to prevent future happening of events such as this, speaking from a police officer's point of view, will be greatly appreciated.

I saw, I saw a great number of my brethren, 37 Port Authority police officers were killed that day. Port Authority police only had 1,100 police officers at that time. And therein lies my responsibility, the same as Mr. Waizer's, I have to speak now for those who can no longer speak.

I guess that's where it lies heaviest for me. These men and women, like myself, were just doing our jobs that day, something we do every day. And only recently, I guess, it's appreciated, unfortunately, through our great loss.

Someone asked why the Port Authority police were in the World Trade Center, with the exception of Governor Kean, of course. The Port Authority police are in the World Trade Center because the Port Authority of New York and New Jersey built the World Trade Center. They built it back in the '70s and from the first time they dug the first hole, there was a Port Authority police officer present to provide security for that area.

When I first became a police officer, that was back in 1980, I'll be perfectly honest, I didn't know a lot of Port Authority police. I wanted to be a police officer. I wanted to serve the public. So I learned.

I learned that the Port Authority police were responsible for most of the public-transportation facilities in the bi-state area, which of course includes tunnels, bridges, airports, areas which obviously need security but post-9/11 have now become the most highlighted areas in this area, in this theater of terrorism. But I digress.

I wanted to say a lot of things today about the Port Authority, but I think, I guess, I said enough about that. And I'm going to tell you about what happened to me that day. When I tell you this, I want you to remember what I tell you is not the story of just David Lim, it's the story of every police officer, firefighter, EMS, civilians that were helping out that day.

As the governor, Governor Pataki, said to you earlier, it was a day that we all came together. We, everybody, pulled together to help every else. You will understand that as I tell my story.

I myself have been a Port Authority police officer for 23 years, the greater part of that at the World Trade Center Command until I got into the Canine Unit and have been doing that for the last six years. And that's where my story begins.

I was working on 9/11, like I do every day, with my partner, Sirius, my explosive-detector canine, checking trucks coming into the World Trade Center. This was considered vital, considering

what happened in '93. We did this every day with a great feeling that we were accomplishing a very necessary job.

The Trade Center itself, I can speak to the security. We had delta barriers and all kinds of security situations set up to prevent future terrorist attacks after '93. On that day I had just finished up searching a multitude of trucks with my partner and I had retired to my office to do my paperwork and have a little breakfast.

8:45 a.m. all that changed. I was in the basement of Number 2 World Trade Center, yet I felt the shock of the first plane hitting Tower 1. And that could give you at least a start of the idea of the power of that hit, if I was in the basement of the other building. I secured my partner in his kennel, told him that I had to go help the people -- he was a bomb dog, not a search-and-rescue dog -- and I figured he'd be safe there while I went to assist. Unfortunately, that was the last time I saw him.

I went over to Tower Number 1 to the

mezzanine level by the plaza by the sound stage where they would have summertime shows. I was assisting people out of the A staircase as they were coming out of the building. At this point the debris was already falling onto the plaza.

Somebody screamed that a body was outside on the plaza. I went over to investigate. And sure enough, was the first body that I had seen.

It's not something that I'm going to describe here, there's no point. It's just something that I will never forget for the rest of my life. Here, as a police officer, at that point I guess 21-and-a-half-years, was what I thought was the most important thing, I had a body, a DOA. I had a lot of procedures to follow. And I went to call it in on the radio.

And just as I did that, another body fell about 10 feet away from that one. And all of a sudden, what I thought was the most important thing to take care of, this body, became inconsequential in the fact that obviously things were going to get a lot worse than this one body that I had seen.

I took it upon myself at that point to start heading up into the building to assist before people would start jumping out of the building. I started going up the stairs and I saw a lot of frightened faces. People were asking me what was going on. At that point I already heard about the airplane, but I lowered my radio to prevent people from getting too scared.

I kept on going up, telling people to keep going down, down is good. I remember running into people similar to Mr. Waizer that were burned, asking for help. What I did was I assigned those people to people that were healthy to help get them down. I felt the greater good was for me to get to a higher point to try to assist those people upstairs.

I got to the 27th floor and I saw a man in a wheelchair waiting with his friend. I remember this because it's very important. I went up to him and he said he was waiting for the crowd to clear and then he would go down. Coming up another staircase, the B staircase, was the Fire Department

who said that they would take care of the gentleman and that if I wanted, to proceed up.

Well, I tell you, I went into the staircase that they came out of and, as you'll hear, it was very important. As I went to that staircase, there were more people coming down. There were some clogs of people, but generally they were calm and they were not too frightened. At this point it was still rather early, but they were going down orderly.

I got up to the 44th floor, Tower 1, the sky lobby. I had made that my goal based on the fact that there are express elevators that are situated on that floor. My fear was that people coming from the middle floors would get onto those elevators and try to take the quicker way down.

I have learned from my training in ESU that an elevator is probably not one of the better places to be. And I apologize for that, you know, it's just you didn't know, obviously, you know, at the time. I'm talking about post-emergency.

And sure enough, just as I was starting to

get the people down, I felt another collision on the left side. Looking out the window I saw this rain of fire coming down and it blew out the windows on the 44th floor. Fortunately, I was right in the middle, I was not burned, but I was knocked to the ground by the concussion. I grabbed whatever people I had left.

And at this point, as you say, I knew we were under attack. I thought it was an accident, there was no reason to think otherwise at that point. A horrible accident, something we actually had trained for, I remember, in the '80s in case something like that would happen. But as I started going down and taking the people with me, I could see the fear in their eyes growing.

The building now was starting to shake and was not the stablest, you know, in other words, it was not very stable. I'll just leave it at that. As we were going down, I was clearing the floors, getting people that were left behind that were waiting. Most of them were either handicapped, elderly, had someone coming with disabilities, but at

this point there was no more waiting. We had to go.

So I proceeded to gather them, right, and start going, start heading down. We got to about the 35th floor, in that general area. I don't remember specifically when I felt the building shaking. I thought for sure that my building was collapsing. It shook and it stopped.

Then I heard on the radio something I will never forget, it was from our police desk over at 5 World Trade Center. And the transmission said, "Tower 2 is down, all units evacuate Tower 1." I couldn't believe it. What do you mean, Tower 2 is down? I mean, it's the World Trade Center. Each building, 1,477 feet, can withstand anything. But it also raised in my mind if that building can fall, so can mine.

And now the people I was with were very upset, of course. I just told them, we have to keep going. And we started heading down again. On the 21st floor I ran into three of my supervisors, Chief Romito, Captain Mazza and Lieutenant Cirri.

They were assisting a gentleman who has having difficulty walking and breathing. They were making a stretcher out of a soda push cart.

I told the chief about the other building going down and that this collapse was imminent. So he gathered the gentleman, one arm over his shoulder, Lieutenant Cirri grabbed the other arm, and we proceeded to take him down the building with Captain Mazza, myself and our people. We went down.

As we were going down, and now we were starting to lose power in the building, the lights were going on and off. We had some emergency lighting in the staircase and after '93, they'd painted stripes and they glow and it was very eerie watching the stairs as they lit up. I concentrated on the task at hand, which was to get the people out of the building.

I got down to the fifth floor and I saw, that is where I met Josephine Harris and Ladder Company 6, Ladder Company 6, a fire company out of Chinatown. Josephine Harris, who is a Port

Authority employee, had walked down 72 flights, and she had a bad leg problem and she could go no further.

Captain Jonas, of Ladder 6, was attempting to find a chair to put her in to help carry her down. I told the captain it was too late. And following my chief's lead, I grabbed Josephine by one arm, Firefighter Tommy Falco grabbed the other arm, with Billy Butler right behind us, we started going down.

I remember my captain, Captain Mazza, telling me to leave and let the Fire Department handle that and to go with her. And I just said, I'm helping out, just go ahead. Well, one more flight down was as far as we got and the building started coming down. I knew that was it because the other building was already gone. The memory of that is very sharp in my mind, something I'll never forget. People always ask me, of course, but this, I knew it was coming down.

All I could think of is, well, if I could protect Josephine from the debris. So me and Tommy

were covering her and it started coming. And you could feel the wind of pushing down as they were compressing through the building, you could hear the sound. It was like an on-rushing locomotive or an avalanche. You could almost feel the sound of the floors pancaking on top of each other as they were collapsing. As we all know, they collapsed straight down.

Actually, one of the firefighters, Matty, actually blew right by us as he went down. I didn't even know that until afterwards. And they just kept coming and coming. And I guess my final thoughts were about my family. I thought about my wife, my kids. Excuse me. I hoped they would think well of me for what I did. I was very fortunate. When the debris stopped falling -- excuse me.

CHAIRMAN KEAN: Just take your time.

MR. LIM -- first I thought I had died. I heard nothing, I saw nothing. But then I heard a voice, I heard a voice, the voice of Captain Jonas, my new friend. The voice was, "Who's here?" And I

heard a fireman that was in the stairwell with us shouting out the names of companies. I remember saying, "Lim, Port Authority police."

We couldn't see each other. It was totally black. We couldn't breathe. We had to try to breathe through our shirts, but we were fairly, in fairly good shape. We were alive. And we were very grateful for that.

I hoped then that Captain Jonas and the men of Ladder 6 and there were other fire companies below us, of course, there was a total of 12 firefighters, Josephine and myself in that stairwell. And for five hours, we fought to get out of there. When I say we fought, we fought as a team.

There were times you may have heard in New York that firefighters and police officers sometimes don't get along. Well, we changed all that. Between their actions and my expertise, after working almost 20 years in the building, we did manage eventually to work our way out.

We also managed to get ahold of our

families, I was fortunate to have a couple of cell phones, and managed to get through to let them know that we were okay. And that was probably one of the hardest moments for me was trying to explain to my wife that I might not get out of there. But she's strong, a good cop's wife, she understood, I was doing my job.

We ended up going up to get out through the sixth floor stair, top of the staircase. We had started smelling jet fuel in the staircase, unburned jet fuel, and the fear of fire had caused us to work even harder to get out. We saw a light over the sixth-floor staircase and our first thought was that the floor had power in it and it was virtually, or at least partially, intact, we could make our stand there.

We felt we would be there for a lot longer than five hours. As it turns out, as that light got brighter, it turned out to be the sun. We were virtually standing on top of what was left of the World Trade Center. When I say that, you have to picture a straw in a pancake. We were in that

straw.

By all the engineers and everybody else that tried to figure this out, there's no reason why I should be sitting here talking to you right now. It was just a small sliver of staircase from the sixth floor down to the first floor, damaged, though still enough to keep us alive, that preserved our lives.

We finally got through on the radio to Ladder Company 43 and they managed to come and throw us ropes. We managed to climb down onto the debris field in order to exit. They sent two of their officers to stand by with Josephine for a basket in order to carry her out.

Then came the trek to get out of Ground Zero. And that in itself was treacherous. One of our party had a concussion, Mikey Meldrom, so I was helping him. And the field was still on fire. There were things that we saw that, like I said, there is no need to repeat.

So we attempted to exit actually through, ironically enough, the U.S. Customs House over at

Six World Trade Center, but then we saw fire and we heard what we thought was gunfire. And I guess in my moment of stress, I thought we were under attack and these guys had landed on the beach. And all I could think of was, well, I've got 46 rounds, I'll take 'em.

But as it turned out, it was just ammunition going off. But you still couldn't go out that way. We ended up going out by One World Trade Center and exiting on West Street. We finally got out, I think it was around 3:30 or so and we were beaten, but we were alive, virtually with minor injuries.

Myself, I was taken to the hospital with a concussion and some leg and back injuries which I have recovered from. But I guess it's the mental injuries that I still suffer at times. Yes, I still have some nightmares, I still have trouble, as you can see, talking about this at times, but I think it's important that we as a people move on.

One of the questions that I'm usually asked when I do speak about this is why don't I retire. I'm a 20-plus man, I can retire any time.

And my answer is that I will retire at a time of my choosing, not at the choosing of some knucklehead from Afghanistan. No way is he going to determine when this cop is going to quit.

I just again want to thank you for allowing me to speak here. And I know, I know it's obviously not quite as important as all the people that we lost. I grieve for all those that I knew that day, I grieve for those that I will never know, but I also grieve for the best partner I ever had. Thank you very much.

CHAIRMAN KEAN: Thank you. Mr. Ielpi?

MR. IELPI: Good morning. Before I start, let me say two things. One, I'm not used to reading, I'd rather talk candidly, but I'm going to have to read for time. And two, some of the things I'm going to say are going to be sensitive to some of the families that might be listening, so I'd like to let them know ahead of time.

I come to you today as an ambassador for the dead and on behalf of the many others who toiled at Ground Zero to recover the victims of the

terrorist attack. My son Jonathan, a member of Squad Company 288 at the New York City Fire Department, was killed in the South Tower.

I am a retired firefighter and a grieving father. I bring no political agenda to this hearing. The only baggage I bear is a broken heart and a resolve that the terrible events of September 11th not be repeated.

Ten minutes is a very short time to summarize even one day of the horror and loss that filled Ground Zero. It is far too short to describe nine months of picking through rubble and debris, to find torsos, fingers, arms, bones and legs. Far too short to convey one year and seven months of missing my son and looking into the sorrowful eyes of his mother, his siblings, his wife, his children. I can only summarize. I cannot summarize an eternity, I can only share with you some of the images of Ground Zero that I will carry with me forever.

That morning when I arrived at the Trade Center site, I got there about half an hour, within

a half an hour after the South Tower had come down. I saw my first fatality, a New York City firefighter laying by his apparatus. I continued down the block. I got down to West and Vessey where the walkway spanned the West Side Highway. It had collapsed onto a number of fire vehicles. We were able to crawl underneath of these vehicles and start a search.

We were able to turn off some of the engines that were still running. All of the souls that ran underneath of this walkway to find shelter were dead. My primary reason, of course, was to find my son. My ultimate reason was to find my son. I continued searching with a lot of my friends that I had met. I had been a firefighter for some 26 years and I know a lot of people on the job.

The searching continued in and out of voids, under and around spaces, and over and above, only to find death. We found no life. After the first bunch of hours at the site, for the remainder of those nine months, we were to find nobody alive.

We were only going to find death.

I continued that day in searching. It became quite obvious as we progressed that it was going to be a difficult day for my family. The following days were much the same. I spent the better part of nine months at that site searching.

I met a lot of wonderful people that came from across this country to assist us. I cannot begin to tell you how wonderful it was to see and talk and listen to these people. These were men and women that came to serve us, to serve us food, to listen to us, to cry with us, to not say anything to us.

We worked with operating engineers, we worked with carpenters, we worked with iron workers, we worked with police, we worked with fire. I worked with a number of fathers who came to look for their sons. I brought a picture along with me that I will leave here. Many of these fathers that came did not find their sons.

On December 11th, three months to the day, I had left the site, I was home, it was about 11:30

at night, I got a phone call. It was Paul Ferro, who was the Deputy Chief at the site. He was working the night tour. When I heard his voice, I knew what it was. Paul said, Lee, we have your son. I said okay, Paul, I'll be right there.

I got my son Brendan, who is also a firefighter, we hopped in a car. We had a fire vehicle at our disposal. We headed back to the site. At about 1:30 in the morning, my son Brendan and I started our descent down into the site. And this is within the slurry-wall area, bathtub, otherwise known as, about 35 to 40 feet below level.

Over on the side was a stokes basket, and my son was in it. He was covered with an American flag. Paul Ferro came over to me and he put his hands on my shoulder and he said, Lee, he's all there. That meant something to me. And I will explain it later.

I went over to my son. I knelt down. I spoke to him. I still had to feel him from head to toe to satisfy my own curiosity. Then with the

help of my son Brendan and some of the men from Squad 288, we picked up my son and we carried him up the hill. We placed him in an ambulance and my son Brendan and I rode with him to the morgue. We were able to bring home our son in one piece and we put him to bed at home where he belonged.

We have a chart here, if I could just show it for a second. The work that continued at the site went on for almost nine months. The New York City Fire Department used the GPS system to mark every remain that was found. This map, you can see the vast majority of remains, those are the towers.

Those towers sit within the slurry-wall area. That area goes down six stories deep. Every dot there represents a body part. We could not represent all of them because we went from grade level down to six stories below, so one dot may represent 5, 10, 15, 20 body parts. Thank you. I will leave that with you also.

We meet with the -- I belong to the Coalition of 9/11 Families. We meet with the Medical Examiner's Office every three weeks. I'll

give you just a couple of quick figures here.

Between Shanksville of course, Pennsylvania, and the Pentagon, we know that some 3,000 lives were taken that day. At the World Trade Center site, 2,792 souls were murdered that day, 19,934 body parts were retrieved in nine months.

To date, 6,438 of those remains have been identified. To date, 13,447 of those remains still are unidentified and remain at the Medical Examiner's Office. Fourteen hundred and seventy seven families have been notified that their loved ones were found. 1,312 have not. Out of 2,792 souls lost at the World Trade Center, there were only 292 whole bodies. There will never be any more than 292 whole bodies. My son was one of those whole bodies.

One night after all the recovery work was over, I was at the site, six stories below grade at bedrock, for a small tribute. There were many of them. Afterwards, as I was ready to leave, I realized that no one was working. As I started to walk that long walk to the ramp that led out to street level, a Port Authority cop that I know

drove by and said, "Would you like a ride up the hill?" I said, "No, I think I would like to walk." He understood and he left.

I had never been down there where there was this fire. I walked over to where they found my son. I cannot describe the overwhelming feeling of warmth and sadness as I stood there. And I could hear people talking. It was a very powerful feeling. Now I guess I'm going to try to help you hear those voices too.

We cannot change what happened on September 11th, but it must not be forgotten and it must never happen again. America's guardians failed us on 9/11. You are now the guardians of that legacy of that horrible day. Each of you personally, not merely as a member of a commission, now bear responsibility to see that the lessons you learn at these hearings are remembered, and more importantly, acted on.

I urge you not to fail the past or the future. And I thank you for the time.

CHAIRMAN KEAN: Thank you very much.

Colonel Birdwell?

COLONEL BIRDWELL: Good morning, Governor Kean, members of the Commission. Thank you for affording me this opportunity to share with you my experiences from the events of September 11th. It's also my distinct honor to be a representative of those in our national defense, the Pentagon and those currently serving overseas right now.

First let me establish where I was located inside the Pentagon at the moment of impact of American Airlines Flight 77. You have a slide inside your packet that I provided that gives you that layout. Inside the attached slide, you'll see the impact point on the E-ring, the outermost ring of the building. To the left of the collapsed structure, my office window is circled in yellow.

The top right-hand portion of the slide is called the corridor. The corridors are the spokes of the building that connect the rings to one another. The rectangular tan box designated with a red X at the top of the building shows the location of the elevators within the corridor.

As I stepped out of the men's restroom inside corridor 4 on the second floor to return to my office, I was passing in front of those elevators at the moment of impact, in fact moving toward the point of impact. The arrow originating from my circled office window indicates the window I was facing at the time of impact, approximately 15 to 20 yards behind that window inside the corridor.

As you can see from the slide, I had just crossed the path of the plane in going to the restroom and was just seconds from being in the direct path of the plane at the time of the impact. When an 80-ton airliner traveling at over 300 miles an hour with over 10,000 gallons of petroleum jet-A slams into a building 15 to 20 yards from you, you may also discern that I sit here at the miraculous hand of Christ.

In surviving the concussion and being conscious through it, the blast, the fire, the smoke, I am able to provide for you a glimpse of the ghastly, firey death that many died in that

day. By virtue of surviving my injuries, I can provide you the great detail of the emotional and physical trauma of the critically injured.

As a husband and father, I can share with you the physical and emotional strain of my wife Mel and my son Matt as I experienced throughout my hospitalization and continued recovery. Let me share with you a little bit of that experience of my wife.

I too would offer the same thing that Lee offered as well, to the family members in the room today. At the moment of impact I went, in an instant, from a well-lit corridor that I had traversed many times to an earthly hell of fire, choking black smoke, physical and emotional pain and the disorientation, all of which seemed to last an eternity.

First was the physical pain of the fire. My body was burned with 60 to 65 percent total body surface burn area on my back, legs, face, neck, arms, hands, with approximately 40 percent of my burns being third degree. Portions of my face and

each entire arm required complete grafting of skin from those portions of my body that could donate such skin. The heat, smoke and fuel vapor within my lungs inflicted a serious inhalation injury on me, as well. Second, I was disoriented and unable to navigate my way out of the building due to the loss of lighting, combined with the smoke that was pouring out of the building.

