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9/11 COMMISSION RELEASES INTERIM REPORT
TRANSCRIPT OF PRESS BRIEFING WITH
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WOODROW WILSON CENTER, WASHINGTON, D.C.

MR. KEAN: Good afternoon. The National Commission on Terrorist Attacks Upon the United States continues to work, and we intend to report to the nation no later than our statutory deadline of May 27th, 2004.

We will speak this afternoon about our access to documents, what we have done and what we plan to do. We will outline some of our investigative and policy questions that we now have pending before us. We first turn to the issues that we left open at the time of our July 8th report: Are we getting access to documents that we need in order to complete our job in the time allocated to us by law?

First of all, since the July report, executive branch agencies have significantly improved their performance in responding to our document requests. There are still pending requests, and many documents have yet to be produced. Key agencies have assigned additional people to produce documents. Agencies initially slow in responding, including the Department of Defense, have worked very hard to help our commission.

While there have been some unnecessary delays, we now have over 10,000 documents in hand and have access to documents in the Executive Branch numbering more than 2 million pages. This is already more than four times what was provided to the congressional joint inquiry. The flow of documents to us continues.

Production seems to be nearing completion in the critical area of high-level agency records and policy deliberations, if all current commitments are met.

The executive branch agencies have agreed to produce these records. Some have been slow. We've received many of these documents only recently. We have been assured that the remainder will be made available to us in the next two weeks. If they are not, we will not hesitate to inform the public.

The commission has obtained access to many of the key White House and National Security Council documents we have sought from this administration and from its predecessor. The access we already have is on a unique breadth and scale. Pending requests seek additional sensitive documents. We have been conducting extensive negotiations so that the commission gets the additional information that we need. Although we have received certain assurances, we are still negotiating with the White House. And again, we will inform the public very promptly if we do not receive the access that we need to do our job.

The CIA and the Department of State, Defense, Justice and Homeland Security have generally been responsive to the Commission requests. In many cases, this has required some extraordinary efforts, and we appreciate those efforts. In the case of some particular requests, agencies have been unable to locate any responsive documents, or only a few, while we honestly would have expected them to have more. In all cases, we will obtain certifications by senior responsible officials as to the completeness of their production.

The FBI has provided the largest amount of material to the Commission. It also has the largest number of documents relevant to our work. We have needed to create very unusual working arrangements to facilitate the commission's access to the remaining FBI information that we need to receive. The bureau has agreed to these procedures, and from the top, has expressed a very firm commitment to make these procedures work.

There are many more agencies we could mention in the public sector, including at the regional and the local level. We've also been obtaining documents from some private firms. Again, in general, these agencies and firms have been responsive to our requests.

Many ask what we have done. We have just passed the second anniversary of the attacks, and I recognize, and we recognize as a commission, that no one has waited for the answers longer than the families of the victims. We thank them for their patience, and we thank them for the support that they have given the commission. We are working to earn their patience. And let's talk for a moment about what we've been doing.

We and our staff of 65, and two offices in Washington and one in New York City, have been evaluating the mountain of documents in our possession. We have received 87 briefings from agency officials. We have conducted more than 200 interviews of individual witnesses. We have heard from 58 policy and fact witnesses in our public hearings. These interviews are not just in Washington. We are going to FBI field offices, military bases, airports, air traffic control facilities, and immigration checkpoints, and interviewing first responders from across the country.

Lee?

MR. HAMILTON: What we plan to do. Our public hearings will continue, although we will defer the factual hearings in order to permit the staff work necessary for those hearings to be fruitful. Instead, we will focus the remainder of our hearings in this calendar year on important policy issues.

In October, we will explore questions of organization and leadership: Should we restructure the intelligence community and create a director of national intelligence? Should we change the way we prepare and issue warnings of terrorist attacks?

In November, we will hear testimony on best practices for emergency preparedness.

In December, we will examine reforms by the FBI, and whether we need a new agency to gather intelligence in the United States, what some have called an American version of Britain's MI5. We will look at whether our nation is striking the right balance of security and liberty.

Based on what we learn in our document review and classified interviews, we will begin a series of public hearings on factual issues in January, with the principal figures of the Bush and Clinton administrations. We will hear testimony, including from Cabinet-level officials, on how they did their jobs in the run-up to the 9/11 attacks, and in the case of current officials, how they see their jobs today. We will hold a hearing in January on the immediate response to the hijackings by those responsible for our air security system and by our nation's leaders.

We will hold a two-day hearing, at the end of January, on border and transportation security issues.

We will look at watch lists, visas and foreign visitors, immigration law enforcement and aviation security.

We will hold a three-day hearing in February on law enforcement and intelligence collection inside the United States. We will hear from the Justice Department, the FBI, Homeland Security and state and local officials.

