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NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

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NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

Public Hearing

Friday, May 23, 2003

Hart Senate Office Building
Room 216
Washington, DC

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Commission Members

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Lee H. Hamilton
Vice Chair

Richard Ben-Veniste
Fred F. Fielding
Jamie S. Gorelick

STEELE (RET.); MARY SCHIAVO, FORMER
INSPECTOR GENERAL, DEPARTMENT OF
TRANSPORTATION

PROCEEDINGS

MR. KEAN: Yesterday the Commission received testimony from members of Congress and from expert witnesses about the U.S. civil aviation security system that operated in the period leading up to September 11, 2001.

Today we move forward with the first look at the 9/11 hijackings themselves and the security system's performance of that day. Our final panelists will then address the changes which have been made in aviation security since 9/11 and also options for further improvements in the current system.

Before we proceed further, I want the record to be made very clear that the Commission is intensely aware of any number of reports indicating failures outside the area of the aviation security system. These would include failures in intelligence, law enforcement and border security, which may have played a major part in making 9/11 possible. The Commission has a statutory mandate and will be examining those areas as well. They may even be the subject of future hearings.

Our focus today, however, is the field of civil aviation. Today's first -- where we start, we pick up the story of the hijackings on September 11th itself. How did the civil aviation security system operate that day with respect to the 19 hijackers? What weapons and tactics did they employ to defeat the system? Why couldn't we stop them or, at least in the three out of four cases that reached their target, prevented successful completion of their mission?

This hearing record will remain open for 14 additional calendar days for any of the witnesses who want to to submit additional

Slade Gorton
Bob Kerrey
John F. Lehman
Timothy J. Roemer
James R. Thompson

Commission Staff

Philip D. Zelikow
Executive Director

Chris Kojm
*Deputy Executive
Director*

Daniel Marcus
General Counsel

material and perhaps for the commission to send follow-up questions.

We are very pleased with the group of witnesses who are here today, particularly our first witness. And we're going to hear from the secretary of Transportation, with a long record of public service in the United States Congress, Secretary Mineta.

MR. MINETA: Thank you very much, Chairman Kean, Vice Chairman Hamilton and distinguished members of the Commission, for this opportunity to testify before you.

I want to compliment the Commission on its intention to collect and provide the information on the circumstances surrounding the tragedies of September 11th, 2001. I would like to provide the Commission with a brief account of what happened on September 11th, 2001. I believe I can be most helpful to this Commission by providing information in which I have personal knowledge and a few observations from my perspective as Secretary of Transportation.

There are many events that occurred on September 11th that I do not have personal knowledge of, though I have learned about them in subsequent investigations and reports. I know this commission will be speaking to the same agencies and individuals that provided me with that information, so I will let the Commission collect that information from those primary sources.

However, I do want to comment on what I believe is an important responsibility of this commission, and that is to add to the understanding of the American people about what we call terrorism and the threat that it poses. I have seen terrorism in several forms and from several vantage points over the years, as an intelligence officer in the United States Army during the era of the Korean conflict, and in Congress as one of the early members of the House Permanent Select Committee on Intelligence. Like a mutating

virus, I have seen terrorism take different form over the years in an effort to defeat the safeguards that have been devised to protect against it. And I believe it is critical to recognize this important truth about terrorism: The threat of terrorism is constant, but the nature of that threat changes, because to be successful, terrorism must continually change how it operates.

On Tuesday morning, September 11th, 2001, I was meeting with the Belgian transport minister in my conference room adjacent to my office, discussing aviation issues. Because of the agenda, FAA Administrator Jane Garvey was also in attendance.

A little after 8:45 a.m., my chief of staff, John Flaherty, interrupted the meeting. He asked Administrator Garvey and me to step into my office, where he told me that news agencies were reporting that some type of aircraft had flown into one of the towers of New York's World Trade Center.

Information was preliminary, so we did not know what kind of aircraft nor whether or not it was intentional. Jane Garvey immediately went to a telephone and contacted the FAA operations center. I asked to be kept informed of any developments and returned to the conference room to explain to the Belgian prime minister that our meeting might have to be postponed.

In an incident involving a major crash of any type, the Office of the Secretary goes into a major information-gathering response. It contacts the mode of administration overseeing whatever mode of transportation is involved in the incident. It monitors press reports, contacts additional personnel to accommodate the surge in operations, and centralizes the information for me through the chief of staff.