I cannot put into words, there are none sufficient in the English language, to describe for you the abject terror and panic that I experienced, not only facing such grievous, life-threatening injuries, but at the same time the inability to escape them. Third, I knew I was facing the finality of my life. I thought about how I had said good-bye to my wife Mel that morning, and my son Matt, and how it would be my last.

In moments immediately after impact, I reacted normally with the survival instincts of trying to save myself. I attempted to get to my feet but was unable to do so, given the concussion and blast of the explosion and the subsequent

vacuum that had to be filled and the damage that had on my sense of balance. After an undetermined amount of time, I eventually accepted my death and collapsed to the floor and waited for whatever that feeling is of the soul departing your body. By God's grace, I never felt that feeling.

Instead, I could feel liquid running down my face, but it wasn't blood, it was cold. In fact it was water. I had collapsed into one of the functioning sprinkler systems inside the Pentagon. That water was able to douse the flames on and around me and I was eventually evacuated for treatment at Georgetown University Hospital.

In my written remarks, I wanted to pause and move on in the interests of time, but let me share just a little bit of that with you, if I may, Governor. With your permission, let me just share that with you.

Inside corridor 4 on the second floor, there are portions that were still under renovation, portions that were, on my right side, that were plywooded up, still under construction.

Portions on my left were badge-access doors that, even though my badge was burned beyond recognition at that point, even if it had functioned, I did not have access to those areas. The corridor to the A-ring, which is the innermost circle, the innermost ring of the Pentagon, the fire doors had already closed. I was only operating with emergency lights and the will to survive and God's grace as I still being alive.

As I moved, actually staggered, it was not a walk, it was not calm, I was not able to run, I got down to about B-ring where Bill McKennan and Roy Wallace stepped out of the B-ring doors to see if there were any survivors inside the hallway. I was the only one there. Pieces of my skin were still hanging off of me, pants burned, portions of my polyester pants had melted to me. It's not a description I wish to go into in greater detail because Roy was already rather descriptive of it for me already.

They and two other gentlemen carried me to the A-ring through one of the passages that they

had within their area, took me to Redskins Snack Bar. You may be familiar with that, Secretary Lehman. At that point I was laid down for triage with five other seriously injured people. I was the first one evacuated.

Fortunately, I had a great Air Force doctor, Dr. Baxter, give me a shot of morphine in my foot and then in the other foot gave me the IV bag. My feet were the only portion of my body that they could determine was not seriously injured. I was immediately evacuated by ambulance inside the Pentagon up to North Parking, from North Parking taken to Georgetown University Hospital by a Ford Expedition.

Inside Georgetown University, I had yet another seminal moment. Major John Collison had accompanied me to Georgetown. I knew that when Dr. Williams, the attending physician there, told me they were soon to place me under general anesthesia and intubate me that he was going to do the best he could to save my life. But I also knew that I was facing, in being under anesthesia, that my last

words were maybe those that I now speak.

I asked John to take the wedding ring off my finger. It removed skin, it removed muscle, it removed other tissue, but I don't recall it hurting. I don't know if that was because of the morphine that I received from Dr. Baxter or because I was more concerned with the manner of my death and how my life or my death was going to give witness to those on the medical staff.

John took the ring off. I looked at the hospital chaplain and asked to say a prayer, a prayer of salvation, actually, rather, sovereignty of God in my life, not of salvation. We said that prayer. And after that prayer I had the peace of God's concern in my life and his sovereignty in my life to look at Dr. Williams and say, let's get on with it, resting in his sovereignty.

I was fortunate, as you can imagine, to be sitting here with you today. I was evacuated to Washington Hospital Center Burn Unit by ambulance, or by air ambulance, after the FAA had opened air space inside Washington D.C. That evening I was

admitted where I would spend the next three-plus months enduring 30 surgeries, 24 days on a respirator, 26 days in intensive care, nearly 90 days breathing through a trache, numerous tank sessions of sterile debridement in a solution of water, iodine and chlorine -- and I can tell you that is, short of being a prisoner of war, probably the most horrific, painful experience you can endure -- three days of maggots to eat the dead tissue off my arms, to sterilize the infection, to give me live tissue, living tissue, that the doctors could then graft on top of, daily physical therapy to the point of requiring a morphine derivative, Dilaudid, prior to each session, in addition to the scheduled pain medications.

The physical environment was agonizing, but the emotional pain was probably far worse. Seeing the anguish my wife was enduring on my behalf, the separation she endured from Matt and to complicate that emotional pain was my inability to communicate with her for a good portion of my hospitalization, and that physical incapacitation

combined with the pain medications that I was receiving.

Mel and Matt had already overcome the immediate torment of those first few moments and hours of watching the attacks. Mel had previously accompanied me to my office when we made the move from one part of the building to the other. She knew that my office overlooked the helipad and in watching the local news coverage, saw the helipad and the row of windows overlooking it with fire coming out of them.

Mel and Matt eventually learned that I was alive and were quite overjoyed at that. The greatest challenges ahead were dealing with the medical setbacks that are indicative of not knowing if I would survive. In our visits together, especially Matt's, the overtone was always, is this my last chance to speak with Dad alive.

By virtue of the hand of the Lord, an outstanding group of medical professionals, the presence of my church and the presence of the U.S. Army family, I sit here before you enjoying the

remainder of my life. I trust that you will keep my life and those of other citizens of this great nation in mind as you go about the business of determining how we can improve our processes to combat terrorism.

I look forward to answering any questions that you may have about my family's experience. Again, thank you for the honor to be here with you today.

CHAIRMAN KEAN: Mr. Sincok?

DR. SINCOCK: Mr. Chairman, Commissioners, I'm Dr. Craig Sincok of Woodbridge, Virginia. To me, it is an honor to come to you today as a citizen, an Army officer of 34 years, and as a surviving spouse of September 11, 2001.

Before I proceed into the things that I had written down, this gentleman right beside me, Brian Birdwell, is the only survivor out of my wife's office. He is now my dearest friend. He's like a brother to me.

The Pentagon was my building and it was my wife's building too, my wife, Cheryle. I was first

stationed there in 1985, brand new W-2 with the Army. My wife came in 1987, working as an Army civil servant. Both of us went to work there, usually together, from those years until the events of 9/11. I worked in just about every corridor and most of the floors of that building. I met countless thousands of people, both military and civilian. Most of those people I consider as friends.

My wife made several promotions through the years as an Army civil servant. She was excited about where she worked, who she worked for, and the fact that she was doing her small part to make the system work better.

On the day her world ended, Cheryle got up at 3:00 a.m., got dressed, and drove herself to work at 4:30. My last recollection of her was standing in our bedroom combing her hair. We said good-bye and I told her I would call her later to see if she wanted to come home early. This was one of those days when her illnesses made her very sick, but being sick never stopped her from work,

from her duty.

I followed her to work about a half hour later. This was our normal schedule for almost 15 years. And although I was on leave, I went to work anyway. The belief was, year-end use-or-lose type of leave in the military, but that did not mean I did not do my job. And I credit my wife, Cheryle, with showing me that side of the work ethic.

I called Cheryle at about 8:30. She sounded like she was hurting. In fact, she told me her head was just pounding. That meant usually that her blood pressure was elevated, but true to her form, she said no to going home at that time. I told her I had been invited to participate in a meeting in Rosslyn and I should be back in the early afternoon. That was the last time I talked to my wife. I know I told her I loved her and for that I'm ever so grateful.

When the plane hit the Pentagon an hour later, I felt the shudder two miles away in Rosslyn. When I looked out the window and saw the first plume of smoke go up, I simultaneously heard

the TV announcer in a back room say that the south parking lot of the Pentagon had been hit by an airplane.

My heart stopped because I just knew that was where Cheryle worked and something told me she was in danger. I ran the two miles back to the Pentagon, through Arlington Cemetery. I spent that entire day, until 11:30 that night, working, praying, and hoping at the side of the building we called home. It was not until the next morning that I got the official word from the Army that my wife Cheryle, my bride of almost 25 years, was on the missing list.

That is what happened to Cheryle and 183 others that day. What has happened to the families and friends since that day is another story. I like to think of 9/11 as an event and what we do now as the journey after the event. Every once in awhile, someone or something will take us back to that day. Those are the triggers from the event. We hope that as time goes by, the triggers become less in frequency and their results less in depth.

This is the reason I said yes to coming before you today. What you do here, the results you obtain and the recommendations you send forward, will, I sincerely hope, lessen those triggers for all of us.

I found early on in my grieving process that to hold onto anger brought on resentment. And with resentment came sleepless nights, foggy days, and bad memories. So you won't hear anger from me. I won't talk about what people should have done, for that would be to try to place blame somewhere. That may be part of what you end up doing, but it is not part of my responsibility.

I will however, give you some personal observations.

I watched that day as everyone with any authority tried to take charge of something, take charge of anything, but no one was really in charge. No matter how many times the scenario of a plane crashing into the Pentagon during takeoff or landing at National Airport had been practiced, no one was prepared for this attack.

I know many of these in the Defense Protective Service and there's not one of them that I would fault for not doing their job and then some that day. I know many of the building support personnel and they too are above reproach and blame. I've worked for many of the top-level and mid-level managers of the Army, Navy, Air Force and Marine Corps. Each one of them and their subordinates did what their training and their instincts directed them to do. Some of them died trying.

If there is anything to blame, it is our systems, our bureaucracies and our inflexibility towards change. That is normal for bureaucracies and large systems. That is what happened on 9/11. Those who are used to change, are trained to respond to events demanding instant change, are the police, fire and rescue. Bureaucrats do not like change, in fact they fear it, for their programs may go away and with it their very existence.

So when these same bureaucrats tried to respond to 9/11 events, they were not prepared for it, but we should not blame them for that because

we may have made them what they are. We do this with our antiquated programming, budgeting and execution methods. We do this by outsourcing almost everything we do until we make our government managers policy makers rather than decision makers.

We cannot fault our fine nonprofit organizations and the multitude of companies that responded to the needs starting within many hours of the tragedy. These people brought everything they could think of, provided every service they could, and extended themselves, usually at a loss of profit. But within months of the event, the attitude of these same people, not all of them to be sure, but a lot of them, went back to the way they had been before 9/11. They did what so many of our own citizens did. They reverted to what was comfortable and known. This is one of the prime laws of systems thinking, which I happen to have a doctorate in, that tells us that a system always reverts to where it is comfortable. That's where bureaucracies go, back to being comfortable.

Some of the organizations that responded had gone through similar incidents and responses like this before. Some of them already had response models they could modify quickly. But the vast majority of responders did not have a clue because this was so much bigger, so much different than anything they had ever seen before. And now almost a year and a half has gone by and we still don't have any more models of crisis response than we had before.

I'm certain that some bureaucrats have probably worked on a few of those and spent several millions of dollars of public funds to try to get a model going, but I suspect that when push comes to shove, God forbid, those models will have become shelfware. For until our bureaucracies start to train themselves on how to change, on how to be flexible and pliable, they will never be in a position to respond properly to events such as 9/11.

I trust that what you do here will be guided by finding answers, not placing blame. I

trust that you will search out the truth, no matter where it leads, and pass that truth to those who can make changes that matter. I trust that you will do the next right thing.

As you call your witnesses and try to find out what happened and why, please try to remember that those who were at the sites that day, those who lost loved ones and friends, those who were injured, are still going through their private and individualized trauma and grief processes. Some may be angry, many may be depressed, some may be distraught and others may have their own agendas. Try to understand that each of these people will try to do their best given the circumstances that befell them.

You are now part of their healing process. I know you will do right by them and right by our great country, the United States of America.

Thank you once again for the honor of being here, and God bless.

CHAIRMAN KEAN: Thank you all very much. You're an extraordinary group of people. And I

thank you all so much for being here today.

Senator Gorton has a question.

COMMISSIONER GORTON: Mr. Waizer, was there anyone else on that elevator?

MR. WAIZER: There was another woman, a black, middle-aged woman, who I have tried to identify. I think I know who she was. And if it's who I think it was, she died in the hospital. She didn't make it down to another ambulance. But I have never be able to confirm that.

COMMISSIONER GORTON: I was going to have a question for Mr. Lim, Mr. Chairman, but he answered it. He went back to work. And I just wanted to say that that was a great thing to do. You really deserve our admiration, not only for what you did on that day but you're back to work right now.

MR. LIM: There's a great need for bomb-dog handlers right now.

CHAIRMAN KEAN: Thank you. Any other questions from the Commission?

COMMISSIONER GORELICK: I'd just like to

make a comment. When we were deciding what to do for our first hearing, we considered many different alternatives. And clearly we wanted to hear from the families of the victims. We also wanted to hear firsthand from people who had experienced the tragedy themselves for two reasons. One, we knew it would motivate us. And it has. We will collectively keep your stories with us as we go on this journey. And two, you have given us some challenges to live up to. As you said, you are speaking for so many others. And we have heard you. Thank you.

CHAIRMAN KEAN: Yes, Senator?

COMMISSIONER CLELAND: Mr. Chairman, come April 8th, I will celebrate 35 years after my tremendous trauma and challenges, grieving all that, physical loss and pain and suffering.

And this is an extraordinary story. The nation needed to hear it. We needed to hear it. We love you. We appreciate you. And we hope that God continues to strengthen you in your struggle. Thank you.

CHAIRMAN KEAN: Thank you very much. The next panel, Stephen Push, Mary Fetchet, Mindy Kleinberg, Allison Vadhan.

(Recess)

CHAIRMAN KEAN: We will call the session back to order. I'd like to introduce, first of all, Stephen Push from the Families of September 11.

MR. PUSH: Governor Kean, Congressman Hamilton, and the other members of the Commission, thank you for inviting me to offer my views about the Commission as it starts its investigation of the worst terrorist attack in American history. And thank you all for taking on this assignment. You're doing a tremendous service for your country.

You have an extremely important task before you. What is at stake is nothing less than the legitimacy of the United States government. The primary function of government is to provide for the common defense. If the government cannot do that effectively, everything else it does is of little value.

I would like to explain to you what it was that brought me before you today. I don't claim to speak for all the 9/11 families, but I believe that many of them have similar views concerning the need for this Commission.

When my wife, Lisa Raines, was murdered aboard American Airlines Flight 77, I was immediately cast into a spiral of shock, disbelief, and grief. Within two weeks, however, my strongest emotion was anger. And I think I probably differ substantially from Mr. Waizer and Dr. Sincock in that. In fact, actually, anger is an inadequate word to describe what I felt. What I felt was a rage so intense it was like no emotion I had ever felt before. But I haven't let go of this anger. I've tried to pour it into working to see that something like this never happens again.

Initially my rage was directed at the hijackers. Why did they do this? What did they expect to accomplish? What had Lisa done to them? But as I read the newspapers and spent night after sleepless night watching cable news networks and

searching books and the Web for information about terrorism, I also became angry at my government, the government that was supposed to protect Lisa but that, as I eventually learned, had failed her and the other 3,000-plus victims of 9/11.

I learned, for instance, that two of the hijackers on Lisa's plane were known to the CIA. In fact, the CIA even knew that one of them had a multiple-entry visa to come into the country. They knew that they were associated, I found out a little later on that they were associated with the people who bombed the Cole, the USS Cole, knew that they had attended a terrorism conference in Kuala Lumpur. Nevertheless, they were allowed to enter the country, to live here for months and to board the plane using their own names.

I also learned that, for 14 years prior to 9/11, the Government Accounting Office repeatedly documented the ineffectiveness of the aviation security system, but during that 14-year period, nothing was done to correct the problems.

I realized that al Qaeda had first

attacked America in 1993, declared war on America a few years later, and mounted a series of increasingly daring and deadly attacks. While all of this was happening, the Clinton administration took only ineffectual steps against al Qaeda. And after all of these clear signs that we were at war with a ruthless enemy, the new Bush administration put counterterrorism on the back burner until September 11th.

I am now convinced that this tragedy did not have to happen. 9/11 was foreseeable. And it could have been prevented. But even if you don't accept my word on that, I think everyone must admit that at the very least 9/11 exposed serious problems with our counterterrorism and national-security procedures.

I'm not advocating conspiracy theories. I personally don't believe that anyone in the government had specific knowledge of what would happen on 9/11. If only it were that simple, we could then easily correct the problem by investigating and punishing those responsible.

But I fear that what we're up against is far more insidious. There has been a failure of leadership in this country that cuts across decades and political parties. Too many politicians put reelection above national security. Too many government managers favor process over results and careerism over service.

I'm not maligning the many brave men and women who protect us. I have great respect and gratitude to those in the military and the intelligence agencies and for the many others who have dedicated their lives to public service, but in too many cases, they have been poorly led.

I'd like to make a comment about something that Mr. Ben-Veniste and one of the witnesses said about not pointing fingers. I think this Commission should point fingers. I'm not suggesting that you find scapegoats, someone to hang out to dry, but there were people, people in responsible positions, who failed us on 9/11. They didn't just fail us once; 9/11 occurred because they were failing us over a long period of time.

Some of these people are still in responsible positions in the government. Perhaps they shouldn't be. And that's one of the things I think you need to look at and think about.

I also hope that you will, in conducting your investigation, talk to some of the rank and file in the agencies that you will be looking at. I notice that you have some people from the Fire Department and the Police Department speaking tomorrow. I don't know what level they're at, but you should speak to some of the rank and file in those departments and see if what the leaders are telling you squares with what the rank and file are telling you.

The same goes for the federal agencies. I'm in touch with a number of former and current employees of the Federal Aviation Administration and the new Transportation Security Administration who have horror stories to tell about our aviation security. And I'd like you to listen to them. Maybe not everything they say is legitimate, but there is a lot there for you to look at that

requires serious consideration.

I'd also like to say something about what Mr. Waizer said about these commissions coming to naught in the end. If I have anything to say about it, that's not going to happen. Your report is not the end of the process, it's the beginning.

And I think I can speak for some of the other families who are here today, we're not going away. We're going to see that your recommendations are translated into legislation, that the legislation is translated into effective action by the agencies.

Since 9/11, there have been some important successes in the war on terrorism. Afghanistan has been liberated, al Qaeda has been disrupted, and many of al Qaeda's leaders have been captured.

But there have been far too many failures, as well. For example, despite the expensive and highly publicized creation of the Transportation Security Administration, aviation security is still little better than it was on 9/11.

Just last month, an investigative

journalist was able to defeat the carry-on-bag screening process at a major American airport 10 out of 10 times. This is a year and a half after 9/11, months after the TSA has taken over responsibility for all the airports, an investigative journalist can carry unallowed items through security a hundred percent of the time at a major American airport.

And this is not just one incident. I just mentioned this one because it happened long after TSA had taken over. But I just this weekend watched a compilation tape of stories that were done by national and local television stations over the period starting before 9/11 and continuing throughout the period when TSA was training and hiring and taking over, right up until last month. And in every single one of those instances, they were able to defeat the system between 50 and 100 percent of the time. I will provide you with a copy of that tape. It's sickening.

The TSA's response to this latest story, to this latest appalling failure rate, was to

assert that "proper screening procedures were followed." I'm sure the families of the next hijack victims will take great comfort in knowing that "procedures were followed."

These ineffectual reforms of transportation security focus almost exclusively on addressing past attacks. And this seems to be a recurring theme in the government. Let's respond to the last attack. Richard Reid uses a shoe bomb, so let's check everybody's shoes. Well, the terrorists are probably a little smarter than that and probably the next time it's not going to be shoes.

But most of what's been done by the TSA so far responds to the threats that became evident on 9/11 and the Pan Am 103 bombing over Lockerbie. Little has been done to address other aviation-security issues, and these issues are well known. Little has been done to address threats to other modes of transportation.

We have to do much more than prevent a repeat of prior terrorist attacks. We need people

in government who know how to anticipate new tactics and develop methods to defeat them. Even more important, we need to understand and change the causes of terrorism. This will require a major change in the government's mindset.

I urge you to look beyond al Qaeda and beyond 9/11 and examine the underlying problems that this country has not fully faced and has done little to address. I urge you to ask the tough questions and offer tough solutions.

For example, what changes need to be made in our foreign policy, including -- no, not including -- especially in our relations with so-called friends such as Saudi Arabia?

Does the new Department of Homeland Security really make America safer or has the government just reshuffled the boxes on the organizational chart?

Can we obtain useful counterterrorism intelligence from an intelligence community made up of 14 different agencies when no one is in charge of the entire operation?