Later in February, we will hold two more days of hearings on terrorist safe havens and permissive environments then and now, and we will look at broader issues of international cooperation.

In March, we will hold four days of hearings. We will hear from senior officials then and now -- Defense, CIA, the State Department, Treasury and the National Security Council staff.

In April, we will hold hearings telling the story, as authoritatively as we can, of the 9/11 plot and what happened on that day. We will look at emergency response at the local and national level.

Taken together, our plan is for 14 days of hearings between January and April. We will hear from some 55 senior officials, past and present. At the end of May, we will release a report to the nation. We will want it to be as widely available as possible. That public report will be backed by a number of volumes of detailed monographs.

As we get access to so much information, many are anxious to hear what we have learned. We understand their impatience, yet we are engaged in what may be the largest investigation of the United States' government actions and policies in American history. Waiting for the right answers is better than rushing to judgment with the wrong ones.

The questions we must begin -- must answer begin with the past. We are developing a full depiction of the conspiracy to attack this country; how the plotters analyzed our weaknesses, the strategies they developed, the actions they took and those who helped them. We must understand the enemy that chose war against America. We are seeking to understand militant forces within the Islamic world and the religious, governmental and financial institutions and ideologies that support them.

We are evaluating the events and policies that may have contributed to the development of this threat.

We are considering how we collected and analyzed foreign intelligence. The CIA was created, in part, to avoid another Pearl Harbor. Generations of experts worked on better ways to warn against surprise attacks. We are exploring how or whether those methods were employed to warn against this one.

We are also exploring the way intelligence efforts were conducted within the United States and how well our foreign and domestic agencies combined their efforts against a transnational enemy.

We are analyzing the policies our leaders crafted to combat terrorism and prevent such a devastating attack, what actions were chosen or readied with

the tools of diplomacy, military power or more secret means, whether against terrorist sanctuaries or terrorist finance.

We are assessing how America's other defenses performed as well, looking at how terrorists penetrated our borders and how they boarded and seized four commercial airliners. We are reconstructing the events of September 11 minute by minute, so that we can see the strength and weaknesses in the way the air traffic control system, our air defenses, the national command authorities, and local emergency responders understood and responded to the attack.

In addition to describing the facts and circumstances surrounding the attack, our report will emphasize the most important policy recommendations. We want recommendations that can be implemented, work in the real world and make a difference, and we will not go away the day after we release our report. We will work hard to explain our recommendations and win support for them.

We do not bring our recommendations before you today. That work remains to be done. However, we are clear about some of the central policy questions we will need to address:

Is the intelligence community organized properly to carry out the War on Terrorism? Does the director of Central Intelligence need greater authority over agencies and resources?

Is our military properly organized to defend us at home, as well as defeat our enemies abroad? Do we have a government-wide unified strategy for counterterrorism, with the best balance of diplomacy, law enforcement, financial measures, military action, covert action and public diplomacy?

Are we meeting the challenge today, and are we postured well for the future? What are the best methods of identifying, tracking and disrupting terrorist funding? And how effective have we been in getting cooperation from key foreign governments? Which reforms in our immigration and border system since September 11 have made Americans more secure? And which hold the most promise for the future? Has the FBI carried out enough reform and the right reforms? Or do we need a new domestic intelligence agency? Do we have the proper policies, resource levels, and risk management priorities to protect our aviation and other transportation systems? What measures have been taken to improve agency cooperation across federal, state and local levels? How effective are they? And what more needs to be done to respond to future attacks?

We certainly will take up additional questions as our work progresses. But we know that these key policy questions are before us.

The commission is not choosing between examining the past or the future: we are doing both. We are looking backward in order to look forward. We will try to learn how and why America was attacked so that we can suggest ways to keep such a tragedy from happening again. You have our dedication to that effort.

Thank you for your time and your attention. Governor Kean and I will be pleased to respond to your questions.

MR. KEAN: Yes, sir.

Q Scott Paltrow, from the Wall Street Journal. Has any decision been made yet, whether former President Clinton and President Bush will testify or be questioned in any manner?

MR. KEAN: No. We've sort of -- what's the right word to use? It's been a bottom-up procedure. We have been issuing -- we have been talking with a number of people who -- on levels that aren't quite as exalted. We are going to make that decision as time goes on. We plan to talk to everybody who has information to offer.

Q Tom Frank from Newsday. Are you going to hold anyone accountable in your report?

MR. KEAN: We're going to write, to the best of our ability, the real history of what happened on that day and answer a number of the questions that many people still have and need answers. And in the process, yes, some people will be held accountable for their actions.