In major incidents, it will follow a protocol of notification that includes the White House and other agencies involved in the incident. These

activities, albeit in the nascent stage of information-gathering, took place in these initial minutes.

A few minutes after my return to the conference room, my chief of staff again asked me to step back into my office. He then told me that the aircraft was a commercial aircraft and that the FAA had received an unconfirmed report that a hijacking of an American Airlines flight had occurred.

While Mr. Flaherty was briefing me, I watched as a large commercial jet flew into the second tower of the World Trade Center. At this point things began to happen quickly. I once more returned to the conference room and informed the minister of what had happened and ended the meeting. I received a telephone call from the CEO of United Airlines, Jack Goodman, telling me that one of United's flights was missing. I then called Don Carty, the CEO of American Airlines, and asked him to see if American Airlines could account for all of its aircraft. Mr. Flaherty reported to me that Jane Garvey had phoned to report that the CEO of Delta Airlines had called the FAA and said it could not yet account for all of its aircraft.

During this time, my office activated the Department of Transportation's crisis management center, which was located on the 8th floor at that time of the Department of Transportation headquarters, and provides for senior DOT personnel to conduct surge operations in a coordinated manner.

By this time, my office had contacted the White House. A brief moment later, the White House called my chief of staff and asked if I could come to the White House and operate from that location. I decided that, given the nature of the attack and the request, that I should be at the White House directly providing the president and the vice president with information.

When I got to the White House, it was being

evacuated. I met briefly with Richard Clark, a National Security Council staff member, who had no new information. Then the Secret Service escorted me down to the Presidential Emergency Operations Center, otherwise known as the PEOC. I established contact on two lines, one with my chief of staff at the Department of Transportation, and the second with Monty Belger, the acting deputy administrator of the FAA, and Jane Garvey, both of whom were in the FAA operations center.

And as the minutes passed, the developing picture from air traffic control towers and radar screens became increasingly more alarming. Some aircraft could not be contacted. While on a normal day that may be just a communications snafu, we were faced with trying to quickly sort out minor problems from significant threats. We did not know how many more attacks might be in progress.

The FAA began to restrict air travel in the Northeast United States by a combination of actions which included sterilizing air space in certain regions and at various airports, and ultimately a nationwide ground stop of all aircraft for all locations, regardless of destination.

Within a few minutes, American Flight 77 crashed into the Pentagon. At this time, as we discussed the situation with the North American Aerospace Defense commander and his staff, we considered implementing an emergency system of coordinated air traffic management to allow maximum use for defensive activities.

It was clear that we had to clear the air space as soon as possible to stop any further attacks and ensure domestic air space was available for emergency and defensive use. And so at approximately 9:45 a.m., less than one hour after I had first been notified of an airplane crash in New York, I gave the FAA the final order for all civil aircraft to land at the nearest airport as soon as possible. It was the first

shutdown of civil aviation in the history of the United States.

Within minutes, air traffic controllers throughout the nation had directed 700 domestic and international flights to emergency but safe landings. Within another 50 minutes, air traffic controllers, working with skilled flight crews, made sure another 2800 airplanes returned safely to the ground.

By shortly after noon, less than four hours after the first attack, U.S. air space was empty of all aircraft except military and medical traffic. A total of approximately 4500 aircraft were landed without incident in highly stressful conditions. Additionally, all international inbound flights were diverted from U.S. air space and U.S. airports.

Unfortunately, during this time we also learned that United Flight 93 crashed in Stony Creek Township, Pennsylvania. As America knows, but it is important to keep repeating, that aircraft never reached the terrorists' target due to the heroic actions taken by the passengers and crew on United Flight 93.

A question has been asked whether or not there is evidence that other hijackings and attacks were prevented by the actions that were taken that day. There are classified reports, media reports and investigative documents that indicate that other attacks may have been planned. But the evidence on this question is speculative at best, and I do not believe anyone can assert that other attacks were thwarted on that day unless he or she is the one who either planned the attack or planned to carry it out.