Can the FBI, an agency steeped in a law-enforcement culture transform itself into a counterterrorism agency, or do we need to create an agency similar to Britain's MI-5?

Are political campaign contributions from the airlines undermining Congressional oversight of aviation security?

These are just a few of the questions you are going to need to answer. The list of questions is too long for this brief testimony. I know that other 9/11 families and many other people have provided you or can provide you with far more comprehensive lists.

The families, the 9/11 families, aren't asking these questions for our own benefit. We have already been irreparably damaged. Our loved ones have already paid the ultimate price. We ask these questions for all Americans, for all people who may be the next victims of terrorism, for future generations.

Thank you again for inviting me to testify. And good luck in your search for the

truth.

CHAIRMAN KEAN: Thank you. Mary Fetchet, who is from Voices of 9/11.

MS. FETCHET: Good afternoon. My name is Mary Fetchet. I tragically lost my son Brad in the most devastating attack on our country, the attacks on the World Trade Center. I am Co-Chair of Voices of September 11th and a member of the family steering committee for the 9/11 Independent Commission. I'm honored to be here today and want to thank Governor Kean, Mr. Hamilton, and all the commissioners for the opportunity to discuss my expectations for the 9/11 Commission.

I want to express to all of you my very deep concern about the slow progress of the Commission and stress the urgency we feel as precious time is being wasted. I also want to impress on you the importance of the Commission's investigation in answering our mounting questions.

Your investigation will help identify the systemic problems within and amongst government agencies that contributed to the success of the

terrorists in carrying out this horrific attack on our country.

It will also set a framework for the necessary changes to insure national security. The responsibility of the success of this investigation rests on your shoulders. We have waited far too long for this Commission to get up and running.

As a mother who lost her child, it is my moral obligation to speak on behalf of my son and all those that died on September 11th. They deserve answers to how and why they were senselessly murdered in their own country, nearly 3,000 innocent citizens at work and traveling on American aircraft. I also speak on behalf of my family and other families who are searching for answers to how and why their loved ones died on September 11th. We deserve answers to the long list of questions we have.

Most importantly, I am here as a citizen, like you and the rest of the nation, who continues to feel unprotected at these volatile times. For the sake of our children, we feel a great sense of

urgency. What were the failures? Who was accountable?

As I speak about my son, I would like to share with you a picture which I took this morning from his 15-year-old brother's bedroom. Brad was 24 years' old and the oldest of our three sons. He worked at Keefe, Bruyette and Woods as an equity trader on the 89th floor of Tower 2. Brad was an understated, athletic, handsome young man, as you can see from the picture, with a sparkle in his eyes and a wonderful smile. Much like the 3,000 other innocent victims, he was hard working and dedicated to his family and friends.

Brad was planning to become engaged to his girlfriend of three years, Brooke. When Brad died, my husband and I lost a son and our dreams for his future, a wedding, a daughter-in-law and grandchildren. His younger brothers have lost a friend, a coach, a mentor, a confidant and a companion.

It is incomprehensible that the devastation was so great that our families are

being notified of minute body parts, such as a finger, a jaw or a vertebra, or worse, nothing at all. We have been notified three times of Brad's limited remains and have had a memorial service and a burial. We will wait until the notification process ends before we have a final burial. It may continue for years.

On September 11th, Brad called my husband at work shortly after the first plane hit Tower 1. Like other times when there was an emergency in the building, he wanted to reassure us that he was okay. He was shaken because he had seen someone, quote, "drop from the 91st floor, all the way down." He knew a plane hit Tower 1, but wasn't aware it was a commercial jet.

The Port Authority directed my son's company to stay put in their office, quote, "that the building is safe and secure." My husband asked Brad to call me at home and here's the recording of his call left on my message machine at home around 9 o'clock a.m.:

"Hey Mom, it's Brad. I just wanted to

call and let you know, I'm sure that you've heard, or maybe you haven't heard, that a plane crashed into World Trade Center One. We're fine, we're in World Trade Center Two. I'm obviously alive and well over here, but it's obviously a pretty scary experience. I saw a guy fall out of probably the 91st story all the way down. So you're welcome to give a call here. I think we'll be here all day. I'm not sure if the firm is going to shut down for the day or what. Give me a call back later. I called Dad to let him know. Love you."

Brad always tried to be strong so I would not worry. Although he wasn't aware his life was in danger, I can hear the fear in his voice. I never had the opportunity to return his call, to say good-bye and tell him I love him.

Brad made two calls to his girlfriend, the last after the second plane hit Tower 2. The message was brief. Sirens were sounding in the background and he was frantically trying to escape the building. Other families received similar calls from their loved ones after the building was

hit.

These individuals knew they were going to die. They were trapped above the fire, asphyxiated or injured, and unable to escape. They died a horrendous death.

So I ask you, if the house next door to your home was hit by a plane or on fire, would you direct your family to remain in your home? How is it that people would be directed to remain in a 110-story building supposedly, quote, "safe and secure," when its twin tower is billowing in smoke, and people are jumping to their death to avoid a high-rise fire? How is it is that Brad was unaware of the dangerous situation he was in 15 minutes after the first plane hit Tower 1? Precious time was wasted.

Unlike Brad's situation, Rick Rescorla, Director of Security for Morgan Stanley, directed his employees to leave the building, to disregard the Port Authority's commands to evacuees to, quote, "return up to their offices."

How is it that they were receiving such

conflicting information which ultimately, senselessly, cost my son's life and the lives of 600 others in Building 2? What lessons were learned after the bombing in 1993? Were there evacuation policies in place? Were they followed? No one in Building 2 should be dead today. What were the failures and who is accountable?

Furthermore, what communications existed to warn city authorities and the Port Authority that hijacked commercial aircraft appeared headed for their targets? More specifically, what was New York City and the Port Authority told about the findings of the Joint FBI and NYPD Terrorist Task Force?

What were the breakdowns in communication between the control towers, the FAA, NORAD, and other government agencies? On a larger scale, what were the CIA, the FBI, the INS and the military doing to protect our country? What were the systemic failures? Who should be held accountable?

September 11th has repeatedly been referred to as a wake-up call. Our president said

on September 27, 2001, "We have awakened to a new danger, but our resolve is great." As late as May 16, 2002, Condoleeza Rice stated that, "I don't think anybody could have predicted that these people would take an airplane and slam it into the World Trade Center, take another one and slam it into the Pentagon; that they would try to use an airplane as a missile, a hijacked airplane as a missile."

But September 11th should not have been a wake-up call. Nor was it a new danger. September 11th should have been predictable. The loss of life in the 1993 bombing and the continued threats, specifically on the World Trade Center and other New York City landmarks, should have been the wake-up call.

In fact, Eleanor Hill from the Joint Intelligence Committee concludes, "There was considerable historical evidence that international terrorists had planned and were, in fact, capable of conducting major terrorist strikes within the United States."

Despite increased chatter and the CIA Director, George Tenet, issuing a declaration of war on al Qaeda on December 4, 1998, the FBI and CIA failed to communicate or coordinate their efforts in providing national security. How could this be that the two intelligence agencies responsible for our safety are not coordinating their efforts to protect our citizens? How could this happen and who is accountable?

The Hart-Rudman Commission released on February 2001 also predicted a terrorist attack of great magnitude and loss of life on our own soil. This report both identified the increasing threat of terrorism and was also a blueprint for the development of homeland security, which, if implemented, could have prevented September 11th. However, their recommendations to address these threats were never implemented. The report sat on a shelf.

It is also important to note that two earlier presidential commissions on airline safety, security and antiterrorism were established

following airline disasters, the Pan Am Flight 103 and the TWA Flight 800. However, these commissions were bogged down by lobbying from the aviation industry. Timetables were delayed, and financial expenditures were given priority over the safety of human lives.

During this time what steps did the aviation community take amidst the growing threat, one which centered on using aircraft as bombs and American cities as targets? If an effective security system was in place, how did box cutters get through security? What were the failures and who is accountable?

Thankfully, we live in a country with freedom of speech. Yet our elected officials with oversight have neglected to implement prior commissions' important recommendations to improve airline and national security. We have a strong military support, yet they were not able to protect us within our own borders.

We have sophisticated intelligence agencies that, for reasons unknown to the public,

are territorial and have been proven to be ineffective, at least as far as protecting American lives. Our nation is technologically advanced, yet the technology is not protecting the skyways of America.

Before September 11th, I assumed we were safe and secure living in the United States, that the threat of terrorism was outside our country, that government officials and other agencies were competent, responsible individuals, coordinating their efforts and acting in our best interests. I found out the hard way that I was naive, that my assumptions were wrong.

Unfortunately, the threat of terrorism exists in our country. The building that Brad worked in was unsafe and an identified target. And government agencies with the responsibility to protect us have major systemic problems communicating.

For 18 months our family has been denied the truth that a thorough investigation would reveal. As a family member, I am frustrated to

have suffered the loss of a son and yet to be required to spend time away from my family and fight for the establishment of a commission that should have been in place on the day of the tragic events.

Following a recent mining disaster and tragic Columbian aircraft explosion, commissions were established immediately, with substantial funding. It is now 18 months later. We're at war with heightened alert. Yet the Commission has had a slow start. A quest for the truth has to begin at the top, with the support of the administration, to require all government agencies to provide necessary documents and act in full cooperation with the Commission.

Security for all Commissioners and staff should be expedited. Necessary funds should be allocated for a Commission of this magnitude. The findings of this Commission are of utmost importance to developing an effective Homeland Security Department.

I found a journal my son began writing at

age 21. On the first page he wrote a quote which best describes how he lived his life: "You can tell the character of a man by what he does for the man who can offer him nothing."

I challenge you, the Commissioners, the staff, and all those involved with the success of this Commission to approach this important inquiry with the same manner that Brad approached life, to approach it with an open mind and with integrity, above all, with a sense of urgency and a full commitment to the time and energy that will be necessary to do a complete and thorough job.

It is your moral and legal obligation to insure that no stone is unturned. Most importantly, each Commissioner must recuse themselves in areas that they have a conflict of interest. Our nation deserves this Commission to be different. We want to prevent other families from suffering the loss we have had to endure. We want you to answer our questions, identify systemic failures, and resolve problems.

Despite the cost, we want recommendations

that are implemented and we want accountability. We want to know that changes are being made so our families can feel safe living in this country. Ultimately, you are accountable for the success of this Commission.

In closing, I would like to offer my sincerest condolences to the families of the brave soldiers who perished in Iraq. I understand their grief. May God bless my son and all those who died as a result of September 11th and may their spirit grant you the strength and wisdom as you proceed with this important contribution for the sake of our nation. Thank you.

CHAIRMAN KEAN: Thank you very much. Mindy Kleinberg from September 11th Advocates.

MS. KLEINBERG: My name is Mindy Kleinberg. My husband Alan, 39 years old, was killed in the World Trade Center on September 11th, 2001. As I testify here today about the 9/11 attacks, I will begin by saying that my thoughts are very much with the men and women who are involved in armed conflict overseas and their

families who wait patiently for them to return.

This war is being fought on two fronts, overseas as well as here on our shores. This means that we are all soldiers in this fight against terrorism. As the threat of terrorism mounts here in the United States, the need to address the failures of September 11th is more important than ever. It is an essential part of lessons learned.

As such, this commission has an extremely important task before it. I'm here today to ask you, the Commissioners, to help us understand how this could have happened. Help us understand where the breakdown was in our nation's defense capabilities.

Where we were on the morning of September 11th. On the morning of September 11th my three-year-old son, Sam, and I walked Jacob, 10, and Lauren, seven, to the bus stop at about 8:40 a.m. It was the fourth day of a new school year and you could still feel everyone's excitement. It was such a beautiful day that Sam and I literally skipped home, oblivious to what was happening in

New York.

At around 8:55 I was confirming play-date plans for Sam when a friend said, "I can't believe what I'm watching on TV, a plane has just hit the World Trade Center." For some reason it didn't register with me until a few minutes later, I asked her calmly, "What building did you say? Oh, that's Alan's building, I have to call you back."

There was no answer when I tried to reach him at the office. By now my house started filling with people -- his mother, my parents, our sisters and friends. The seriousness of the situation was beginning to register. We spent the rest of the day calling hospitals and the Red Cross and anyplace else we could think of to see if we could find him. I will never forget thinking all day long, "How am I going to tell Jacob and Lauren that their father was missing?"

They came home to a house filled with people but no Daddy. How were they going to be able to wait calmly for his return? What if he was really hurt? This was their hero, their king,

their best friend, their father. The thoughts of that day replay over and over in our heads, always wishing for a different outcome.

We are trying to learn to live with the pain. We will never forget where we were or how we felt on September 11th. But where was our government, its agencies and institutions prior to and on the morning of September 11th?

The theory of luck. With regard to the 9/11 attacks, it has been said that the intelligence agencies have to be right 100 percent of the time and the terrorists only have to get lucky once. This explanation for the devastating attacks of September 11th, simple on its face, is wrong in its value, because the 9/11 terrorists were not just lucky once, they were lucky over and over again. Allow me to illustrate.

The SEC. The terrorists' lucky streak began the week before September 11th with the Securities and Exchange Commission, or SEC. The SEC, in concert with the United States intelligence agencies, has sophisticated software programs that

are used in real time to watch both domestic and overseas markets to seek out trends that may indicate a present or future crime.

In the week prior to September 11th both the SEC and U.S. intelligence agencies ignored one major stock-market indicator, one that could have yielded valuable information with regard to the September 11th attacks. On the Chicago Board Options Exchange during the week before September 11th, put options were purchased on American and United Airlines, the two airlines involved in the attacks. The investors who placed these orders were gambling that in the short term, the stock prices of both airlines would plummet.

Never before on the Chicago Exchange were such large amounts of United and American Airlines options traded. These investors netted a profit of several million dollars after the September 11th attacks. Interestingly, the names of the investors remain undisclosed and the millions remain unclaimed in the Chicago Exchange account.

Why were these aberrant trades not

discovered prior to 9/11? Who were the individuals who placed these trades? Have they been investigated? Who was responsible for monitoring these activities? Have those individuals been held responsible for their inaction?

The INS. Prior to 9/11, our United States intelligence agencies should have stopped the 19 terrorists from entering this country for intelligence reasons alone. However, their failure to do so in 19 instances does not negate the luck involved for the terrorists when it comes to their visa applications and our Immigration and Naturalization Service, or INS.

With regard to the INS, the terrorists got lucky 15 individual times because 15 of the 19 hijackers' visas should have been unquestionably denied.

Most of the 19 hijackers were young, unmarried, unemployed males. They were, in short, the classic overstay candidates. A seasoned former Consular Officer stated in National Review Magazine, "Single, idle young adults with no

specific destination in the United States rarely get visas absent compelling circumstances."

Yet these 19 young, single, unemployed, "classic overstay candidates still received their visas." I am holding in my hand some of the applications of the terrorists who killed my husband. All of these forms are incomplete and incorrect.

Some of the terrorists listed their means of support as simply "student" failing to then list the name and address of any school or institution. Others, when asked about their means of support for their stay in the United States wrote "myself" and provided no further documentation. Some of the terrorists listed their destination as simply "hotel" or "California" or "New York". One even listed his destination as "no".

Had the INS or the State Department followed the law, at least 15 of the hijackers would have been denied visas and would not have been in the United States on September 11, 2001.

Help us to understand how something as

simple as reviewing forms for completeness could have been missed at least 15 times. How many more lucky terrorists gained unfettered access into this country? With no one being held accountable, how do we know that this still isn't happening?

On the morning of September 11th, the terrorists' luck commenced with airline and airport security. When the 19 hijackers went to purchase their tickets and to receive their boarding passes, nine were singled out and questioned through a screening process. Luckily for those nine terrorists, they passed the screening process and were allowed to continue on with their mission.

But the terrorists' luck did not end at the ticket counter, it accompanied them through airport security, as well, because how else would the hijackers get specifically contraband items such as box cutters, pepper spray, or, according to one FAA executive summary, a gun, on those planes?

Finally, sadly for us, years of GAO recommendations to secure cockpit doors were ignored making it all too easy for the hijackers to

gain access to the flight controls and carry out their suicide missions.

The FAA and NORAD. Prior to 9/11, FAA and Department of Defense manuals gave clear, comprehensive instructions on how to handle everything from minor emergencies to full-blown hijackings. These protocols were in place and were practiced regularly for a good reason -- with heavily trafficked airspace, airliners without radio and transponder contact are collisions waiting to happen.

These protocols dictate that in the event of an emergency, the FAA is to notify NORAD. Once that notification takes place, it is then the responsibility of NORAD to scramble fighter jets to intercept the errant plane. It is a matter of routine procedure for fighter jets to intercept commercial airliners in order to regain contact with the pilot. In fact, between June 2000 and September 2001, fighter jets were scrambled 67 times.

If that weren't enough protection, on

September 11th, NEADS, or the Northeast Air Defense System department of NORAD, was several days into a semi-annual exercise known as Vigilant Guardian. This meant that our Northeast Air Defense System was fully staffed. In short, key officers were manning the operation battle center, fighter jets were cocked, loaded, and carrying extra gas on board. Lucky for the terrorists none of that mattered on September 11th.

Let me use Flight 11 as an example. American Airlines Flight 11 departed Boston Logan Airport at 7:45 a.m. The last routine communication between ground control and the plane occurred at 8:13 a.m. Between 8:13 and 8:20, Flight 11 became unresponsive to ground control. Additionally, radar indicated that the plane had deviated from its assigned path of flight. Soon thereafter, transponder contact was lost.

Two Flight 11 airline attendants had separately called American Airlines reporting a hijacking, the presence of weapons and the inflictions of injuries upon passengers and crew.

At this point it would seem abundantly clear that Flight 11 was an emergency.

And yet, according to NORAD's official timeline, NORAD was not contacted until 20 minutes later at 8:40 a.m. Tragically, the fighter jets were not deployed until 8:52 a.m., a full 32 minutes after loss of contact with Flight 11.

Why was there a delay in the FAA notifying NORAD? Why was there a delay in NORAD's scrambling fighter jets? How is this possible when NEADS was fully staffed with planes at the ready, monitoring our airspace?

Flights 175, 77 and 93 all had this same repeat pattern of delays in notification and delays in scrambling fighter jets, delays that are unimaginable considering a plane had, by this time, already hit the World Trade Center. Even more baffling for us is the fact that fighter jets were not scrambled from the closest Air Force bases.

For example, for the flight that hit the Pentagon, the jets were scrambled from Langley Air Force, in Hampton, Virginia rather than Andrews Air

Force Base right outside D.C. As a result, Washington skies remained wholly unprotected on the morning of September 11th.

At 9:41 a.m., one hour and 21 minutes after the first plane was hijack confirmed by NORAD, Flight 77 crashed into the Pentagon. The fighter jets were still miles away. Why?

So the hijackers' luck had continued. On September 11th both the FAA and NORAD deviated from standard emergency operating procedures. Who were the people that delayed the notification? Have they been questioned?

In addition, the interceptor planes or fighter jets did not fly at their maximum speed. Had the belatedly scrambled fighter jets flown at their maximum speed of engagement, they would have reached New York City and the Pentagon within moments of their deployment, intercepted the hijacked airliners before they could have hit their targets, and undoubtedly saved lives.

The leadership. The acting Joint Chief of Staff on September 11th was General Richard B.

Myers. On the morning of September 11th, he was having a routine meeting. The acting Joint Chief of Staff stated that he saw a TV report about a plane hitting the World Trade Center but thought it was a small plane or something like that.

So, he went ahead with his meeting.

"Meanwhile, the second World Trade Center was hit by another jet. Nobody informed us of that," Myers said. By the time he came out of this meeting, the Pentagon had been hit.

Whose responsibility was it to relay this emergency to the Joint Chief of Staff? Have they been held accountable for this error? Surely this represents a breakdown in protocol.

The Secretary of Defense was at his desk doing paperwork when Flight 77 crashed into the Pentagon. As reported, Secretary Rumsfeld felt the building shake, went outside, saw the damage and started helping the injured onto stretchers. After aiding the victims, the Secretary then went to the War Room.

How is it possible that the National

Military Command Center, located in the Pentagon and in contact with law enforcement and air-traffic controllers from 8:46 a.m., did not communicate to the Secretary of Defense, also at the Pentagon, about the other hijacked planes, especially the one headed to Washington? How is it that the Secretary of Defense could have remained at his desk until the crash? Whose responsibility is it to relay emergency situations to him?