Q In your first report -- I just wanted to follow up with one thing -- you mentioned that you didn't have enough information at the time to judge the cooperation of agencies such as the New York City and the Port Authority. There's nothing in this report. Can you talk about how cooperative they've been?

MR. KEAN: So far -- I was in our New York office this week talking to our task force. So far, so good, but we're not there yet, and we may have either more of that kind of answer or a different answer, if you talk to me in another month.

Bob?

Q Yeah, Bob Braun from the Star-Ledger. You mention in the report that there are -- "we have needed to create very unusual working arrangements to facilitate the Commission's access." Would you care to describe what that means -- "needed to create very unusual working arrangements." For instance?

MR. KEAN: You mean in access to documents? Yeah, it means -- it means there are certain conditions and certain things that are put to us as to how we're going to -- how we're going to have, or have access to a number of the documents that are available to us. Some of those are under negotiation, but we've never been denied access to any particular documents. But some of the --

Q But when you say --

MR. KEAN: Some of the -- some of the conditions that have been required, we objected to, and some, therefore, have been changed after our objections. But it's an ongoing process.

MR. HAMILTON: I think your question relates to a sentence we have in the report on the FBI. And the FBI is the agency that really has a huge volume of information we're interested in. They have been cooperative on much of it. But we have in place some unusual arrangements to facilitate the transfer of information. I don't think we should go into any more detail than that on that. But it's proceeding, as the chairman indicated, so far, so good.

Q Michelle Mittelstadt, Dallas Morning News. Some of the families seem a bit concerned about the depth and the pace of the investigation, and have

asked for an interim status report, such as the Joint Congressional Inquiry did. Why not do that as you're in process to show where your investigation is?

MR. KEAN: This is an interim report.

Q Well, about your findings.

MR. KEAN: Oh, the -- if we have a finding that we feel we should release immediately because it will make the American people safer, or answer a very important question, we may well do that -- in fact, will do it, if it's going to make the American people safer.

But we have over 400,000 pages of documents that we're going through right now. We really do not want to issue -- (chuckling) -- any findings until we're sure we have all the facts at our fingertips and until we've questioned, frankly, a lot of the people who we think are going to supply some of the answers, because the worst thing we could do is come here and tell you something and then come back three months later and say, "Whoops! We've learned some more information, and this isn't quite accurate."

MR. HAMILTON: I think it's important for us to say that we fully understand the impatience of not just the families but a lot of Americans on wanting to know our conclusions. In many ways, we share that impatience, and we would like to be able to move even more quickly than we are.

But we have an enormous volume of documents. I mean, it's amazing to see these documents come in, box after box after box load of documents coming in. And we are very careful at this point not to make judgments without being sure that we have the access we need to all the documents that we think we need. And we think we would do a disservice if we began firing off recommendations here before we had examined the record completely.

But the impatience that many, many people feel in this country is very understandable.

Q You mentioned that you've been to some military --

STAFF: Wait for the mike, please.

STAFF: And please identify your affiliation, sir.

Q I'm Brian Blomquist with the New York Post. You said that you'd been to some military bases to do some interviews. Can you tell us more about that? Which ones? How many? I assume you were there to interview some detainees. Which detainees? Or can you at least tell us how many? And have you learned anything that tells a different story than what you believe from those interviews?

MR. KEAN: I don't think it's a good idea, frankly, to go into those kind of details right now. We have seen a lot of sensitive information, we're learning a tremendous amount, and we're going where we have to go to find that information. But it is so far incomplete, and we'd probably be -- I think it would not be a service right now to get into that kind of detail.

Q Yes, Governor Kean. Wayne Madsen with Intelligence Online. The FBI the other day announced that it was satisfied that there was nothing unusual about some stock transactions prior to 9/11.

Are you satisfied with that, or are you planning to continue your investigation of the financial -- possible financial irregularities prior to 9/11? And also, as a result of the take-down of a missile smuggling ring in New York a few weeks back, are you going to look at possible terrorist financing and money laundering, especially that which seemed to involve the diamond business -- international diamond business?

MR. KEAN: I don't know about that particular area, but our staff is going to go wherever the trail leads us. And we will follow -- we have not yet come to a conclusion on possible financial transactions. That's still open as far as we're concerned. And as I say, we're going to follow this trail, and we're going to hopefully issue a report which is going to be satisfactory and lead that trail -- follow that trail to its proper conclusion.

MR. HAMILTON: We're mandated by our statute base to look into the terrorist financing problem. We have a task force established for that purpose. It's been very active. So, we will be reporting that in full. We don't necessarily agree with your premise that there were financial irregularities. I think we have to wait and see what the evidence is.