I also want to tell the Commission that although the focus of this commission's interest is on the airplane crashes on September 11th, as secretary of the United States Coast Guard, I was involved that day in the mass evacuation of more than 350,000 people from Manhattan. In addition to the largest maritime evacuation conducted in the

history of the United States, our department's agencies were working with the various New York authorities on the devastating infrastructure damage suffered there.

Over the next few days, our department spent hours working with various state, local and federal agencies to reopen roads, tunnels, bridges, harbors and railroads while getting essential relief supplies into the area. I have talked about the staff at the Department of Transportation and how proud I am of how they responded on September 11th and in the days and the months afterward.

I also want to remark on the families, friends, the victims of that tragic day and those who were injured physically and emotionally. I share in much of their grief and heartache, although I can never experience the depth of it. The consequences of September 11th affected all of America, but the greatest effect was on these people. And I have spent a great deal of physical and emotional effort this past year trying to make sure that what happened on that day does not happen again.

We must do everything we can to try and prevent other Americans from enduring the pain that these families and friends have suffered. But in that work, we must never forget those families and that pain and anguish. I know I don't. It helps me in the work I continue to do. They are in my thoughts and prayers.

Thank you very much.

MR. KEAN: Thank you, Mr. Secretary. When you were being prepared in the sense of preparing yourself to take your role in the Cabinet, were you briefed in any way, or what part of the possibility of terrorism occurring was part of your preparation? I mean, as you've looked at all the vast things you have to understand for your position, was the possibility of terrorism and what you might have to do in the result of terrorism a large part of that briefing, a small part of that

briefing?

MR. MINETA: The nature of what was happening in the civil aviation industry in the United States at that time did not put terrorism high on the list of priorities. We were still dealing with the whole issue of delays, of congestion, of capacity issues, and so terrorism was really not something that I was prepared to deal with except as it came up on that tragic day.

MR. KEAN: So you had to improvise, in a sense, based on what was happening and the news reports you were getting.

MR. MINETA: Absolutely. And in terms of what motivated me to bring all the aircraft down, as you see one thing happen, that's an accident. When you see two of the same thing occur, it's a pattern. But when you see three of the same thing occur, it's a program. And so at that point I decided to bring all the aircraft down.

MR. KEAN: But in a sense, what I'm trying to get at, I guess, is the government was really unprepared for this kind of event. Nobody had anticipated it, this event or any kind of major terrorist event. So this was not a major preparation. You weren't prepared. You had to do your best under very difficult circumstances.

MR. MINETA: That's correct, sir.

MR. KEAN: There's been some confusion as to the issue of box cutters. You testified, I gather, that as of September 11th, the FAA did not prohibit box cutters, before Congress. Yesterday we got testimony from the ATA that in checkpoint operation guides, box cutters were classified as restricted items, which could be kept off an aircraft if identified. What was the status of box cutters within the aviation system as a whole, and certainly in Boston, where those checkpoints were?

MR. MINETA: The FAA regulation referred to blades of four inches or greater as prohibited items. And so a box cutter was really less than four inches. Now, on the other hand, the airline industry had a guideline. And in that guideline, they did prohibit box cutters, as it was in that guideline. But in the FAA regulations, that was not the case. All they referred to was the length of the blade, and that was four inches. And so under the FAA regulations, box cutters would have been okay on an airplane.

MR. HAMILTON: Mr. Secretary, we're very pleased to have you here this morning. I understand your time is short and you'll only be able to spend a few minutes with us. We're grateful for the time that you're able to make available. It might very well be that we'll have some questions that we would want to submit to you in writing subsequently.

MR. MINETA: And I will submit those to the Commission in writing.

MR. HAMILTON: We thank you for that. I wanted to focus just a moment on the Presidential Emergency Operating Center. You were there for a good part of the day. I think you were there with the vice president. And when you had that order given, I think it was by the president, that authorized the shooting down of commercial aircraft that were suspected to be controlled by terrorists, were you there when that order was given?

MR. MINETA: No, I was not. I was made aware of it during the time that the airplane coming into the Pentagon. There was a young man who had come in and said to the vice president, "The plane is 50 miles out. The plane is 30 miles out." And when it got down to, "The plane is 10 miles out," the young man also said to the vice president, "Do the orders still stand?" And the vice president turned and whipped his neck around and said, "Of course the orders still stand. Have you heard anything to the contrary?" Well, at the time I didn't know what all that meant. And --

MR. HAMILTON: The flight you're referring to is the --

MR. MINETA: The flight that came into the Pentagon.