At 6:15 a.m. on the morning of September 11th, my husband Alan left for work. He drove in to New York City and was at his desk and working at his NASDAQ security-trading position with Cantor Fitzgerald, in Tower 1 of the World Trade Center, by 7:30 a.m.

In contrast, on that morning President Bush was scheduled to read to elementary-school children. Before the President walked into the classroom, NORAD had sufficient information that the plane that hit the World Trade Center was hijacked. At that time they also had knowledge that two other commercial airliners in the air were

also hijacked.

It would seem that a national emergency was in progress, yet the President was allowed to enter a classroom full of young children and listen to students read.

Why didn't the Secret Service inform him of this national emergency? When is the President supposed to be notified of everything the agencies know? Why was the President permitted by the Secret Service to remain in the Sarasota elementary school? Was this Secret Service protocol?

In the case of a national emergency, seconds of indecision could cost thousands of lives. And it is precisely for that reason that our government has a whole network of adjuncts and advisors to ensure that these top officials are among the first to be informed and not the last.

Where were these individuals who did not properly inform these top officials? Where was the breakdown in communication? Was it luck? Is it luck that aberrant stock trades were not monitored? Is it luck when 15 visas are awarded based on

incomplete forms? Is it luck when airline security screeners allow hijackers to board planes with box cutters and pepper spray? Is it luck when emergency FAA and NORAD protocols are not followed? Is it luck when a national emergency is not reported to top government officials on a timely basis?

To me luck is something that happens once. When you have this repeated pattern of broken protocols, broken laws, broken communication, one cannot still call it luck. If at some point we don't look to hold the individuals accountable for not doing their jobs properly, then how can we ever expect for terrorists to not get lucky again?

And that is why I'm here with all of you today, because we must find the answers as to what happened that day so as to ensure that another September 11th can never happen again.

Commissioners, I implore you to answer our questions. You are the generals in the terrorism fight on our shores. In answering our questions, you have the ability to make this nation a safer

place and, in turn, minimize the damage if there is another terrorist attack. And if there is another attack, the next time our systems will be in place and working and luck will not be an issue. Thank you.

CHAIRMAN KEAN: Is Allison Vadhan here yet? She's on the way and she has a statement and we will put her on after the break.

SPEAKER: She's here now, she's right upstairs.

CHAIRMAN KEAN: Here she is. All right. You picked your timing very well. Are you all right to go on right now?

MS. VADHAN: I'm all right, yes.

CHAIRMAN KEAN: Okay.

MS. VADHAN: Thank you. I apologize.

CHAIRMAN KEAN: Thank you very much.

Allison Vadhan, Families of Flight 93.

MS. VADHAN: Members of the Commission, Mr. Kean, honored guests, my name is Allison Vadhan and I lost my very young 65-year-old mother, Kristin White Gould, on United Flight 93, the plane

that crashed in Shanksville, Pennsylvania while the passengers and crew tried to overcome the hijackers.

I'd like to thank the Commission for inviting me to speak today. I've always had a strong inner faith and I still believe that God doesn't give us what we can't handle. Being here today and your hearing my voice and our voices in place of our loved ones is a privilege.

My mother, a graduate from Cornell University and a medical journalist, preferred to spend her vacation time visiting ancient cities to learn about ancient civilizations. Before I knew that she was flying that day, I had already witnessed the second tower of the World Trade Center explode into an orange fireball and I saw with my own eyes the great black mushroom cloud rise above the New York City skyline, not far from my own home.

I'm sure most Americans today remember the sinking feeling when it was obvious that not only the World Trade Center had come under terrorist

attacks but that there were other planes in trouble -- along with fires and explosions in Washington. And then there was news about a plane down in Pennsylvania. Before the day was over, we all knew that this was war.

By the Christmas holidays, we faced the anthrax attacks, the attempted bombing of the plane from Paris to Miami, which was averted to Boston, by Richard Reid, the discovery of an American, John Walker Lind, who was captured as a Taliban rebel in Afghanistan. How many other plans were there? It felt like each day could be the next day for an attack.

Most of us would turn on the TV first thing in the morning to see if the world had changed overnight. Finally, it seemed crystal clear to citizens, as well as governments, that the U.S. is a prized target for al Qaeda. And this could possibly happen again and again and again, whether they actually hit or just miss.

I'm concerned not only about my own three children and if the U.S. will be as strong as it

has been in the 20th century. I'm also concerned about what's already been taught to children in Madrassa schools this year, last year, five years ago.

Six days after my mother was killed, our family traveled to Shanksville, Pennsylvania for the memorial services for the families of Flight 93. After the services I went back to my hotel room for some quiet time and when I turned on the TV, a reporter in Pakistan was interviewing 8- and 10-year-old boys at school. Their computer screen savers bounced pictures of Osama bin Laden. We have discovered that there is another generation being trained and raised to become terrorists when they grow up.

I can tell you that forgetting and trying to move on is a survival mechanism and it is part of human nature. The pain of trying to envision what my mother might have been going through and experienced on that plane is so great that it's almost only normal to try to forget about it and think about something else. But trying to forget

is an indulgence for any American who saw what we saw.

Al Qaeda and similar cells around the world are training their young ones. If Americans don't prepare for this next generation, we have only ourselves in this room to hold accountable.

I'm concerned about civil liberties as an excuse for not taking action to prevent terrorism. I'm concerned about how many untold cases there are of federal and local agencies not being able to properly investigate a potential terrorist. At the time FBI investigators could not obtain a criminal search warrant to inspect the laptop computer of Zacharias Moussaoui because supervisors in Washington D.C. thought there was no probable cause.

Now that we know our laws for investigating are outdated and no longer appropriate, I'm concerned that we will choose not to fix them in the name of protecting civil liberties, rather than protecting the lives of American civilians.

President Bush effectively made us aware that we are fighting a new kind of war. And if the battlefield is here at home, waged by specific groups from specific areas around the world, in the name of a specific religion, I'm concerned that avoiding racial profiling will supersede preventing further terrorism. And the enemy knows this.

Terrorism is similar to the guerilla warfare we hear about going on in Iraq: Militants pose themselves as ordinary citizens and immigrants here in the United States. They appear so clean cut, they could fit in on any golf course. And they do this to remain undetected until they carry out their terrorist goals. If we're lucky, they're dressed in their customary dress, they're wearing their traditional non-Western clothing.

As long as we allow groups to be protected from racial profiling, how can we win this new war? And after seeing those little boys in the Madrassa schools which are sponsored by Osama bin Laden and the like, our children and grandchildren will, with no uncertainty, face a very dangerous existence,

especially if we try to forget and move on.

The people who died on September 11th were the first casualties in this new war. It is our responsibility not to let them die in vain. I hope we learn from our mistakes and prevent our children from having to deal with the problems that their parents and grandparents could have and should have addressed with action and resolve.

Thank you for inviting me and other families to speak today. I believe that we all share the same goal in making our country and our world a safer place. I hope the outcome of the independent Commission is to learn from the past so that history will not repeat itself. Thank you.

CHAIRMAN KEAN: Thank you all very much. This is an extraordinary panel and you have given us a tremendous charge. I might say, in addition to the fact of all the questions that you have given us that we must answer to our satisfaction and the satisfaction of the American people, in addition the families' group, I didn't realize this was appointed somewhat late, but there wouldn't be

a Commission if it was not for the work of the victims and the families. And we're all very, very aware of that.

I also want to say, as Chairman, that every single time that this Commission has asked the families to help in any way in the execution of our mission, they have been there, from setting out the mission to helping us get an adequate budget.

I just want to say to you all, as representatives of the families, thank you very, very much, and we look forward to working with you in the future.

At this point, if I could recognize Senator Cleland.

COMMISSIONER CLELAND: Thank you very much, Mr. Chairman. Miss Kleinberg has referred to a meeting of the new Chairman of the Joint Chiefs of Staff was having, at that moment of 9/11. He was having that meeting with me. I was on the Armed Services Committee. And we were talking about America's defenses at the moment.

My understanding of that is at the very

moment that we were talking about that, the aide, a lieutenant colonel, was receiving a call from the Pentagon. Basically the message was, as I understand it, New York hit, Washington next.

And that scared one of my secretaries so badly about that moment that the Chairman and I rolled in and watched the second plane hit. And we left the office immediately, but it was ironic that we were talking about defending the country at that very moment. I just wanted to add that for the record.

CHAIRMAN KEAN: Thank you, Senator.

Senator Gorton?

COMMISSIONER GORTON: Mr. Push, with the exception of some of your co-sufferers from this tragedy, I doubt that anyone in the course of the last 18 months has spent more time or thought on this entire matter than you have.

And in your written and oral testimony, you have several questions that you think it necessary for us to answer. I'd like to know whether or not you have formed any tentative

answers to those questions that you'd like to share with us. And let me just do one of them.

Do you have any strong and informed views on whether or not the FBI can be an appropriate counterterrorism agency or whether or not we should have a separate British-type MI-5?

MR. PUSH: It is my opinion that we should have a separate MI-5 type of organization. It appears to me that the whole culture of the FBI is antithetical to the skills that are needed in counterterrorism. The reward system is geared towards people who solve cases rather than prevent terrorist attacks.

And I realize that the director of the FBI is attempting to change that culture, but we haven't got the luxury of time. And I think we should try a different model. Would you like me to mention my views on these others?

COMMISSIONER GORTON: If you'd like to do so. I may comment.

MR. PUSH: Sure.

COMMISSIONER GORTON: I have a friend who is a United States Attorney in one of the districts in Washington who has said to me, not at all facetiously, recently, that he can't get the FBI to investigate bank robberies anymore because they're all looking for, spies and they may very well be inconsistent charges.

MR. PUSH: As far as foreign policy, I think we have to take, I realize that now that we're at war with Iraq is not the right moment to reevaluate our relationship with Saudi Arabia, but I think that we need to reevaluate our relationships with the Middle East.

I think too many governments, particularly Saudi Arabia, but I think this applies to other Middle Eastern governments as well, who play a double game, who pretend to be our allies while secretly, or sometimes not so secretly, turning a blind eye to their citizens, funding terrorism, even the governments themselves setting up newspapers that are blatantly anti-American, anti-Semitic, schools and mosques that provide

hatred and violence.

And I think that we need to use the full weight of our -- military action like in Iraq will not always be appropriate, but I think we should use the full weight of our foreign policy, whether it be diplomatic or through foreign aid or whatever to pressure these governments to change until -- I believe that we'll never be safe from Islamic extremism until the Arab Muslim countries begin to experience democracy.

In the case of the Homeland Security Department, I believe that it was done more to appease the American public than to make fundamental change. I think just throwing a lot of agencies together under a single department in and of itself does not in itself provide a more secure environment. We really have to rethink. And one of the things I've mentioned about people who are still in responsible positions, it's my understanding that the managers who are responsible for the poor performance of aviation security under the FAA have been

transferred to responsible positions in the TSA and/or to contractors who work for the TSA. So we changed the label it's operating under, we haven't changed the fundamental problem.

In the case of the 14 agencies, I support the recommendation of the Joint 9/11 Inquiry to have a Director of National Intelligence. I spent most of my time in the private sector. You would never even dream in the private sector having 14 different departments in a company doing the same thing, and nobody is in charge.

And as far as political campaign contributions having an effect on aviation security, I suspect they have. The airlines have always gotten a pass from the government. I know that they make the case that they're absolutely vital to the national interest, and I believe they are, but I believe they're in trouble not because of regulatory requirements but because of poor management.

And I think that they have, they seem to have plenty of money to spend on political campaign

contributions and on lawyers and they, before 9/11 and after 9/11, they seem to have successfully evaded many of the requirements that the government has tried to place on them.

And I think that, and this is a broader issue, I'm picking on the airline industry because they're the industry that I think had played a key role in responsibility for 9/11, but this is just the tip of the iceberg, I think, and maybe this is too broad for this Commission to get into, but I think the whole political campaign contribution system in this country is warping the political process. And the problems with the airline industry are just one example of it.

COMMISSIONER FIELDING: Thank you, Mr. Chairman. Just a general statement, if I may, thanking this panel. Your stories are very compelling, your advice is good and sound, and obviously you have strengthened our resolve.

I know I speak for all of us, you're obviously one of our best assets. Please, stay with us, please keep giving us guidance, please

keep us direct. Thank you.

CHAIRMAN KEAN: Senator Gorelick?

COMMISSIONER GORELICK: Yes, I might just follow up on that. I was very impressed with what both Mary Fetchet and Mindy Kleinberg had to say in terms of the body of acknowledge that you have brought to bear on this issue.

And I was struck by the fact that laypeople, with no powers of subpoena, with no access to inside information of any sort, could put together a very powerful set of questions and set of facts that are a roadmap for us. And I would just ask you to briefly describe by what process you have developed the factual basis that you have laid before us today because it is really quite striking.

MS. KLEINBERG: Hours and hours and hours of reading articles, and you know, over the Internet, we e-mailed each other articles. Somewhere in October we became obsessed with everything that was September 11th.

It started with, you know, any article

that had anything to do with September 11th we started to pass back and forth. And then, you know, if they had something to do with let's say INS, we started to look up information about the INS. So it's literally 18 months of doing nothing but grieving and reading.

COMMISSIONER GORELICK: Thank you for the reading part, motivated by the grieving, I'm sure.

MS. FETCHET: I think initially we were all just numb. And we were like the general public. And I said to my friends, in fact, you might read an article and say, gee, that's sort of odd, they gave visas to the terrorists. And you know, that's unusual or that's, you know.

So I think that as we progressed, our curiosity took over. And we started reading and really not only putting the articles together but also connecting the dots. And you see, I mean, they had more than enough information to really, if not minimize, completely prevent this from happening.

And the problem is, these agencies are not

communicating. They don't have protocol that they have in place or they're not following it. So it's just, I think our curiosity took over and we started drawing conclusions to reading this information.

COMMISSIONER GORELICK: Thank you.

MS. FETCHET. But we're turning it over to you now because we're tired. Now it's your job.

MR. PUSH: And we want to see lots of subpoenas.

CHAIRMAN KEAN: Congressman Roemer?

COMMISSIONER ROEMER: Thank you, Mr. Chairman.

Having served in Congress and as a member of the Joint Inquiry, I cannot thank all of you enough and the people in the audience enough for your participation in making sure that the Joint Inquiry continued to dig hard and dig deep and get at the facts and put out the starting point for the Commission.

Many of you could have taken your grief and your sorrow and your pain and gone to the

sidelines. Instead, just as we see today the pictures out there of your wife or your son or your loved one, you came to every single public hearing that we had on the Joint Inquiry.

And the members of that Joint Inquiry looked out in the audience and saw those faces every single day. And that had a huge impact on that committee, that bipartisan committee of Senators and Congressmen, trying to do their job harder and harder and more effectively every day.

You were instrumental in the creation of the Commission. It would not have happened legislatively, getting through the House and Senate, if it had not been for you. At a time when many Americans don't even take the opportunity to cast a ballot, you folks went out and made the legislative system work. You can take great pride in that.

I hope you will stay involved in this Commission's work. And I hope that you will stay involved in helping us implement recommendations of the Commission. That will be one of the most

difficult parts we get to.

And along those lines, Steve, if you want to, I just want to ask you a very quick question. Maybe you don't answer it today, maybe you answer it in six months. And Steve, you may have partially answered it, but maybe you can all take a quick try at it.

What two recommendations would you like to see us pass at the end of the day to make the country a safer place against this fluid, dynamic, very lethal threat of al Qaeda and terrorists?

Steve, I will call on you first. You may have mentioned two of them, the creation of the Director of National Intelligence and an MI-5.

MR. PUSH: Yes, actually I think if I had to pick only two, I would say the Director of National Intelligence and a change in our relationship to the Middle East, both. I mentioned Saudi Arabia, but also I think we have to reexamine our policy towards Israel, as well.

I support Israel, but we've turned a blind eye to the expansion of settlements in the West

Bank and all of these things are interconnected.

I'm not a blame-America-first advocate. This was the fault of the hijackers, and the hijackers were the fault of a dysfunctional society in the Arab Muslim countries.

Unfortunately, we can't just pin the blame on them because they're killing us. So we have to do whatever we can, use whatever leverage we have to force changes there that will stop them from continuing to create young people who hate us more than they love life itself.

We can build a wall around America, and we will never be able to protect ourselves as long as there are people like that in the world.

MS. FETCHET: I think the two areas I would like to see changes in would be the FBI and the CIA working together. To me it's inexcusable that you have two agencies that are supposed to be protecting our citizens. And they have cultures and territorial wars and they're not communicating or coordinating their efforts.

I think the second thing is immigration.

I think we really do not know who is living in this country. I was amazed to hear -- the learning curve for all of us has been beyond straight up -- but when I sat in the Joint Intelligence hearings and I heard that the watch list only goes one way, that doesn't make sense to me. And I can't understand how we're not monitoring people coming and going. So I think those are the two areas.

And one other thing I'd like to include is just to mention how thankful we are for the work that the Joint Intelligence Committee did. They really, worked hard. I would like you to follow some of their recommendations.

They were very frustrated with people not showing up for testimony, people not complying with subpoenas, and so, I've forgotten who mentioned it to us, but they said subpoena early and often, and that's another recommendation that I would have, is make that list and get started.

MS. KLEINBERG: You know, I agree with Mary and Steve. I also think that there's a part

about accountability that we, as citizens, we can't hold the Director of Central Intelligence accountable or the people that work for him or the FBI, we're not in charge of hiring or firing them.

And there's no way, there's no report card, you know, it's a matter of national security. So Congressional oversight becomes extremely important. And you know, our ability to, as Americans, to get the story out so that we know who's accountable and we know that we could use our votes to ensure this accountability. That's one of them.

And the other is, I think there should be full disclosure for public officials of any of their business interests. You know, we have talked a lot about conflicts on this Commission. And you know, the onus is on you to rise above those conflicts.

And I'm sure that you will be able to do that when it is this important of a job, but I think, you know, it's another area that has to be looked at that when we put people into office,

whether it's a Congressman or a Senator or a President, we have to take a look at what their business interests are so that there are no conflicts there either.

MS. VADHAN: Again, I'll just reiterate what I have said in my statement. I think we need to take a good look at the laws, how we investigate possible suspects, how we investigate, how we keep track of immigrants, and also take a look at, take a good hard look at what we do know about September 11th and the people who were involved with conspiring the terrorist attacks and finding out why we decided to stop investigating or stop following one of the hijackers in the middle of the year, right before September 11th, we just decided to stop following him.

We had been on his tail for over a year, and for some unknown reason, we just don't know, we decided to stop watching him. And we didn't hear about him until he ended up on the plane, on Flight 93 that crashed in Pennsylvania.

CHAIRMAN KEAN: Are there anymore

questions from the Commissioners? If not, you are extraordinary people. Thank you so very much for your testimony. I believe we're running late, not unexpectedly, but I would ask, therefore, if we could hold our break to 45 minutes. Let's catch our 15 minutes that way, if we could be back here in 45 minutes. Thank you all very much.

(45-minute recess)

CHAIRMAN KEAN: Thank you all very, very much for coming. I'd like to start by introducing Dr. Sofaer, from Hoover Institution. Institute, right?

DR. SOFAER: Institution.

CHAIRMAN KEAN: Institution. It's Institution, all right. Thank you very much, sir, for coming here today.

DR. SOFAER: Delighted to be here, Mr. Chairman. It's a privilege, Mr. Chairman and members of this Commission, to testify concerning the prevention of terrorist acts against the United States. My experience in this field is based on service as a federal prosecutor with one of the

Commissioners here, Mr. Ben-Veniste, as a federal judge, as legal advisor to the Department of State and another Commissioner participated in making me legal advisor, Fred Fielding, and as a scholar in the area of national security.

And I am honored to say, Mr. Chairman, that I serve with many in the federal government, with many of the people who are sitting here as Commissioners and I am privileged to be with you again.

This Commission has the formidable task of explaining the terrorist acts of September 11th and providing recommendations help to prevent such attacks in the future. The cost of those attacks is staggering, as you know: 2,819 lives at the World Trade Center, including 343 firefighters and paramedics, 23 New York City policemen, 124 killed at the Pentagon, 271 people who died in the crashes of the airplanes involved and the economic consequences of it are tremendous and still haven't been figured out. We know that New York City, this great city, lost 146,000 jobs.

Those who were murdered on September 11th remain in our minds and hearts. We owe it to them to ask ourselves, what are the lessons of their terrible deaths, have we made the changes to permit us to say they did not die in vain.

The long process of introspection began immediately after the attacks and continues. This Commission will find no shortage of ideas as to how America can defend itself more effectively, including better intelligence, reorganization of agencies, enhanced technologies, better diplomacy and accountability. These are all important subjects which the Commission must address.

My testimony, Mr. Chairman, though, will focus on what I regard as most significant, the failure to use force to prevent the terrorist acts of 9/11 from happening. It is now the strategic policy of the United States to use force preemptively to prevent terrorists and their states' supporters from attacking this country.

Until 9/11, however, the use of force was

not seriously pursued. When President Clinton promised to bring terrorists to justice, he meant that he would investigate them, try to capture them, and when that was possible, see that they were tried, convicted and sent to prison.

Preventing terrorist attacks became a game in which national-security experts, the FBI, prosecutors and intelligence personnel attempted to learn where and when attacks were to occur before they actually happened so they could do their best to prevent it.

For many years prior to 9/11, I spoke out as forcefully as I could against this approach to fighting terrorism. My position was not original, Mr. Chairman. It reflected the views of Secretary of State George Shultz, and the views of his boss, Ronald Reagan.

He proposed in 1983 that the United States should adopt a policy of active defense against terror. "Fighting terrorism will not be a clean or pleasant contest," he said, "but we have no choice. We must reach a consensus in this country that our

responses should go beyond passive measures, passive defense, to consider means of active prevention, preemption and retaliation. Our goal must be to prevent and deter future terrorist attacks."

By the end of the Reagan administration, the Shultz Doctrine had become national policy as reflected by the bombing of Libya in 1987 for arranging terrorist attacks on America.

Mr. Chairman, you know, and certainly Co-Chairman Hamilton knows, that nothing stays the same in Washington D.C. After the first President Bush took over, the bombing of Pan Am 103 was treated as a criminal matter and eventually resolved after years of legal and diplomatic maneuvering with the conviction of a single Libyan intelligence operative.

Osama bin Laden fashioned his strategy on the basis of this passive policy. He became convinced the U.S. could be forced to leave Muslim countries and abandon Israel if he launched attacks that shed American blood. Nothing that happened

prior to September 11th gave bin Laden reason to doubt his assumptions.

Al Qaeda was responsible for several successful attacks on U.S. targets prior to September 11th, as the Commission knows. And throughout this onslaught, we responded precisely as bin Laden anticipated.

In early 1993, al Qaeda operatives began training Somali fighters to attack UN forces, and in October that year, they participated in attacks that killed 18 marines. We had boisterously arranged to have the UN Security Council issue a warrant for the arrest of Mohamed Aidid, but after suffering these 18 deaths, we withdrew from Somalia.

On February 26, 1993, a car bomb exploded under the World Trade Center, killing eight people and injuring over a thousand. We convicted most of the perpetrators, but we left the organization from which they came unscathed.

On June 26, 1996, car bombs killed 19 Americans in Dhahran, Saudi Arabia, and injured

another 200. The U.S. suspected bin Laden and al Qaeda. All we did, however, was open a criminal investigation. Bin Laden was not intimidated. On October 12th that year, he issued a declaration of war against the U.S., calling on Muslims to "fight jihad and cleanse the land from these Crusader occupiers."

In November of 1996, bombings in Riyadh and at the Khobar Towers barracks killed another 19 American servicemen and injured 109. Bin Laden called those attacks "praiseworthy terrorism," and he promised more would follow. Once again, we sent in the FBI.

In February 1998, bin Laden put his war into the form of a religious order, declaring the "killing of Americans and their civilian and military allies is a religious duty for each and every Muslim."

And then August that same year, al Qaeda terrorists car-bombed the U.S. embassies in Kenya and Tanzania, killing 224 people and injuring about 5,000. The U.S. launched a single ineffectual

missile strike on an al Qaeda camp in Afghanistan, on one of those big old mountains, and on a pharmaceutical plant in Sudan.

When it came to legal action, though, we pulled out the stops; we indicted bin Laden on 224 counts of murder. Characteristically, he failed to show up for his trial. We settled for prosecuting four al Qaeda operatives, after which prosecutors triumphantly declared that they would continue to investigate al Qaeda until bin Laden and his cohorts were all brought to justice.

This so terrified bin Laden that he told Time Magazine, "The U.S. knows that I have attacked it, by the grace of God, for more than 10 years now," in other words, why are they making such a big deal out of this?

On October 12, 2000, a suicide boat bombing of the USS Cole in Aden harbor killed 17 American sailors and injured 40, in addition to causing over \$100 million of damage. We knew it, it was al Qaeda's work, but the Clinton administration did not bother to engage even in a

symbolic use of force, not even that one salvo of missiles this time. Instead, it launched once again a massive invasion of aggressive FBI agents, incidentally, none of whom could speak Arabic.

At the turn of the millennium, we had some very good luck. An attack plan for the Los Angeles Airport was aborted when the perpetrator panicked on his way into the U.S. from Canada.

U.S. officials knew that bin Laden would strike again. They worried intensively, not about whether an attack was coming, over where and when. As the attack began on September 11th, the President's advisors were sitting around a table in the White House, worrying. They knew immediately that the attack for which they were waiting was underway.

Given these events, it is small surprise that after the attacks of September 11th, bin Laden was triumphant. He was a hero. His strategy had worked. The U.S. had not stopped him.

Now we have heard many claims by former and present officials in an attempt to explain why

they could not have prevented the 9/11 attacks. The accumulating evidence undermines these claims. But these excuses are, in any event, beside the point. And that is the fundamental point of my testimony to this Commission. They are beside the point.

The fact is that well before September 11th, the FBI, the intelligence community, the Terrorism Czar, and everyone to whom they reported all knew that additional attacks by al Qaeda were being planned and would certainly be attempted. They simply failed to do before September 11th what was done immediately thereafter.

The horrors of that day finally galvanized the nation into action. Now President Bush has adopted three principles to guide U.S. policy: First, that serious terrorist attacks should be treated as acts of war, not merely as crimes; second, that states are responsible for terrorism from within their borders; and third, that we must preempt attacks where possible.

These principles are strategically

necessary, morally sound, and legally defensible. This Commission should confirm the need to adopt active measures of defense. Where grave threats are present, state responsibility exists and the need for the use of preemptive force is demonstrable, even if not imminent.

The notion that criminal prosecution could bring a terrorist group like al Qaeda to justice is absurd. And the UN Security Council has now authoritatively established the responsibilities of states in this regard in its Resolution 1373.

As for preemption, the Commission should consider carefully the implications of a position that would preclude the U.S. from acting in its self defense merely because a real, terrible, and certain threat was not also imminent. The Commission should reject any standard of law that would unreasonably restrict the President from performing his or her obligation to protect the United States.

The need for preemptive actions stems ultimately from the conditions in modern life. We

are a target-rich country, huge, virtually impossible to defend effectively. Every potential type of weapon can be used against us, from the most conventional to the most modern and unconventional. We are vulnerable. Our entire infrastructure is vulnerable and will be for many years to come.

The area of intelligence is no less subject to this reality. Many improvements should be made to enhance capacities, but it is illusory to believe that intelligence, even combined with all presently conceivable advances in technology, will enable us to know in advance of all the attacks we will have to foil through passive measures to achieve an adequate level of security.

We must, therefore, be able, when necessary, to resort to active measures, and necessity must be determined on the basis of all relevant factors, not just imminence.

No national-security policy against terrorism can be regarded as sound if it fails to include preemptive actions as an essential element.

Nor should the Commission underestimate the importance of preemption.

The historical record indicates that many terrorist acts, attacks on the U.S., can be anticipated. The most recent attacks were by al Qaeda, a single organization responsible for most of the attacks I have listed for you, led by a man who announced his intentions to kill Americans, in advance, and who demonstrated his capacity to do so over and over again before he was finally stopped.

Other groups likely to attack us are also well known, indeed, this panel has on it some of the world's experts on those groups. It is true that any war carries risks and the war on terrorism is no exception. But the risks of using force must always be weighed against the risk of inaction.

The Commission should keep in mind the utterly helpless posture into which our national security officials placed themselves and the damage to which they exposed the nation by failing to treat, as a proper part of their authority and indeed of their responsibility, the

use of force against so well-established and determined an enemy as al Qaeda.

Ultimately, we owe the dead, the living, and the unborn a world of freedom and tolerance. When all else fails, we must fight to preserve and, in due course, extend those values. Freedom and tolerance are not merely Western or American ideals. They are enshrined in the UN Charter, freely subscribed to by all Member States. To allow their subordination to any ideology or religion, however deeply felt, would undo the principles upon which the future of this nation and of humanity rests. Thank you, Mr. Chairman.

CHAIRMAN KEAN: Thank you very much. Professor Dan Byman, who's got a class to teach, somebody who works for a university who understands very, very clearly is a top priority. He's from Georgetown University. Thank you, sir, for coming. And when you have to leave, we will certainly understand that.

PROFESSOR BYMAN: Thank you very much, Mr. Chairman. Governor Kean, Vice Chairman Hamilton,

Commissioners and Commission staff, representatives of the victims and survivors of the attack. I am very grateful and honored to be here today speaking to you.

In my testimony today I am going to concentrate, in the interests of brevity, on key intelligence and policy issues that proved a problem before September 11th. The CIA has been roundly criticized, as have other intelligence agencies, for their performance in counterterrorism. They particularly have been faulted for not stopping the attacks of September 11th.

A closer scrutiny of the factual background, however, suggests there was no single action, no simple step, that, had it been taken, would have stopped the attack. More broadly, the intelligence community, and I would say particularly the CIA, did well in providing strategic warning of the al Qaeda threat.

Policymakers from both parties have confirmed that the intelligence community informed

them of the identity of the foe, the scale of its ambitions and its lethality before September 11th. Nevertheless, it is clear that the intelligence community could have done much better.

In my judgment, many of the problems the intelligence community faced in meeting the challenge al Qaeda stemmed from broader structural issues, and I will discuss three today.

One issue was a large gap that existed between the gathering of intelligence domestically by the FBI and the overseas focus of the rest of the intelligence community. As a result of this gap, there was lack of sharing of information between those tracking radicals at home and those tracking radicals abroad.

There was little attempt to marry up this privileged information that only the FBI held with broader CIA information and vice versa. And the working-level analysts and operatives often did not know information was available, let alone its content.

Because of these problems, it is

unfortunate but reasonable to conclude that the threat to the U.S. homeland received less attention than the coverage of al Qaeda's activities overseas.

A second structural problem was that there was no firm control of the intelligence community, and as a result, prioritization was exceptionally difficult. The CIA had responsibilities for supporting more fighting in Iraq and the Balkans, monitoring China and other rivals and so on. For the FBI, dead-beat dads, drug money, infrastructure protection, all competed for resources with counterterrorism. There was no single plan that everyone followed and because everything was declared to be a priority, nothing really was.

A third structural problem was that before September 11th, the FBI was not properly oriented for counterterrorism. The Bureau often failed to collect relevant information and the information collected often was not disseminated outside of the FBI and many times within the FBI. Few people in the FBI with counterterrorism responsibilities knew

about al Qaeda. What knowledge that existed was primarily confined to the New York field office. The FBI culture fostered these problems.

Before September 11th, the FBI was primarily a law-enforcement agency and it was probably the world's best. But law enforcement focuses on prosecuting cases, not on understanding a broader network. Law enforcement emphasizes gathering specific evidence, not collecting and sharing all possibly relevant information.

As a result of these problems, the FBI not only was not conscious of al Qaeda activities in the United States but also didn't know the depth of its own ignorance; it didn't know what it didn't know. But concentrating attention solely on the intelligence community misses the broader context of counterterrorism.

A broader review of the U.S. Government's performance in both the Clinton and the Bush administrations before September 11th suggests several deep flaws and problems. As a result of these, the intelligence community's successful

strategic warning of the al Qaeda threat was not met with the proper response.

One policy problem was very carefully and well discussed by my colleague here at the table, Mr. Sofaer. I will simply add my endorsement to his remarks that the use of force was not properly considered as an option before September 11th.

A second problem was that U.S. policy left the issue of terrorist sanctuary unresolved. In Afghanistan, al Qaeda was essentially allowed to build to an army of like-minded radicals outside the reach of the United States. But even more troubling, al Qaeda enjoyed a permissive environment in the West, including in the United States. It was allowed to recruit, raise money, train and plot with relatively little interference throughout much of the world.

A third policy flaw was the limited defensive measures against terrorism in the United States. Almost 20 years ago, the Inman Commission investigated the bombings of the U.S. and Marine barracks in Lebanon. And they concluded, "If

determined well-trained and funded teams are seeking to do damage, they will eventually succeed."

Over 10 years later, the Cole Commission, investigating the 1998 embassy bombings, came to pretty much the same conclusion, "We cannot count on having intelligence to warn us of such attacks."

But despite the finding that intelligence is likely to be lacking, when facing a skilled adversary and the intelligence community's strategic warning of the al Qaeda threat, very few defensive measures were initiated in the United States before September 11th.

Now the problems I have briefly described are problems in a pre-9/11 world. And much has changed since September 11th. Since the attack, funding for intelligence and counterterrorism in particular has increased dramatically. Both policymakers and the intelligence community are intensely focused on terrorism and there have been numerous bureaucratic changes to fight terrorism,

particularly in the FBI.

In its work, I hope the Commission not only evaluates what went wrong on September 11th but also the quality of changes that we have taken since then as a nation to prevent the recurrence of these attacks.

Mr. Chairman, the work that you and your fellow commissioners are doing is essential if we are to ensure the security of Americans and triumph over the threat of terrorism. And I am confident that the Commission's work will enable our country to better meet future challenges and prevent a recurrence of the nightmare of September 11th.

But I must conclude on a pessimistic note. Al Qaeda is simply too skilled an adversary to expect uninterrupted success. The United States and every nation should recognize that any improvements that occur will reduce the frequency of attacks, will reduce the lethality of attacks, but will not end them completely. Thank you very much.

CHAIRMAN KEAN: Thank you very much. Our

next speaker we have is Mr. Brian Jenkins, from the Rand Corporation.

MR. JENKINS: Thank you very much, Mr. Chairman. The written remarks that I submitted to the Commission, which I believe are in your briefing books, address the nature of the current terrorist threat, the goals of our counterterrorist strategy and the role of intelligence in dealing with terrorism.

Subsequently, I was asked by members of your staff if, in my comments this afternoon, I could specifically address the topics of al Qaeda's mindset, their purpose in attacking the World Trade Center, and how this attack has profoundly affected our society.

The members of this panel were chatting just before we convened here about the necessity to change our vocabulary when it came to the description of al Qaeda. This is not some organization which we simply can depict in a chart on the wall and draw Xs through its key figures.

Al Qaeda is more than an organization, it

is a global network of relationships. It is one among a galaxy of like-minded terrorist enterprises. It is a system, a process for transforming the discontents of Islam into a violent expression of jihad.

Al Qaeda also reflects a mindset, a mindset that really transcends the specific members that we may label as members of al Qaeda. Its members believe, as others, that Islam is on the defensive.

Indeed, they believe that Islam's very existence is threatened, not simply by the presence of our troops in Saudi Arabia or our support for Israel, but by the secular nature of our society, by our vast commercial and cultural power, by the destructive effects they see in globalization, by their own marginalization in the world, in their own societies, in the countries to which they and their parents have migrated.

They really operate and are instructed in a very harrowing, apocalyptic vision of death and destruction, one that is informed by an conflated

history of centuries, from the Crusades, to the sacking of Baghdad by the Mongol armies, to the latest headlines on CNN. To respond to this, to battle their way to what they regard as the age of the tyrants and to achieve this utopian restoration of the Caliphate, God commands that they mount an aggressive attack and places no limits on its violence. Only violence, cataclasmic violence, can change that reality, defend Islam, and drive them into this new age.

Therefore, it is absolutely consistent that al Qaeda, as we see from the intelligence reports, is determined to acquire and use weapons of mass destruction, is determined to carry out events on the scale of a 9/11. Fortunately, for the time being, its capabilities in the area of chemical or biological weapons trail its ambitions, but it's certainly something that we have to take as a presumption going forward.

Now what did these people hope to accomplish by attacking the World Trade Center? As a consequence of its sheer size, its soaring

height, its prominence on the New York skyline, the World Trade Center was an obvious terrorist target almost from the moment its construction was completed. Both terrorists and terrorism's analysts saw this.

The size also meant mass casualties. To terrorists who in the 1990s seemed increasingly intent upon large-scale violence, toppling the towers could bring fatalities in the tens of thousands, which we now know was the terrorists' intent.

Symbolically, the World Trade Center represented America's economic might, our ambition to extend our brand of free commerce throughout the world, the physical expression of globalization, even before the term was coined. Bringing down the World Trade Center, in their mind, would challenge American authority and would demonstrate the power of the attackers.

Of course having been attacked unsuccessfully in 1993, that only increased the possibility that it would be attacked again. We

recognized this immediately after the '93 bombing. In contemplating all possible forms of attack, we even included among the theoretical scenarios a plane crashing into the building.

Now there wasn't a hell of a lot we could do about that with protective measures other than to recommend that there be the opportunity for swift evacuation of the towers, and fortunately, a lot of people did get out on September 11th.

Officials in charge of the property also recognized that another major terrorist attack, even if unsuccessful, would ruin its commercial future. And I want to return to this point in light of current concerns about the ruinous economic consequences of another 9/11-scale attack in the United States.

Al Qaeda's leadership also, in attacking the World Trade Center, hoped by such an attack to provoke an American retaliation. A feeble American response like that described by my colleague here, like that in 1998, would only confirm, in their eyes, our impotence. On the other hand, an

indiscriminate massive response could be portrayed by them as an assault on Islam and might provoke a huge backlash that would also advantage al Qaeda.

Now destruction of the World Trade Center obviated concerns about the commercial viability of the property itself, but the 9/11 attack did have cascading effects, devastating cascading effects, on the American economy.

Abe correctly points out, calculating the costs of 9/11 is tricky business, but in addition to the lives lost, the damage to property, the insured business-interruption losses amount to perhaps \$50 billion, total losses in revenue into the hundreds of billions, increased security costs at the federal level, tens of billions.

State and local governments are being crushed by the incremental security costs. Corporate security costs have increased by an average of 40 to 50 percent, insurance premiums up by 30 percent. Borders and ports slowed down just-in-time deliveries, inventories increased at a cost. We have spent the last three decades exploiting new

technology and new management techniques to remove friction from the economy. We have spent the last 18-and-a-half months putting friction back in.

Now all of this imposes a cost, making terrorism an effective mode of economic warfare. Now I doubt that the terrorists were aware of this on September 11th, but they cannot help but to have observed these effects in the 18-and-a-half months since. And that poses a challenge to us.

We cannot rely in our strategy of homeland security on a gates-and-guards approach. We must design security that is effective and efficient. We must build critical infrastructure that is strong and resilient, able to suffer damage and continue to function. Above all, we must abandon unrealistic expectations of total security and instead adopt a more realistic acceptance of risk. We must not allow terrorist attacks or fears of terrorist attack to shut us down.

Now building a more effective defense is going to require intelligence. And let me just make a final comment on intelligence. There has

been a great deal of debate in the federal government about how we should reorganize to improve our intelligence collection and analysis here in the United States. We've talked about restructuring the FBI, we've talked about creating a domestic intelligence-collection service, patterned after the British MI-5.

In my own view, we can do a lot more by taking advantage of local-level intelligence collection, and I think that might even be better than creating another federal entity.

There's great potential at the local level. Local police departments know their territory, they are recruited locally, they often have a composition that better reflects the local ethnic mix, they have often more native fluency, foreign-language capabilities. Unlike federal officers, they don't rotate from city to city every three or four years.

To take as an example, you heard from the New York Police Department this morning. The NYPD is one of the most effective departments in the

country. They have devoted a thousand of their officers to intelligence collection, about two-and-a-half percent of their total strength. If police departments across the country were to dedicate a similar portion of their strength to intelligence collection, we would have a national intelligence capability of 15,000 to 18,000 officers.

Now in order to make it work on a national basis, they would need better training, they would need a common curriculum, they would need some better technology, and, above all, they would have to be linked so that the results of their investigations could be shared across jurisdictional lines.

They're ready to go. We don't have to wait several years to create another entity in Washington. We don't even have to build a new building. So I think that in looking at intelligence solutions, we might want to look to our local capabilities before we look to another Washington solution. Thank you.

CHAIRMAN KEAN: Dr. Ranstorp is from the University of St. Andrews.