MR. HAMILTON: The Pentagon, yeah.

MR. MINETA: And so I was not aware that that discussion had already taken place. But in listening to the conversation between the young man and the vice president, then at the time I didn't really recognize the significance of that.

And then later I heard of the fact that the airplanes had been scrambled from Langley to come up to DC, but those planes were still about 10 minutes away. And so then, at the time we heard about the airplane that went into Pennsylvania, then I thought, "Oh, my God, did we shoot it down?" And then we had to, with the vice president, go through the Pentagon to check that out.

MR. HAMILTON: Let me see if I understand. The plane that was headed toward the Pentagon and was some miles away, there was an order to shoot that plane down.

MR. MINETA: Well, I don't know that specifically, but I do know that the airplanes were scrambled from Langley or from Norfolk, the Norfolk area. But I did not know about the orders specifically other than listening to that other conversation.

MR. HAMILTON: But there very clearly was an order to shoot commercial aircraft down.

MR. MINETA: Subsequently I found that out.

MR. HAMILTON: With respect to Flight 93, what type of information were you and the vice president receiving about that flight?

MR. MINETA: The only information we had at that point was when it crashed.

MR. HAMILTON: I see. You didn't know beforehand about that airplane.

MR. MINETA: I did not.

MR. HAMILTON: And so there was no specific order there to shoot that plane down.

MR. MINETA: No, sir.

MR. HAMILTON: But there were military planes in the air in position to shoot down commercial aircraft.

MR. MINETA: That's right. The planes had been scrambled, I believe, from Otis at that point.

MR. HAMILTON: Could you help me understand a little the division of responsibility between the FAA and NORAD on that morning?

MR. MINETA: Well, FAA is in touch with NORAD. And when the first flight from Boston had gone out of communications with the air traffic controllers, the air traffic controller then notified, I believe, Otis Air Force Base about the air traffic controller not being able to raise that American Airlines flight.

MR. HAMILTON: A final question and then we'll let other commissioners ask a question. And this is kind of a broad, sweeping one. What worries you most about transportation safety today? What are the most vulnerable points, do you think, in our transportation system today? A lot of steps have been taken, obviously, to improve security, a lot of progress made. What would be towards the top of your list? Or would there be two or three items that worry you the most?

MR. MINETA: I would say today the most vulnerable would be the maritime ports. With

the number of containers coming into this country, we really don't have a good handle on what's in those containers. And to me that is one that we still haven't really been able to put our hands on.

I know that the Transportation Security Agency is looking and working on that matter diligently. But with the number of containers that come off of ships every day, something like 16 million a year, it's a formidable task.

MR. HAMILTON: Mr. Chairman, thank you very much. I understand the secretary's time is very tight now.

MR. KEAN: I have one final question and then we'll go to Commissioner Roemer. Is there one recommendation that you know of that's pending now, either in the administration or in the Congress or other, that you believe would be most important to making the traveling public feel safer?

MR. MINETA: I suppose, in terms of aviation, I think that we are probably as confident about the security relating to aviation issues today in terms of where we were before the 11th of September and improvements that were made subsequent to the 11th of September and in terms of each month, each day it gets better.

But, again, I would go back to my maritime containers as still the most vulnerable and the one that really needs the funding to get to the bottom of that issue.

MR. KEAN: Thank you, Mr. Secretary. Commissioner Roemer.

MR. ROEMER: Nice to see you, Mr. Secretary, and nice to see you feeling better and getting around as well, too.

I want to follow up on what happened in the Presidential Emergency Operations Center and try to understand that day a little bit better.

You said, if I understood you correctly, that you were not in the room; you were obviously coming from the Department of Transportation, where you had been busy in a meeting in official business, but you had not been in the room when the decision was made -- to what you inferred was a decision made to attempt to shoot down Flight 77 before it crashed into the Pentagon. Is that correct?

MR. MINETA: I didn't know about the order to shoot down. I arrived at the PEOC at about 9:20 a.m. And the president was in Florida, and I believe he was on his way to Louisiana at that point when the conversation that went on between the vice president and the president and the staff that the president had with him.

MR. ROEMER: So when you arrived at 9:20, how much longer was it before you overheard the conversation between the young man and the vice president saying, "Does the order still stand?"