DR. RANSTORP: Thank you much, honored members of this panel, this Commission, members of the Senate, members of Congress, ladies and gentlemen and honored guests. I am honored to be here.

I am not going to go into the introspective of what happened on 9/11, but hopefully, I can contribute to some future prescription, looking at it from the outside, looking at U.S. terrorism policy in a global perspective.

I applaud the introspective and noble purpose of this Commission. We must understand our historic shortcomings to better order our future steps in security. To no one is this quest more important or heartfelt than the families and friends of those fallen on September the 11th, some of whom are assembled here today.

Now while nothing will compensate them for their loss, the search for some semblance of

justice lies not only in assessing the intelligence and policy failures. And let me say that it's not just in the context of the United States, but also there were not only intelligence failures but also intelligence failures in terms of policy failures that contributed even on the outside of the United States and that contributed to this over the past.

But we also must look towards the future to ensure that September the 11th will never again be repeated. Let me emphasize something that has been echoed here before. There is no plan that is absolutely watertight. There is no one overarching solution that will defeat terrorism. We can say with certainty that what Osama bin Laden and al Qaeda set in motion on September the 11th is likely to reoccur in different places under different circumstances in the future.

Much of our future success lies in knowing our adversary. Let me echo what Brian Jenkins said, in our conception of al Qaeda -- and that's something I spent a lot of time on in my written contribution to this Commission -- how it adapts,

and in prescribing countermeasures which would stand the rigors of an ever-changing global context.

Now we have deconstructed in myriad ways our intelligence failures and have offered some potential solutions in addressing these and in breaking down the bureaucratic barriers. Today, unlike before September the 11th, there is an unprecedented U.S.-led coalition, including -- and me emphasize this -- including over 90 countries overtly and covertly that have degraded the capabilities of al Qaeda.

For instance, a number of those responsible for the planning of September the 11th attacks and other terrorist operations are in U.S. custody, including the mastermind of al Qaeda's planning, Khalid Shaikh Mohammed.

Now the response of the United States to al Qaeda has been focused and highly successful, both visibly and otherwise. And I laude President Bush's 4D approach to fighting terror, to defeat, to deny, to diminish and to defend, and I believe

this strategy strikes the requisite balance of offence and defense. And let me stress the necessity of offence to counter terrorism with a global reach.

Further, the recent establishment of the Terrorist Threat Integration Center is a powerful testament to the progressive strategy of the administration and sends a commanding signal to terrorists and their supporters that the United States will continue to bring to bear the full measure of its intelligence capabilities to thwart future plans.

Now my expertise as a foreign scholar of Islam, militant Islamic movements and terrorism lies not in assessing or critiquing the structures or responses of the U.S. intelligence community, the counterterrorism bodies, or other institutional bureaucracies, or in pinpointing the precise shortcomings that led to September the 11th, 2001. There are those better equipped to address the panel.

What I can do is possibly think about this

in more of a global perspective in highlighting not only challenges but also possibly a roadmap toward the future, in order to preempt, to prevent another attack upon the interests of the United States, at home or abroad.

Now it is essential that the United States in this global war on terrorism continues to craft and to evolve comprehensive new strategies and tactics that balance a changing adversary with a rapidly changing global environment. It is absolutely necessary not just to take a defensive approach but also think globally. And the United States is doing that at this moment.

Counterterrorism policy has never been, will never be in the future, divorced from other strands of foreign policy, regional initiatives, or fail to take into account, for example, the nuances and the significance of the Israeli-Palestinian crisis.

Yet, as Vice Admiral Thomas R. Wilson indicated, even the resolution of this Israeli-Palestinian conflict will not bring an end

to the systemic problems inherent to the global landscape that foment terrorism and enable organizations such as al Qaeda to thrive and to flourish.

Countering al Qaeda depends upon understanding its true character, as well as the environment in which violent jihadism operates. Only then can prescriptive solutions be applied and the flow of capabilities and the threat-based intelligence be translated into building effective countermeasures within a strategic framework.

Now Brian Jenkins offered, I would say, a way in which one should look at al Qaeda, not as a static phenomenon. It is not a static organization. It exists on a number of different levels. We have to think about what comes after al Qaeda, post-al Qaeda, and the systemic environment is very difficult in producing, potentially, future generations that will follow the message of bin Laden and al Qaeda.

Let me go deep down into some of the prescriptions and highlighting some of these

prescriptions I think are important. The first one, not only understanding the threat, we have to continuously reevaluate the threat itself in adjusting our response not only internally but also globally.

Another issue we need to counter with great urgency is the issue of identity theft. Not only is this a problem within the United States but also has been the basic building blocks for al Qaeda to function without philanthropic donations, without official donations on a large scale. And we need to work harder on this issue because if there is one common theme that we see, it's the issue of identity theft. And we saw some of those 9/11 hijackers utilizing that in order to not only gain entry into the United States but also to garner requisite resources.

The second issue I want to highlight is countering terrorism finance. Now more resources need to be expended in a more coordinated fashion on the financial front in the war against terrorism.

Now beyond the existing goal and efforts to deny terrorist groups access to the international system, to impair their ability to fundraise in different theaters of operations and also, of course, to expose and incapacitate the financial networks used by terrorists, more focused global coordination is needed.

We need better trained, we need multilingual financial analysts, and accountants are crucial. Closer knit multi-agency coordination is vital to monitor the changing means and contours of terrorist finance and how it flows as they provide vital -- and I would take this sort of as a measure from the European perspective, if one can't follow the contours of the organization, a good way is to follow how the finance flows in, understand how it's structuring, how it's changing, how it's adapting to the security measures. However, it is a simple and true reality that terrorist finances flow far quicker in the international financial system than any one law-enforcement agency can react to.

Operationally, linking funds in one country with a terrorist crime in another is extremely difficult to prove in a court of law, let alone tracking the money in today's international financial system. We have to focus and we have to look at the nexus not only between terrorism but also between organized crime.

There are numerous black holes that we need to address, numerous areas of sustained areas of lawlessness that fuel and that feed the ability of terrorism to garner resources and operational capacity. And I can think of not only areas continuing in the Middle East, even in Eastern Europe, the former Soviet Union, but also in America's own back yard in Latin America.

Apart from that, we also need to understand how al Qaeda works, not only as an organization but also in assessing their terrorist-attack mode, understanding the psychological makeup of the terrorist and decision-making procedures and how do they identify, how do they gather intelligence of

potential targets, how do they select peculiar attack modes.

And that is urgently needed. We need to centrally collate lessons learnt from intelligence gathering, from interrogations, from military manuals and from identifying weaknesses in our own critical infrastructure.

Now instituting protection of our nuclear power stations, providing protection and security of chemical, biological, radiological and nuclear weapons against attack and theft, while also of course overall improving our response and resilience towards the use of these weapons, is absolutely critical.

Insufficient degrees of physical protection, security of chemical and biological facilities in the former Soviet Union and elsewhere, coupled with the availability of freelance scientific expertise, increases the spectre of catastrophic terrorism.

Now even if al Qaeda may be far away, or may be close to the using or succeeding in using

what I call a CBRN attack, it is very clear that the media also will play a critical role in allaying the broader psychological effects for the public, with or without major fatalities.

It is still questionable whether there are sufficient contingency plans in coordinating public information between the public contingency offices in any country and major media outlets, yet the framework for this type of coordination will be absolutely critical in mitigating the effects of such an attack, both in terms of dissemination of public advice but also in ensuring infrastructure and societal economic continuity.

Let me finish off by saying that the new terrorism represented by September the 11th presents special and new urgent challenges to the West and international community, especially not only to the United States, but to Europe. In Europe right now there is a feeling that there's a question of not if but rather when terrorism globalization and weapons of mass destruction may be fused into one, an attack will be imminent.

The fundamental first step but also critical step is building on lessons learnt, on cross-border cooperation, in looking at U.S. counterterrorism in a global arena. And we have to understand the changing nature of the threat itself. The United States has made significant inroads in readdressing weaknesses inside the United States but also outside, not only overtly but also covertly, in building a tremendous multilateral intelligence cooperation with many different countries.

But the simple lesson is that the United States, if it wants to protect itself for the long term, cannot do this alone. It needs allies. It needs multilateral cooperation. This is not a war on terrorism, it's a ceaseless struggle that goes beyond any administration that will and should remain at the heart of protecting the homeland nationally and its interests abroad.

More than ever it is critically necessary to prevent, coming back to what my fellow panel members had mentioned before, not only to prevent

but also to preempt, beyond U.S. borders, terrorist cells, otherwise, September the 11th may repeat itself with potentially higher levels of lethality.

Now as a testimony of the great strength of New York City and the American people to overcome but never to forget, we owe it to the victims, their families and the country to be ever vigilant in the face of evil, not only from the U.S. perspective but also with those allies that responded to the tragic events of September the 11th. Thank you very much.

CHAIRMAN KEAN: Thank you very much, Dr. Ranstorp. Are there any questions from the Commission? Senator Lehman?

COMMISSIONER LEHMAN: I would like to ask Professor Sofaer, the first part of your testimony I found very compelling with regard to the vision that stretched over a number of administrations where prosecution and bringing the terrorists to justice, and I believe Reagan used that term numerous times as well, superseded and dominated

the sharing of information at the expense of that prosecution, as I think you pointed out or in some of the previous testimony, the Joint Investigation, the CIA, sometimes DIA, sometimes learned important intelligence only by reading the trial transcripts of some of the 93 perpetrators.

As a former prosecutor and distinguished legal advisor, could you get a little more specific of how could we establish a procedure or a process within the government to bring that a little more back into balance so if it was necessary to perhaps sacrifice a conviction in order to prevent a disaster that that balance can be made on a common-sense basis.

DR. SOFAER: With pleasure. I think what the present government and the present Department of Homeland Security has been trying to do, Congress is trying to do right now, is overcome those barriers. Once you adopt the criminal-law model as your primary model, of course it has to be part of any effort to prosecute criminals, but once you adopt it as your primary model, a number of

very complicated things happen. Evidence that a national-security strategist might think is very important is treated as unimportant by someone who wants to make a case. He's always thinking about whether the evidence is admissible in a courtroom.

I mean, there are so many points like this that support what you have just said, Secretary Lehman. In general, what you have to do is subordinate the interests in criminal prosecution to the interests in protecting the country. And I would think that that's a no-brainer.

We subordinate the interests of criminal prosecution to Congressional investigations because our public needs to know things and our legislators need to know things. I would think that it would follow from that premise that we would subordinate the interests of criminal prosecution to the interests of protecting the country.

And that needs to be done institutionally. You need to have a body of some kind in Washington, a counterterrorism center of some sort, that's capable of doing that. And I must say, I don't

think that the combination of the CIA and the FBI is that body. Frankly, it's the first evidence I've ever seen of them cooperating effectively, and that is in precluding the development of an independent intelligence operation that would in fact lead to the protection of the American people.

I have the highest regard for both agencies, but to think that that is going to solve the problem is a terrible mistake. And I think the President was sold a bill of goods. I hope he changes his mind and reconsiders and helps to give the Department of Homeland Security

this authority to create a real counter-balance to the interests of two agencies that have utterly failed to cooperate and will continue to fail to cooperate because they have radically different agendas, and the underlying issues, as you pointed out, aren't changing.

So you need to have, as you said, a different institutional structure that puts in place this notion of the nation's security as preeminent. I do want to say that I think Attorney

General Ashcroft has made the protection of America his chief priority but that still the agencies under him are still geared to achieving predominantly other things.

COMMISSIONER LEHMAN: And it's not just the federal. I think we would very much appreciate on the Commission your giving further thought, in your career combining policy with the prosecutorial, to perhaps give us some recommendations down the road for specific ways to do this.

This is not just a federal problem. If a New York cop who speaks Farsi picks up a piece of intelligence and is involved in a case, the district attorney can put it under seal and it's gone into the mole hole until that case is resolved.

And saying we're going to put national security ahead of prosecutions. It's all fine, it's motherhood, but if we don't have specific procedures and changes to recommend, then it's just so much hot air.

DR. SOFAER: Can I get a little help from the Rand Institution? I mean, I'd like an office there and a little bit of an opportunity to consult with some of the experts. That's a wonderful subject and I'm very serious in suggesting that it will take some, several talented people to put together a detailed plan of the kind you're talking about.

COMMISSIONER LEHMAN: That leads right into another theme that all three of you have touched on, and that is the sharing of intelligence. And all through the post-9/11 period, some people have pointed to MI-5 as a better way of dealing with this contradiction between law enforcement and intelligence.

I would be interested if each of you could tell the Commission, either now or later, after further reflection, what other examples, in your experience, in Europe and elsewhere in the world, where they're getting it right and we're getting it wrong in the handling of counterterrorism, not just intelligence, but across the board.

DR. RANSTORP: Could I comment on this?

COMMISSIONER LEHMAN: Yes.

DR. RANSTORP: I think there's a great sort of reflection of what went wrong in 9/11 from the U.S. perspective, but let's make one thing very clear. This was not just a U.S. problem, this was a problem that we had in Germany. I mean, the German intelligence had these cells under investigation, dating back to 1998.

However, the legislation was not up to speed in what kind of adversary we were facing. The same with Britain. I mean, the only country that I can think of that has had it right is a country, France, which have had very much less-restricted laws in terms of dealing with the problem of Islamic radicalism, but that is of course at the expense of civil liberties.

So when we look at this issue, we cannot just look at it from the U.S. perspective, we have to look at it from a global perspective, particularly with our European allies who constituted part of this coalition, but also

front-line defense.

It's no accident, first of all, that 15 of the hijackers were from Saudi Arabia, given al Qaeda and bin Laden's desire to create the response, vis-a-vis United States and Saudi, nor is it an accident that they stationed themselves in Germany having analyzed, having probed, having known exactly where the weakness is.

We know that from the interrogations. We know that from having the benefit of the doubt of the interrogations, the evidence that we had in the past that we're dealing with an exceptionally savvy adversary who would know and understand our weaknesses.

And therefore, I would be hesitant to sort of try to import a model like MI-5 into the United States. Rather, we have to rely, and we're doing that now, we're getting things right in terms of counterterrorism cooperation not only between the United States and European allies, but more importantly, with friendly Arab allies who have provided invaluable information and assistance in

not only understanding al Qaeda but also what may come after al Qaeda.

And therefore, I think that my recommendation, as a foreigner to this country, and having looked at this problem for a long time, is that we have to not only look at this problem from a U.S. perspective in trying to get the modalities right in terms of the structure, but also looking at how can we overcome the intelligence-sharing issues that, despite September the 11th, still plagues some of the cooperation, even among our most valued allies, in other words, the prioritization of intelligence.

MR. JENKINS: Mr. Secretary, I'd like to take you up on your offer to have an opportunity to reflect on that more, but let me just make a couple of comments which are perhaps sobering comments.

First of all, if you ask people, you know, should we have something like an MI-5, a lot of people will say, yes, and then you ask what is it, and they haven't the vaguest idea. So there's some mystique about this notion. The fact is, most of

the Western European nations, many of the nations around the world, do have more than one intelligence service. They do divide their responsibilities.

The British have MI-5 and MI-6. The Germans have their intelligence service, the Bundes Criminal Amt, the Bundesamt fur Verfassungsschutz, to deal with different aspects of intelligence. The French divide it. The Italians divide it. That is a common feature for very, very good, good reason.

The problem of intelligence, of sharing among intelligence agencies, is chronic. Creating another entity may be a solution, but it doesn't automatically mean that intelligence will be shared. Instead of having two rival agencies, we can create three and four rival agencies. Simply sharing information, to most intelligence services, is an unnatural act.

The third point I'd like to make is that I am willing to concede that we can learn a great deal from the intelligence services of the European

countries, many of whom have dealt with terrorist threats on their turf longer than we have dealt with it here. At the same time, we have to keep in mind again the realities.

It took the British 15, 20 years to effectively penetrate the IRA. There were still surprises. Large bombs went off in the heart of London. That's dealing with an adversary that speaks roughly the same language, and not something headquartered in distant Afghanistan. So we want to be careful about that.

Final point, and it relates to something that Magnus had said which I think is important. We do have to figure out how to create capability at an international level. We have achieved since September 11th an unprecedented degree of cooperation among intelligence services of a number of countries in going after al Qaeda.

What we have to figure out how to do now is how to institutionalize that and to create permanent machinery and procedures that will allow us to orchestrate -- and I use the word orchestrate

here -- traditional law enforcement, intelligence collection, responses, whether in the form of arrest, special operations, or application of military force, and to do that across the globe in a very, very effective way, since this is the type of adversary we're going to be dealing with.

DR. SOFAER: Could I just add one thing, Mr. Secretary, and that is that I hope you did pay a little bit of attention to what I said, where we can drive ourselves nuts trying to come up with different ways to figure out everything about everybody that might attack us, when and where they're going to do it.

The fact of the matter is that we have excellent strategic intelligence. And Dan Byman is absolutely right about that. We knew who was going to attack us, we knew where he was, we knew he could do it. And we knew he wanted to do it and was determined to do it. And how much more do you need to know before you actually do something to stop an enemy?

I hope that you won't be offended that I

repeat that. I just think that there is a tendency among us all, we're all civilized people, we all sort of tend to get drawn into this game of trying to manipulate things around so somehow we can make the world safe without raising a hand in violence or anger, but ultimately -- and that's the right attitude -- but ultimately, when it's pretty clear you're not going to talk someone out of wanting to kill you that you have to do something about him.

And when I hear stuff about the Middle East and Israel and stuff, I just, obviously I have always been, I've worked hard on Israel peace issues. When I was in the department, Chairman Hamilton, you remember that we worked together on many things involving Iran and we showed our good will in many ways to these countries, but can you imagine that a peace treaty between Israel and the Palestinians would be anything but anathema to these people, these people who hate us?

The last thing they want is a peace treaty between Israel and the Palestinians. They would be determined to destroy it, to tear it down.

Go read what Islamic jihad says. They're our next enemy, Islamic jihad. And I'm telling you, they have told us they want to kill us. They have already started doing it.

And we have to pay attention to these few organizations that are around the world who are determined to attack us for the reasons that these gentlemen have so brilliantly articulated.

COMMISSIONER LEHMAN: That leads into another question, Professor Ranstorp. You're a well-known expert on Hizbollah, for instance, and other groups. As Mr. Jenkins has so well elucidated, this, what we call al Qaeda, is really a set of or an archipelago of groups, some that will last a short time, some a long time. Hizbollah has lasted a very long time.

How would you describe the relationship today between Hizbollah, Hamas, the group that just got hit up in northern Iraq, and these other parts of the archipelago and how much should we focus on them, as well as the core of al Qaeda?

DR. RANSTORP: Mr. Secretary, a very good

question. It's a very broad question. I think we have to understand that al Qaeda is one of three things, first of all, before I address the issue of Hizbollah.

First of all, at the higher level, we're talking about an organization that have command and control structure. It's very organized. We have made major dents into the organization. We understand it.

The second level, which is probably the largest level, we have those working in the service of al Qaeda, those concerted groups who are operating on a national level, trying to confront not just the United States but also their own regimes and trying to effect regime changes.

Thirdly, we have those that are inspired or are sympathetic to the means and modes of al Qaeda. In terms of the cooperation between the two groups, there's very little corporation, there has been some.

In terms of Hizbollah itself, I would recommend to divorce Hizbollah as a movement and

those individuals who have been part of Hizbollah's past, who I would more characterize as half Iranian intelligence agents and half Hizbollah operatives, who are standing with one foot in Iran and one foot in Hizbollah, who the United States is pursuing with extraordinary vigor.

The movement itself knows it may be on the sort of third phase on the war against terrorism. It's exceptionally sensitive to that issue. It is of course bounded up into the U.S.-Iranian dynamic in terms of its relationship, but it is of course an organization with global reach.

I mean, it's an organization just like al Qaeda, if one disturbs the bee hive, they may come back at us. We have to treat this issue with extraordinary care. Otherwise, we may be in for possibly retaliation from the organization.

In terms of other organizations, of course there are other ones in Lebanon, not just Hizbollah elements but also we have an organization called Asbatal-Ansar. And certainly there were connections between Asbatal-Ansar in Ein-el-Helweh, a refugee

camp, with Ansa al-Islam, and connections also to the assassination of Lawrence Foley in Jordan. So there were these loose connections that are more based on logistical aspects than any common ideology. So we have to treat this on a case-by-case basis.

I wouldn't say that there is a full-fledged cooperation between Hizbollah and al Qaeda. They have different goals. They may focus in on the Israeli-Palestinian issue as a mobilizing tool, but certainly we should treat them as separate. And Hizbollah certainly knows that they may be the next face in the U.S. war on terrorism. And they are very sensitive to that issue.

COMMISSIONER LEHMAN: Do they have any current plans or operations that you're aware of targeted in the United States?

DR. RANSTORP: I would say this, that there are, there have been, according to my assessment, according to my contacts and support, that should there be a confrontation between the United States and Iran, they could cause some

damage inside the U.S. mainland.

COMMISSIONER LEHMAN: That raises a very interesting dimension also that Mr. Jenkins had raised, the fact that this is a kind of a missionary organization and that it depends on interrelationships and sponsors and sanctuaries.

What would your judgment be if we were truly effective in draining the financial swamp, I mean cutting off principally the Saudi money that flows through various channels and through the various foundation networks, if we were successful in doing what Mr. Push had recommended so eloquently earlier and really putting the heat on those sources that like to have it both ways, would that dry up al Qaeda and other groups, related groups?

MR. JENKINS: Going after finances is useful, to the extent that it can reduce some of the resources that are available to these organizations, that is of benefit. It is also, quite separate from how much money you can dry up, it is a source of useful intelligence itself, that

is, it tells us a great deal about connections between various entities, so it has a separate utility.

In terms of being able, however, to dry it up enough to halt terrorist activities, that, I must say, I'm somewhat skeptical of. To be sure, the cash flow of organizations like al Qaeda was significant, but a lot of that money was used to support the Taliban, a lot of it was used to support the training camps and infrastructure in Afghanistan itself, which they no longer have.

Can we squeeze it down enough to reduce money to support actual terrorist operations? That I'm less certain about because that, you know, we're talking about estimates of the cost of September 11th on the terrorists' side, we're probably something in the area of a half a million. A terrorist operation, major large-scale terrorist operation, we're talking about something in the hundreds of thousands.

Given the volume of money sloshing around

the world in legitimate and illegitimate channels, through formal and informal structures, the notion that we can squeeze it down into the hundreds-of-thousands-of-dollars level, I'm not so sure we can do that.

So we can put a dent in these organizations, we can make the support that they provide for some of these more radical movements, proselytization activities, support for some of these madrassas, we can do that. Can we deny the money necessary to buy the bombs, to recruit the people to carry out these attacks? I'm a lot less certain about that.

DR. SOFAER: I'm not sure we can close the madrassas down. I mean, do you think about how we would ever have the ability to close madrassas down in western Pakistan?

COMMISSIONER LEHMAN: Money talks.

DR. SOFAER: Money talks, yeah, but I don't know how this country could go along and convince the government of Pakistan to do that when the people of Pakistan want those madrassas.

COMMISSIONER LEHMAN: But are they not supported by the Saudis financially?

DR. SOFAER: I'm sure. I'm sure they are. I'm sure they are.

COMMISSIONER LEHMAN: Is there nothing we can do there?

DR. SOFAER: Oh, we can do plenty, I just think there's a limit.

DR. RANSTORP: Mr. Secretary, if I may add, beyond the philanthropic aspects of this, let me say that I have looked into every single arrest in Europe and beyond. The common feature is what I outlined as the number-one issue, and that was, every time you catch an al Qaeda suspect or al Qaeda operative, you will have 15 to 20 different identities.

Through these, he can easily, with or without Saudi or other financing, be able to garner the requisite resources, the building blocks of being able to launch terrorism through credit-card fraud, bank fraud. And that's an issue what we need to tackle with great urgency if we're going to

be able to find these individuals, to weed them out, and to put a stop to this preemptively.

DR. SOFAER: It isn't, Mr. Secretary, if I may say, it isn't the teaching of Islam that we should be trying to prevent or inhibit. It's the teaching of one type of Islam, the Wahhabi type brand of Islam. So if we can modify our effort and narrow it and target it to those uses of funds that threaten us as human beings and appeal to Muslims in the world and say, 'stop teaching your children to kill us,' that is really what we want you to do.

Teach Islam, go ahead, but that branch of Islam, if we can narrow it, then we might succeed because if the Islamic world sees this as an effort to squeeze the financing of Islamic institutions, we will never get anywhere.

COMMISSIONER LEHMAN: One last question. How close is al Qaeda to having usable weapons of mass destruction? I'd like to hear it from all of you.

DR. RANSTORP: Well, I was asked by CNN, when they found the terrorist tapes, to come and

analyze them, the so-called dog tapes, it was visual representation of the fact that they were on their way to using chemical agents.

I think al Qaeda is very close to, and particularly in two spheres, number one, the ricin arrests we have had in Europe, we have had them for about a year and a half, I mean, we have known about this issue for a year and a half, over a year and a half, since 9/11.

And it's not a weapon of mass destruction, it's a weapon of mass disruption. It would have huge economic consequences, psychological contingent of fear.

Perhaps more worrying is al Qaeda and al Qaeda elements in the former Soviet Union are searching for radiological material. And you have those two elements. On the one hand, chemical agents, that there's a program, an active program to try to acquire them and to also possibly deploy them. On the other hand, you have a lot of radiological material.

And in many ways I think the prevailing

view in Europe among security officials that I have spoken to is that it is not a question of if but rather when that they are deployed, perhaps not in the United States, but possibly in Europe.

MR. JENKINS: Depending on how you define weapons of mass destruction, in fact they have them, I mean, we know that they have chemical capabilities and biological capabilities. The construction of a radiological dispersal device takes nothing more than some source of radioactivity, which is readily available in society, and some explosive or other means of dispersing it.

If we're talking about using those on a scale that would create mass destruction, mass casualties, then they're probably far, far from that, but as Magnus points out, the issue here is not the body count but rather the effects. We should perhaps be talking about weapons of mass effect.

That is, if we go back to the incident in Tokyo and the attack involving nerve gas in Tokyo

subways, 12 people died in that attack, 5,500 were treated at hospital as a consequence of that. Of those 5,500, 1,200 were actually exposed to the chemical. The other 4,700 were illnesses brought about by anxiety, I mean real heart attacks, real respiratory problems, asthmatic attacks, psychosomatic attacks. And that's something that we would have to expect.

Simply by mentioning the words biological or nerve gas or radioactivity in the same sentence with terrorism is going to get us some real effects here. So the issue is not whether they can carry out the terrorist equivalent of a Chernobyl or a Bhopal, but rather simply how they could use these in order to create a tremendous amount of fear, alarm, national panic, and economic disruption.

I mean, we remember from our own experience, which is not al Qaeda connected, but with the anthrax letters that we experienced in the fall of September 2001, five people were killed, but we closed down a portion of a Senate office building for months while we tried to get things

down to the 'manageable number of spores,' I think was one of the quotes.

If we talk about a major transportation system or a major commercial property, I'm not quite sure what the public reaction would be to the manageable number of spores. It's going to have tremendous psychological consequences, not just biochemical.

DR. SOFAER: I would just add one remark, one comment to what my colleagues have said, Mr. Secretary, Mr. Chairman, and that is that you should not consider the potential of al Qaeda or terrorist groups to use these weapons on their own. You have to take into account the potential of cooperation with a state.

We have on the record, in the last year and a half or so, two statements that I consider highly significant. One is by former Prime Minister Rafsanjani where he suggests that a nuclear device in Tel Aviv would put an end to Israel, whereas a nuclear device in the Arab world would simply take some casualties and they'd get

over it and move on.

And another statement and most recently made by the former Head of Intelligence of Pakistan, General al Haq, where he said essentially the same thing, we could use a nuclear device and put an end to Israel.

Most of this, both these comments were directed at Israel, but clearly the option is always there of going to a terrorist group if you are hostile to the United States or any other western country, including Israel, and having them do your dirty work and providing the terrorist with the ability to do that. Indeed, that is probably the ultimate fear that we have to confront.

MR. JENKINS: I'm going to take exception to the comments of my colleague on that point. I am not absolutely convinced that national governments, even those we may identify as rogue states, are so ready to put weapons of mass destruction, particularly nuclear weapons, things that have signatures, in the hands of groups they do not absolutely control. They would bear the

consequences.

And indeed, I think this is, however, the point where probably Abe and I would find common ground on this, that we can affect this by policy. We can ensure that people well understand that we will take appropriate action to deal with that, whether it's action after the fact or whether it's action before the fact, that will be treated, that the notion that this can be done with some successful degree of subterfuge through some terrorist operative and that that will necessarily fool us or deter us from going back to the source, I think in wake of the headlines we're looking at, as we speak, that becomes a fairly credible argument. So as I say, we affect that by our policy.

DR. RANSTORP: Mr. Secretary, may I sort of continue beyond the state using those types of weapons. What concerns security and policy-makers in thinking about al Qaeda for the future is possibly not so much what is happening right now -- because we have a very good handle on that, there's

an unprecedented coordination among 90 countries -- it's the potential for al Qaeda or post-al Qaeda to become an incubator of specific states, I'm thinking particularly about the consequences of, for example, Pakistan.

We've got al Qaeda eventually taking over, post-Al Qaeda taking over other structures like Saudi. So al Qaeda is very patient. What represents al Qaeda is very patient, thinking about strategy over the long term.

I think we equally have to craft strategies. They are thinking about these issues over the long term. It is not going to be easy decades ahead, but I hope we will be able to prevent another catastrophe that we had like here in New York City.

CHAIRMAN KEAN: Congressman Roemer?

COMMISSIONER ROEMER: Well, in his usual fashion, Secretary Lehman has thoroughly delved into a host of the very important topics here. And let me just merely try to follow up on a couple of them while we have your very helpful expertise and

counsel and insight before us.

With respect to the body count and the number of people that terrorists are willing to take, kill, especially as we reflect back on September 11th, let me read a quote:

"Terrorists want a lot of people watching and a lot of people listening and not a lot of people dead."

I read that not to embarrass anybody, not to, you know, try to throw that around at all. It's a quote from 1975. It's a quote from one of the panelists. And it is very, very perceptive in showing how much terrorists have changed. And Mr. Jenkins and I talked a little about that before the hearing. It has been a monumental change in what terrorists can do with what they have access to do and what they are willing to do.

Mr. Jenkins, you said that back in 1975. It was very accurate back then. Why do you think it has changed to such a degree today?

MR. JENKINS: Well, I am the culprit. And I believed it then. And in fact I think for many

of the groups, even groups that we would label terrorists today, that that still applies. That is so long as an enterprise thinks in terms of a political ideology or a political agenda, that's what we were talking about in the 1970s when I wrote that, so long as there's a sense of political agenda, then there's a sense of political constituency.

And that imposes constraints that we recognized in the 1970s that terrorists, using primitive weapons that we knew they had, weapons of explosives, weapons of fire, could kill a lot more people than they did. And yet they didn't do so, not because of some technological ceiling, it had to be because of some self-imposed constraint. And over a period of time, through interrogation of terrorists and interviews in prisons, through trial testimony, we learned what those constraints were.

They worried about group cohesion, not all of whose members might have the same stomach for violence. They worried about their perceived constituents. They always imagine themselves to

have legions of supporters. They wanted to provoke public alarm but not to provoke so much backlash that would change the rules and threaten their own survival.

And therefore, terrorists have a notion of some kind of a red line, some type of a line beyond which the violence would be counter-productive. Now those constraints were not universal and they were not immutable. And over a period of time, they changed. And they changed in part because, as terrorism became commonplace, there was a built-in requirement to escalate.

Hijacking airliners may get you a headline in 1971. When you're up to the 150th hijacking, you're page 5 news. So they had to escalate. But I think the real change, the qualitative change that came about, that was referred to as a so-called new terrorism in the late '80s and 1990s was the decline of ideology as a driving force for political violence, and increasingly, either ethnic hatreds or religious fanaticism.

Now if one believes that instructions to

act, instructions to kill, are handed down from God, however that God may communicate with an individual, then you really don't worry about the constraints of conventional morality, you don't worry about constituents on this planet. They are infidels or pagans or nonbelievers who will burn in hell anyway.

And it is that, the fundamental change in the quality of terrorist violence, so that by the 1990s, large-scale indiscriminate violence was becoming increasingly the reality of contemporary terrorism.

Now projecting that is scary because what it means, if the willingness is there because of technological advance, that power, power I mean crudely, simply is the capacity to kill, to destroy, to disrupt, to alarm, to oblige us to divert vast resources to security, that that is descending into the hand of smaller and smaller groups whose grievances, real or imaginary, it's not always going to be possible to satisfy.

Putting that another way, the bands of

fanatics, irreconcilables, lunatics that have existed throughout history, are becoming in our age an increasingly potent force to be reckoned with. And how we, as a society, as a democratic society, are going to successfully cope with that and remain a democratic society to me is one of the major challenges of this century.

COMMISSIONER ROEMER: So your argument is, quite simply, constraints are coming off, the technology is going up, and we can't afford even a single mistake, given that these terrorist groups could get access to the kind of weaponry that their ambition already has them seeking to get.

MR. JENKINS: Exactly.

COMMISSIONER ROEMER: You talked a little bit, you talked a little bit in your testimony about how we got it so wrong throughout the 1990s in calculating the enemy. Al Qaeda's vision, al Qaeda's organizational capabilities, al Qaeda's money and fundraising.

The Clinton administration didn't get it right, they got it wrong in a lot of ways. The

Bush administration didn't get it right, they got it wrong in a lot of ways. The Europeans, the same thing.

I can't help but recall the words from one of the counterterrorism chiefs in the Joint Inquiry hearings of the FBI who said he was 98 percent certain in 2000 that the attack would come from overseas and be overseas and it wouldn't be in the United States. We not only got it wrong, there was no hand-off to get it right domestically. And if you might comment on how we do get it right in the future.

Mr. Jenkins, you talked a little bit about an intriguing proposal, with 15,000 to 18,000 local sheriffs and police officers that could help us get it right at the local level.

Could you flush that out a bit more and talk a little bit more in detail about that, and would that replace what the Bush administration has proposed a T-TIC center [Terrorist Threat Investigation Center] here, or work with them; how would that work together as a fusion center in getting information out to the local

people?

MR. JENKINS: That is simply one among many proposals. It's a rough-and-ready response. We're talking about needing a lot more collection capability on the streets. And that is one approach to getting it. I'd say it probably gets us there faster than the creation of a new federal agency and the deployment of additional federal agencies, but by itself, it's not going to work.

Here we have to really address a broad variety of proposals, some of which have been discussed in this panel. Part of the problem, as has been mentioned, in terms of the FBI's unwillingness to share information relating to investigations that might ultimately result in prosecution, that itself reflects a trajectory in our domestic-intelligence capabilities over the years.

In the 1960s, much more of the FBI's counter-intelligence efforts in what we would call terrorist-related crimes was aimed at prevention, but because of abuses that were recognized in the

1970s, we imposed new rules, new constraints, that basically said at the federal level, and these were repeated at the state and local level, we don't want intelligence in the prevention business anymore. We want you in the prosecution business, that the prevention business is just too intrusive in a free society. So we imposed new guidelines in the bureau, at the state level. These were repeated by police commissions throughout the country.

By the beginning of the '80s, it was recognized that perhaps some of these constraints were having a serious impact on intelligence-collection capabilities, and so they were relaxed somewhat, began to swing a little bit the other way, but really there was at the same time, there was a perceived decline in the terrorist threat domestically in this country. And so in fact, because they were difficult to manage, because they were politically risky, because they were in some cases costly to operate, we continued to dismantle domestic-intelligence capabilities.

That reversed somewhat in the 1990s as we began to perceive a more serious threat again, but we really didn't rebuild the capabilities. And it wasn't until September 11th that we recognized we had a failure of intelligence in terms of looking at this. When I say, "failure," I want to put that in quotes. I am not one who believes that if we had had just a little better intelligence collection, we could have connected the dots, as the phrase goes. This is very, very tough.

When you read the last page of a mystery novel first and then read the novel, all of the clues are obvious. Going forward, it's a lot more complicated than that. But we probably can do it better. Now that we have pushed back into the prevention business, then that should allow us to more easily share some of this information across lines without some of the constraints imposed by prosecution, which was the real constraint. So sharing has to be made better.

The analysis does have to get there and does have to get better. We also have to keep in

mind that we can't judge intelligence solely on the basis of identifying and preventing an attack. Of course we're going to do that, but intelligence is also aimed at disrupting your opponent's capability to operate.

We don't know how many attacks we may have thwarted since September 11th. It's a good many. And we can identify some clearly, but there may be many more that were aborted because of increased security or because of good intelligence that we will find out about years from now when we catch more of these people and interrogate them.

Better sharing, better analysis, better mechanisms across national frontiers, to work more closely with our allies, take advantage of this unprecedented cooperation I mentioned before.

When we can get a good flow of information from the streets of our cities across to, whether it is an investigating magistrate in France or an intelligence operative in the Middle East, and begin to assemble that kind of information and analyze it and repackage it and send it back out to

users, whether it's a policeman on the beat or a judge in Italy or a Special Forces Team in Afghanistan, then we will be getting close to the kind of capability we need to deal with this kind of problem. That's going to take a couple, a few years.

COMMISSIONER ROEMER: More than a few years, I would suspect. Several years. Professor, you talked a little bit about the problems of communication and information sharing between the CIA and the FBI. The Joint Inquiry's findings agree very much with those systemic and endemic and ongoing problems.

How do you fix it? Do you create more agencies to do it and more stove-piping? How do we get either those agencies to talk to one another and share information or do you create this new Terrorist Threat Integration Center? Where do you put it, Homeland Security or outside of it? How do they communicate with the local people? Give me some tangible suggestions here.

DR. SOFAER: You're really in good shape.

Your Executive Director happens to be the former Executive Director of the Markle Commission, a Commission Task Force Report on this very subject. And he was the principal author, Philip Zelikow was the principal author of that report.

And that report does a lot to move policy in the right direction on those issues. They're very complicated. And the Markle Commission is continuing its work and trying to develop a sort of a distributed intelligence framework where you have less top-down evaluation, the kind of thing that Brian had suggested earlier with the New York City police force and the other local police forces, but on an intelligence, computer-based intelligence system.

I think it's very, very complicated and important that it be done, but I think that's the way it's got to be done, through experts. We've got people in the room, I'm privileged to be on that task force, who I don't even understand when they start talking about distributed networks and all these other things.

And they clearly have a handle on how to use information and also how to control your seeking of information so that you maintain civil liberties. They have a handle on those issues that is really highly sophisticated at this stage in the private sector. And that's where we really have to turn to them and ask them to guide us in these very, very complicated issues.

But don't forget, Congressman, that when you know who your enemy is and he's killed you a few times, you can sort of skip the dots on a particular incident and go take him out before he comes back and kills our people again. Don't forget that.

COMMISSIONER ROEMER: There has to be an offensive and a defensive strategy.

DR. SOFAER: Absolutely. That's right. I think that it is very hard to keep, it's so hard to keep the attention of commissions and government officials away from this process of examination, this going deeper and deeper into intelligence, trying to figure out things.

There is a certain point at which that you have figured it out, you know what the issue is and who the enemy is. And when you get to that point, when you can indict someone twice, he had been indicted twice before 9/11, when you can do that, my God, you've waited around too long. You already solved the problem, you know who your enemy was. You know he is going to come kill you.

I think this is an important point not just for this case but for other cases. There aren't that many big terrorist groups in the world. There are some. And you have got here, with Brian and Magnus, we've got here really two of the great experts on this. Magnus has written the work on Hizbollah. I mean, no one knows more about Hizbollah in the world, I don't think, than Magnus.

And the fact of the matter is, there's Hizbollah, there's Islamic jihad, you know, you can make a list. It's not that long a list. And part of what you should do to keep America safe is focus on those people who say they hate us and they want to kill us, because those are the guys who are

going to do it, Mr. Secretary.

COMMISSIONER ROEMER: Magnus, let me draw you in here and ask for your international insight into this.

You mentioned earlier about al Qaeda and other terrorist organizations, but specifically, I believe your words were that al Qaeda is dispersed from Afghanistan, but they're still an organization that has tentacles in a host of different places and are very much able to attack us from where they're going, whether that be in Indonesia or Malaysia or other parts of the world.

Can you draw this out a little bit more clearly for us in terms of how we expect they have dispersed, where they are, and how this 90-country international coalition continues to focus on this international law on terrorism and what are the two or three most effective ways to do that?