MR. MINETA: Probably about five or six minutes.

MR. ROEMER: So about 9:25 or 9:26. And your inference was that the vice president snapped his head around and said, "Yes, the order still stands." Why did you infer that that was a shoot-down?

MR. MINETA: Just by the nature of all the events going on that day, the scrambling of the aircraft and, I don't know; I guess, just being in the military, you do start thinking about it, an intuitive reaction to certain statements being made.

MR. ROEMER: Who was the young man with the vice president?

MR. MINETA: Frankly, I don't recall.

MR. ROEMER: And was there another line of communication between the vice president --

and you said you saw Mr. Richard Clark on the way in. Was Clark running an operations center as well on that day?

MR. MINETA: Dick was in the Situation Room.

MR. ROEMER: So there was the Situation Room making decisions about what was going to happen on shootdowns --

MR. MINETA: I don't believe they were --

MR. ROEMER: -- as well as the PEOC?

MR. MINETA: I don't believe they were making any decisions. I think they were more information-gathering from various agencies.

MR. ROEMER: Could it have been in the Situation Room where somebody in the Situation Room recommended the shoot-down and the vice president agreed to that?

MR. MINETA: Commissioner Roemer, I would assume that a decision of that nature would have had to be made at a much higher level than the people who were in the Situation Room.

MR. ROEMER: So take me through that. The Situation Room is monitoring the daily minute-by-minute events and they find out that Flight 77 is headed to the Pentagon. Somebody's got to be getting that information. The Situation Room is then communicating with the PEOC and saying, "We've got another flight that's on its way toward the Pentagon. Here are the options." Then the vice president talks to the president and says, "Here are the options; we have a shoot-down recommendation. Do you agree, Mr. President?" Is that what happens?

MR. MINETA: Again, that would be speculation on my part as to what was happening on that day, so I just wouldn't be able to really answer that -- on that inquiry.

MR. ROEMER: I know, because you had been conducting official business, and I'm sure you were hurriedly on your way over there.

MR. MINETA: As I was listening --

MR. ROEMER: I'm just trying to figure out how the Situation Room, which was gathering the minute-by-minute evidence and information and talking probably to a host of different people, and how they're interacting with the PEOC and then how the PEOC is interacting with the president, who is at that point on Air Force One, how a decision is made to shoot down a commercial airliner.

And then would you say -- let's say we're trying to put that part of the puzzle together. Then would your inference be that they scrambled the jets to shoot down the commercial airliner, it failed, and the commercial airliner therefore crashed into the Pentagon, the jets were not able to get there in time to succeed in a mission that they'd been tasked to do?

MR. MINETA: I'm not sure that the aircraft that were scrambled to come up to the DC area from Norfolk were under orders to shoot the airplane down. As I said, I just --

MR. ROEMER: But it was an inference on your part.

MR. MINETA: It was an inference, without a doubt. And that's why, in thinking about the United plane that went down in Pennsylvania, the question that arose in my mind --

MR. ROEMER: Right away was "Was that shot down?" And did you ever get an answer to that?

MR. MINETA: Yes, sir. The vice president and I talked about that. We then made the inquiry of the Department of Defense. They then got back to us saying, "No, it was not our aircraft."

MR. ROEMER: No shots were fired and no effort was made to shoot that down.

MR. MINETA: That's correct.

MR. KEAN: I'm going to go to another questioner.

MR. ROEMER: Thank you.

MR. KEAN: The secretary's time is limited. Commissioner Lehman.

MR. LEHMAN: Mr. Secretary, I have one question, and that is, we had testimony yesterday that there were many intelligence reports leading up to 9/11 and actual plots uncovered to use aircraft as missiles.

Do you feel that the system set up to provide to you as secretary of Transportation the latest intelligence bearing on your responsibilities, such as that subject, was adequate before 9/11? If not, have measures been taken to see that you are provided with the best possible product on a daily basis as to threats to the broad range of transportation assets under your purview? Could you comment on before and after?

MR. MINETA: Well, I do get a daily briefing, intelligence briefing. And I did during that time period, prior to the 11th of September and subsequent to the 11th of September. And there's no doubt that the nature of the intelligence data has improved.

And so -- but again, there was nothing in those intelligence reports that would have been specific to anything that happened on the 11th of September. There was nothing in the preceding time period about aircraft being used as a weapon or of any other terrorist types of activities of that nature. And so -- but I do get briefings, and I think that since the 11th of September, 2001, the nature of the briefings have improved.

MR. LEHMAN: Just to follow up, Mr. Secretary, given the fact that there were, in the preceding couple of years, about half a dozen novels and movies about hijackings being used as weapons and the fact that there were reports floating around in the intelligence community, did you personally think that that was a possibility, that it could have happened? Or when it happened, did it just take you totally by surprise? Because yesterday we had testimony from the former FAA administrator that, in effect, it never entered her mind.

MR. MINETA: Well, I would have to, again, say that I had no thought of the airplane being used as a weapon. I think our concentration was more on hijackings. And most of the hijackings, as they occur in an overseas setting, or the hijacking, if it were to be a domestic one, was for the person to take over the aircraft, to have that aircraft transport them to some other place. But I don't think we ever thought of an airplane being used as a missile.

MR. LEHMAN: Given that there was so much intelligence, not a specific plot, but of the possibility and the fact that some terrorists had, in fact, started planning, wouldn't you view it as a failure of our intelligence community not to tell the secretary of Transportation that there was such a conceivable threat that the people like the Coast Guard and FAA should be thinking about?

MR. MINETA: We had no information of that nature at all. And as to whether that was a failure of the intelligence agencies, I think it would have been just even for them hard to imagine.

MR. KEAN: Thank you. We recognize your time constraints. We have two more commissioners --

MR. MINETA: Absolutely.

MR. KEAN: -- who have questions.
Commissioner Gorelick and then
Commissioner Fielding.

MS. GORELICK: Secretary Mineta, again,
thank you for being here. We all know that in
the spring and summer of 2001, the
intelligence community was putting out
reports of a, I would say, near-frantic level
suggesting that we were expecting there to be
some type of terrorist attack somewhere in
the world -- we didn't know where, we didn't
know the modality, but a very high level of
concern.

My first question to you -- and I'll just give
them to you all at once, is, one, were you
called to any meeting or summoned at a
Cabinet level, or was there any sort of cross-
functional group put together across the
government to say, What can we do as a
government to respond to this very
heightened level of intelligence warning that
we are getting generally?

Second, even though in response to
Commissioner Lehman's questions you have
indicated that this particular modality of
attack was not made known to you clearly,
hijackings and use of aircraft, bombings,
bombs on aircraft, were a favorite tool, if you
will, of terrorists. Did you yourself do anything
within the agencies under your control to seek
out mechanisms for being on alert and for
heightening our security in this period of
reporting? What did you know, what was
anyone telling you, and what did you do in
response?

MR. MINETA: First of all, on the first question
I would say, no, that we had no meetings of
an interagency nature given the nature of
intelligence that you're describing. I think
most of the response at that time was to what
you might call the chatter, because the
chatter is really just increased communication
between people, but nothing specific as to the

nature of the kind of attack that might be coming. We're at orange level now, and what prompted that was again increased chatter. But it wasn't anything specific about the nature of what the threat might be.

MS. GORELICK: Well, let me just contrast perhaps the chatter, the same kind of chatter level right in advance of the millennium. As I understand it, that information was widely disseminated in the government. There were Cabinet-level and sub-Cabinet-level meetings, and each agency essentially searched to do what they could to harden our country against attacks. Now, clearly when you don't know where the attack is coming from or what mode will be used, it's difficult. But what I am asking essentially is: Did this higher level of chatter, the what I believe to be a frantic quality to the intelligence warnings, result in any action across the government, and particularly in the area of transportation? I take it your answer to that is no?

MR. MINETA: That's correct.

MR. KEAN: Commissioner Fielding.

MR. FIELDING: Mr. Chairman, I would like further explanation of the division of responsibility between the FAA and NORAD on the morning of 9/11, because there seems to be some confusion about that. I'd like the secretary's views, but I'd be very happy in respect to his time to submit that in writing to him.

MR. MINETA: All right, I'll submit that in writing.

MR. KEAN: Mr. Secretary, thank you very much.

MR. MINETA: Very well. Thank you very much to the Commission.

MR. HAMILTON: Mr. Chairman?