DR. RANSTORP: Well, let me say that from the American people's point of view, they can rest assured, from the international perspective of what I see, Europe, Europe's contribution, we have 500

people in custody in Europe in many, many different countries, we have thwarted many plots, and that is that we are getting things right.

Fortunately, unfortunately, 9/11 was the wake-up call for that. It was a tremendous secret war of intelligence hunters out there trying to learn as much as possible about al Qaeda, about how al Qaeda is changing from different regions.

And of course, it is very difficult. It is not affected by the war against Iraq, rather, those are institutional linkages that are already, it's not affected in terms of the sharing and cooperation between a number of countries.

There have been some countries that have been tremendously helpful. Among them, of course, Pakistan, but also Jordan, particularly Jordan's role in contributing, and not only protecting itself and its royal family, but also in illuminating our understanding of how the al Qaeda network works, alongside the Egyptians and other, shall we say, coalition partners. So we are getting things right, but there are also of course

tremendous challenges because they do exist.

Al Qaeda's network has a presence in over 98 different countries around the world. It has a global reach. One of the areas we have not tackled very much is in America's own back yard, Latin America. We know that there has been some al Qaeda presence there.

Of course, there are other problems there as well. There's a sort of al Qaeda elements, other Islamic extremist elements who are not only dispersed in Latin America but of course the world. It's a tremendously difficult issue.

And I think one of the issues and one of the things that I put in my recommendation is that we should coordinate our response, particularly because terrorism is fusing together with organized crime and even ordinary crime, that we should put together our efforts, particularly within the U.S. structures, of the war on terrorism as well as the war on drugs, because as we speak right now, we dealt with Afghanistan, it was a huge blow for al Qaeda.

The issue of reconstruction in Afghanistan is still a major issue. As we speak, there are Taliban and al Qaeda suspects flooding back into Afghanistan or using a large portion of the country. It's a lawless zone. It's a blind spot in this war of terrorism.

And it's not just Afghanistan, it's not just in certain portions of Iran, it's not just the fact that Iran has facilitated al Qaeda transit out of that area. There are large proportions in the world where we do not have effective central authority, where the authority does not have the capability. And the United States have been not only hunting down al Qaeda cells but also providing antiterrorism assistance.

The United States is the only country with global intelligence reach on a tremendous level. And I think that, you know, we may want to sort of do an inventory of how we can do things better, but I think that we have gone a long way of ensuring that al Qaeda will at least not strike with ease against the American homeland or against U.S.

citizens abroad.

COMMISSIONER ROEMER: You mentioned the need for central authority. I think a half a dozen commissions throughout the 1990s have recommended the creation of a Director of National Intelligence, somebody with centralized power and authority within the intelligence community that has the responsibility for a budget, that can implement policy and, if they declare a war on terrorism or al Qaeda, they have the resources to marshal the intelligence community forward to get it done.

Six or seven commissions have recommended it. We are probably moving in the other direction, in reality, from accomplishing that.

Do you have views on whether or not, Professor, should we create a DNI, Mr. Jenkins, Mr. Ranstorp?

DR. SOFAER: I'm not sure we should, Mr. Congressman. I think that our reluctance to be strong and act positively, actively in our self defense leads us sometimes to overwork on the

passive measures to the point that we do create real threats to our civil liberties.

I think that an active defense would facilitate, in fact, less reliance on internal control of our own citizens. And so I worry about setting up institutions in this country that would change the nature of our life.

COMMISSIONER ROEMER: Mr. Jenkins?

MR. JENKINS: First of all, I thought at one time we had created someone that was supposed to be in charge of the intelligence community and it didn't quite work out that way.

There's a tendency, by the way, to try to approach a particularly gnarly problem like this one by the creation of some sort of a czar. This is a recurring theme in our governmental approach. I'm not sure. I'm not going to make a powerful argument against it, but I'm not automatically convinced that it provides an answer that simply a new organization or a new head of organization gets us there.

There are rather procedural issues, there

are issues of imperative, there are issues of incentives that I think we have to address quite apart from the issue of government reorganization.

The fact is, my own view is that we do have the basic building blocks now to do this thing. We are making progress. We do have to improve and we will improve as we go along. Every time we create another entity, that may expand our capabilities in one sense, but at the same time, it becomes a distraction.

I mean, I'm not going to argue against the creation of a Homeland Security Department. Bringing together is a good idea, but at the same time, how it is going to function, how it is actually going to integrate them in this major post-merger environment now that has been created, and effectively operate, that becomes, that almost tends to slow you down somewhat in terms of dealing with the actual process that we want to deal with. So as I say, I'm not going to argue against it, but I'm not sure an Intelligence Czar or a Counterterrorist Czar is automatically going to get

us there.

I do think, and this is a cultural problem, it's not a government-organizational problem, that we, being a very pragmatic nation, that we like to view things in terms of finite achievement -- there's a problem, we identify the problem, we solve the problem, move on to the next problem -- and that we are so desperate for closure after September 11th that we're looking for some way, organizationally, that we can put the lid on this thing and say we have now solved that, we are now moving on.

Instead what I think our message is here, and I'm not putting words in the mouths of my colleagues here, but that this is an open-ended thing we're engaged in here. Our pursuit of al Qaeda itself must be unrelenting. If it takes us two years, if it takes us 20 years, this enterprise must be destroyed to reduce its capabilities to attack us and also as a lesson to other organizations around the world, that if you do this, this will be the response of the United

States and we will spend the rest of our lives hunting you down.

At the same time, where we can appropriately use the term "war", and I think language needs to be precise here, where we can appropriately use the term "war" for dealing with an al Qaeda or its successors, that we're also simultaneously engaged in an effort to improve the security of our homeland against catastrophes like 9/11.

And as I pointed out here, that's going to take certain kinds of strategies, both intelligence strategies, response strategies, infrastructure, the way we do security, to do it in a way that doesn't cripple our own economy, that doesn't create some sort of a neo-medieval society where we spend the rest of our lives living under the kitchen table.

At the same time, another court of our activity must be to combat terrorism. Now here the verb is important. Combat implies an enduring task. We're going to do the things that we can

internationally to improve the exchange of intelligence, to improve travel documentation, to improve border security, aviation security, all of the things, financial controls, all of the things that we can do to make the environment operationally more difficult for the terrorists, whatever group they belong to.

We are doing all these things simultaneously, some we will succeed. Ultimately, we will destroy al Qaeda. These other tasks that we're talking about, these are tasks that are going to take years, probably decades.

And there will be other commissions to follow this one that will be examining and making useful contributions to improve things along the way. But the notion that we can come up to some moment and say, we have won, the terrorists have lost, probably not in my lifetime.

COMMISSIONER ROEMER: Sir?

DR. RANSTORP: I think Brian echoed exactly my sentiment in terms of looking at this as a ceaseless struggle. I think there is, from the

outside, I have to preface my comments as being an outsider, a foreigner to the United States, that there's an over-tendency to look at trying to hermetically seal the U.S. or immunize itself from a future attack.

It's important that we do the work that has been done so far in terms of homeland security, in terms of the possibility of centralizing intelligence, in making intelligence flow, not just from the top between different agencies but also, as Brian said earlier, more importantly, the front line of defense, the local law-enforcement officers, the police, equipping them with the right equipment.

I think, thinking back, and I was in the United States in 1998 on the day on which President Clinton ordered air strikes against Afghanistan and instituted some protective measures, in part to try to protect the U.S. against what I would call catastrophic terrorism, but I would have to say this, that we have to balance our protective measures, our defensive measures, with more

aggressive preemptive action.

I mean, logic would prevail that once they start moving towards the target, we've already lost half the battle. And therefore, we have to work on multilateral cooperation, we have to work on making it as difficult as possible, we have to create the sense of insecurity for the adversary, for al Qaeda, so that they're not able to plan undisturbed, but they also have to worry about their own security and the fact that they may become apprehended by the U.S. in the future.

Therefore, I think, you know, we have gone a long way towards getting it right. A lot of the measures we don't see because they're occurring in the quiet, occurring in the intelligence sphere. Therefore, you know, on the one hand, we're creating different structures and trying to centralize different decisions, pooling intelligence and intelligence analysis, but there's a tremendous force, an unseen force out there that are hunting these people down, that will seek justice, no matter how long it will take.

And that goes not only for al Qaeda but also for those forces that killed the U.S. Marines in '93.

COMMISSIONER ROEMER: At the end of the day, this Commission will be about some recommendations. And what I am hearing very clearly from you is that part of those recommendations might be in fact communicating to the American people that this war, this combatting terrorism, as Mr. Jenkins says, one needs the sense of urgency that we have when our troops go into Afghanistan or Iraq, and secondly, that this is long-term, almost ceaseless struggle, that will take a lot of time, that despite the recommendations that this Commission makes in May of 2004, al Qaeda may be out there in 2014. I see you nodding.

MR. JENKINS: If not al Qaeda, the son of al Qaeda or the grandson of al Qaeda or some other enterprise.

Look, we have been dealing with terrorism, fortunately not at the scale of 9/11, for many,

many years. And it's not because of an absence of intelligent people who have been addressing this topic, it's because this is a very, very big challenge. This thing is going to go on. It's not simply going to be a matter of how we can reorganize our intelligence collection or how many National Guardsmen we can deploy or how much concrete we can pour around every identifiable piece of critical infrastructure we have in this country.

Ultimately, it is going to be our own sense of urgency, our own tenacity, our own determination, our own courage, to a certain extent, our own stoicism about accepting that there are going to be some failures, there are going to be some losses, and in the process -- and I think this is very, very important because it's long-term and because we are America -- our own continuing commitment to the values for which this country stands.

It's not something that we can simply reorganize, toss the values, forget the rules, and

go off and blast away and fix things up and come back and restore the old rules and say we'll go back to whatever normality was on September 10, 2001. We don't get to go back. It is a different world. It is a long-term contest. And so we better do it in a way that we can maintain the sense of values.

I'm not saying we don't change the rules. We can change rules. Every country that has dealt with terrorism has been obliged to change the rules of detention, of intelligence gathering, of trial procedures, but the countries of Europe that have done this, they have done this as democracies and remained democracies.

We can do the same, but we cannot, we cannot violate fundamentally those rules and maintain the support we will need domestically and internationally for what promises to be a long-term struggle.

DR. SOFAER: I would agree with all that, Mr. Congressman. I just want to say that I think this Commission should make it clear that the duty

to protect and defend the American people includes, very explicitly, the duty to go out and stop a known enemy that has killed Americans from doing it again, that that duty is a clear, precise duty.

You're not supposed to sit in Washington with a bunch of experts trying to make dots and connect ideas to figure out when someone is going to kill you and where he's going to do it if you know there's someone out there that is determined to do it and capable of doing it and you know where he is.

So this Commission should, I think, make it clear that presidents don't have the option of sitting back and playing that game, that part of fighting terrorism is that when you know there's an enemy who rises up to kill you, and the words that should be familiar to all of us in all three of our religions, that you rise up and kill him first.

CHAIRMAN KEAN: I'm going to interrupt this shortly because we have already kept our panel more than we expected.

COMMISSIONER ROEMER: Thank you for your

patience.

CHAIRMAN KEAN: Do you have anymore questions?

COMMISSIONER ROEMER: No, I'm all done. Thank you very much. I want to thank the panel, too. You've been terrific.

CHAIRMAN KEAN: Senator, you have a question?

COMMISSIONER CLELAND: Mr. Jenkins, all of you, you've been eloquent to a fault. Thank you very much.

Mr. Jenkins, right at the end of your incredible, wonderful presentation, you talked about, in effect, defeating al Qaeda, that is a specific goal, they did rise up to kill us and did, and they declared war on us. And I couldn't agree more. Then you went to combatting terrorism.

What that reminded me of was an experience I had in Malaya, or now it's Malaysia. I was in Vietnam, '67, '68, fighting guerillas, terrorists, suicide bombers and the like, took a little R & R in Kuala Lumpur, Malaysia, and read a book called

The Long, Long War. It was about the British experience in combatting guerrillas, terrorists, suicide bombers. And one of the things they learned was that the terrorist doesn't lose, he wins. The terrorist doesn't lose, he wins.

So for those who came after us, you're exactly right, and that's specific. We know who did it and we must kill or capture them or else they will do it again. What little I know about al Qaeda, that is true. Within the combating of terrorism, doing what you can in terms of strategic offensive abroad, strategic defensive at home, that is the long, long war.

What I want to pose to you is a couple of problems with this. One of the problems is that in terms of stirring up the bee hive, Mr. Ranstorp, your point about the Hizbollah, it seems to me that Osama bin Laden deliberately has stirred up the bee hive to create an overreaction by Western democracies, particularly America, so that we would then trigger more recruits for his jihad.

In his declaration of war, for instance,

bin Laden states that the stationing of American forces on the soil of the Arabian Peninsula constitutes the greatest aggression committed against the Muslims since the death of the prophet Mohammed in AD 632. Well, we don't believe that, but that's his rhetoric.

The point being, is it your understanding, Mr. Jenkins, that to the extent to which we increase our footprint on Arab soil, Muslim soil, and appear to be the Crusaders of old trying to take over Islamic lands, which fulfills his rhetoric, that as we do that, we stand in difficulty or difficult trouble, or potentially potential trouble of creating really a backlash against us and more terrorist activity?

Talk to me a little bit about it. We created an air base in Saudi Arabia and one in Iraq. We have a presence in the Middle East in many, many ways. Talk to me a little bit about the potential dangers that you see about increasing what -- another article is called the Pax Americana in the Middle East -- and how that could possibly

generate a greater terrorist threat ultimately in terms of a backlash against us.

MR. JENKINS: This is not easy because this is a balance and, as you know, policy is always a matter of trade-offs. To not respond forcefully to the events of September 11th, to me, would have been unimaginable. In responding, whether it's responding to September 11th or whether it's what we are currently engaged in in Iraq, clearly unavoidably, does raise risks. It raises risks that our opponents will be able to exploit these, we know they will, in order to increase their recruiting.

So the challenge for us becomes can we respond forcibly and effectively in a way without signalling a desire for dominion, a desire for Imperialist rule, a desire, communicating the desire that we wish to remake the world in our, in our image or in anything that suggests that we're opposed to a religion. Now that is hard to do. I'm not sure that there's a single formulaic answer to that specific question.

By the way, the question to our opponents would be unimaginable, it would be utterly bizarre because while we may say that we're not engaged in a war on Islam, correctly so in that we're not interested in dominion and that we make separations between what people believe and how they behave and we respond to how they behave to us, these bifurcations of a spiritual world of belief, of political developments, are completely foreign to them. This is all of a single piece. So can we operate in this territory and do it.

In Afghanistan, although we're not home yet in Afghanistan, in Afghanistan we were successful. We used military force, we destroyed al Qaeda bases. And there was no uprising of Islam. There was no worldwide surge in terrorism against us as a consequence, as a consequence of this.

Now, as I say, we're not there yet. And one of the things that we also have to figure out how to do to ensure, and I think a mistake made the first time around in dealing with Afghanistan is

that probably, without being Imperialists, we can't afford to leave too many black holes on the planet, can't afford to have too many badlands where these type of things can find a petri dish they need to grow and survive.

So we're going to have to actively go out and, in one way or another, not always with Special Forces or smart bombs or other applications of military force, we're going to find out how to address some of these.

That doesn't mean straying off into what to me is illusions about addressing root causes. It is not demonstrable that there's any causal relationship between poverty and terrorism. We will address, we will address poverty in the world, we will address lack of education, we will address political oppression because it's the right thing to do, not because we have any illusions that it is going to end terrorism.

As I say, in doing so, we run these risks, but I think we have to take these one at a time and get them right.

COMMISSIONER CLELAND: Mr. Ranstorp?

DR. RANSTORP: Connecting with what Brian said, I think the environment is such that we're moving towards greater complexity. I mean, unfortunately, if you look at the Middle East, for example, U.S. economists have estimated it will take economic growth rate five times that of the United States to get the region on an even keel.

There's been a youth explosion. There's been demographic growth. There's no link between poverty and terrorism, yet it's that environment which so easily lends itself to certain radical nodes of radical Islam. I think that we have, following 9/11, we addressed many of those issues. We are aware of them.

We do not have the capability of reaching into so-called black spots. We're simply not perhaps developing our own capabilities, but we're outsourcing this. This is not just the United States' problem, this is a Western problem, not just a U.S. problem, but also a European problem. And therefore, we're working hand in hand in trying

to alleviate this.

But we have tremendous challenges. I think one of the issues particularly we have to grapple with is the global feeling of anti-Americanism, in using public diplomacy to much greater effect, in thinking ahead about tactics and strategies, explaining better to the world why American is doing what it is doing.

And you can see that's happening now as an integral part of the war against Iraq. In the war against the hearts and minds and the war against Islamic extremism, it's very difficult to do, but it has to be done at some level. It has to be, it has to be confronted.

I have spent 15 years working, mapping Islamic extremists. And let me say that one of the issues where it is both the strength and the weakness which we have to tackle with greater ingenuity and innovation is the issue of their legitimacy. We have to tackle at the root heart their legitimacy. And there are many ways one can do that, but it will take a greater ingenuity. It

has to take greater effort. And it is not going to be an easy road ahead.

COMMISSIONER CLELAND: Thank you, Mr. Chairman. CHAIRMAN KEAN: Thank you. Mr. Commissioner Ben-Veniste.

COMMISSIONER BEN-VENISTE: I know it's getting late.

CHAIRMAN KEAN: This is going to be the last question, just to let these people go.

COMMISSIONER BEN-VENISTE: Also a biblical expression. Both Judge Sofaer and Mr. Jenkins have commented on the concept of creating a new domestic intelligence agency from different perspectives.

Judge Sofaer, you have mentioned that you opposed it, and one of the reasons that you stated was because of the greater threat to civil liberties. And Mr. Jenkins said that he thought that the basic building blocks to do the work were there.

And perhaps that ties into the extraordinary presentation of Miss Kleinberg earlier this morning. She talked about all of the

things that were missed by our intelligence agencies that could have, in fact, on the basis of information in hand, had they been working cooperatively and done the work that was expected of them, could have identified at least some of the terrorists involved in 9/11.

I wonder whether you would each expand upon that because one of the major objectives I think we have in making our ultimate recommendations will be related to whether a new system of domestic intelligence should be instituted or whether in fact we can make do with what we have with significant improvement.

DR. SOFAER: I think the latter. I think we can make do with what we have with significant improvements. I think we ought to use DHS more than going back to the FBI and CIA. I think that we're not going to make much progress if we rely on those agencies exclusively.

I think the list of failures and opportunities that the Joint Committee has put together with Miss Hill, her report has been very

impressive. And I can't imagine that the Commission needs to spend a lot of time building on that record.

I mean, it's just clear that we lost, we missed a lot of opportunities. And I think we can do a lot to correct that if we don't rely exclusively on the same agencies that missed those opportunities, incidentally, without any accountability whatsoever. There's be no accountability whatsoever for those missed opportunities.

MR. JENKINS: Again, I think we could have done it better prior to September 11th. I'm not sure that that would have prevented the September 11th attack. I just don't know that. Putting aside the issue of whether could have or could not have identified the attack coming, how do we approach this, how do we approach it now.

I notice that you used the word, can we make the system better. I think you said system.

COMMISSIONER BEN-VENISTE: That supposes a fact that perhaps is not yet in evidence.

MR. JENKINS: That is, my point is that I think there's a key word there that we want to focus on, can we make this into a system and how do we achieve that. It's not a question of can we create another entity or not create another entity. That, to me, is a tactical question, it's a how-you-get-there question.

The root, how do we create a system out of the capabilities that we have now and that we can reasonably create? We can enhance those capabilities. There's a variety of ways we can do that, one of which I have indicated already, but how do we procedurally, what is the machinery for creating a system?

If that requires a new entity, then so be it. I'm not convinced that it does yet, but I am persuaded that we need to do something to bring about a system.

COMMISSIONER BEN-VENISTE: Mr. Ranstorp, do you care to comment?

DR. RANSTORP: No, I totally agree that there has to be an integrated system. I think

we're on our way there. I think though within, this is the European experience, within bearing in mind civil liberties, I think that cannot be the casualty of any system. I think protecting and preserving them is something that we all cherish.

CHAIRMAN KEAN: Dr. Sofaer, Mr. Jenkins, Mr. Ranstorp, thank you very, very much for the enlightening discussion. We are adjourned until 9:00 tomorrow morning.

(Whereupon, at 5:10 p.m., the proceedings were recessed, to reconvene at 9:00 a.m., Tuesday, April 1, 2003.)