Q Thank you. Marie Cocco with Newsday. The joint congressional committee, in its report, had an appendix chapter describing what it was not allowed to access. Among the items that that appendix described is that they were not allowed to interview the current National Security Adviser; they were not allowed to obtain plans that apparently were drawn up in the 1990s concerning military action against Afghanistan. They were not allowed to see the famous August 6th briefing that the president received. Do your areas of current negotiation overlap with the areas in the joint committee's appendix?

MR. KEAN: We will be very disappointed if we have to have such an appendix. (Chuckles.) At this point, we have been refused nothing. We have not got everything we need as yet. We're in negotiation to get what we need to do our job. And as I say, we're following those trails. And we will -- if we are refused anything that we consider essential to do our job, we're not going to wait for any appendix. You will know about that ahead of time.

MR. HAMILTON: Governor, I think we should add to that that we -- all of us on the commission believe that the joint inquiry did very good work. And again, under our mandate, we're required to begin where they left off. And we are doing that. We do believe that we have access to certain information they have not -- they did not have access to.

And, of course, we're putting our foot here into a moving stream. A lot of things have happened since the Joint Inquiry met, and they had a specific cut-off date. We have a cut-off date much later. And the other thing, of course, that is important to recognize is that our mandate is much, much broader than the mandate of the Joint Inquiry. The Joint Inquiry was really confined to intelligence matters. We think they did a very good job on that. Our mandate certainly includes intelligence, but goes beyond that to aviation safety, and financing, and border security, and many, many other things.

Q Dan Friedman with Hearst Newspapers. In the report, you talk about that you have gotten access to key White House and National Security (Council) documents. But further on, you say you've received assurances from the White House; you're still negotiating, however. Can you talk a little bit

about what the back and forth is between yourselves and the White House? Have you gotten the easy stuff, and the harder stuff is now under negotiation?

MR. KEAN: No, I can say we've gotten some stuff that we -- people have considered very hard; in fact, some stuff that the Congress didn't get. But we have not got everything, we've not got everything that we feel we need to do our job. And that's why the negotiations are continuing. And these are not easy negotiations for either side at all times, but we expect to get everything we need to do our job. And we have had assurances from the White House that if we show the real need of a document to do our job, that that document will be made available to the commission.

Q Just to follow up on that, you've said several times that you're having no problem -- or that you intend to get access to everything you want. What about conditions being imposed on the use of that material, and is there any -- are there conditions which may prevent you from disclosing those documents or what you've learned from them?

MR. KEAN: What my understanding is -- and again, remember, I'm the guy on the commission who doesn't come from this town, so somebody else -- my colleague may correct me.

But my understanding is every time you have a use of documents that are classified -- and we, of course, have thousands of documents now that we're seeing that are classified -- that when you write your report, the agency has the right to look over that report and say if there's anything in it that jeopardizes national security, that it should come out. Then you have, presumably, hopefully, a negotiation on that subject. But that's where the -- that's where the check is. Not at this point, but at the end of the day when we put these -- put something in our report.

And correct me if I'm wrong, Mr. Raymond -- you're the expert in this area, right?

MR. HAMILTON: No, I think you've stated it very well.

We've received a lot of information from the White House. And we have received very sensitive information from the White House. And there's still some information they have that we're negotiating with them about. These negotiations have been carried on in a very congenial environment -- atmosphere. And both parties are cognizant of their respective obligations. And we have had, as the report states, assurances that we are encouraged by.

As the report also states, we spent a long time on negotiating, on access. And we have laid down a marker here in which we indicate that we need this information in two weeks' time. So we are approaching a crunch point, I believe.

Now, all of this has to be put in this perspective, and that is that we have received, as the Governor and I have both said, massive amounts of information, and the amount of negotiating relates to a relative handful of documents. But they are important and sensitive documents.

MR. KEAN: Go ahead.

Q Yeah. Mike Isikoff from Newsweek. Just following up on that point, do you have any procedure for declassifying a lot of this material, given

you're going to be -- you're getting all this sensitive stuff, but the agencies are going to have a veto power over you being able to use it.

MR. HAMILTON: We have no power to declassify. The declassification power, as I'm sure you know, resides with the president. There is a very involved procedure in the Congress, that's in statute today, that permits the Congress to declassify. But to my recollection, at least, they've never done it. I don't recall ever the Congress declassifying anything. The procedure to do that is quite involved.

So, the commission will not make judgments and is not empowered to make judgments with regard to the classification of information. Only -- as a practical matter, only the president makes that decision.

MR. KEAN: Yeah, I will say this, though, that I think every member of the Commission really desires to write a report which is readable by every member of the American public. And we'll come to some conclusions, perhaps based on some classified documents which may have to stay classified, and maybe in some appendix somewhere that is classified. But that's not going to stop us from learning from them, and it's not going to stop us from drawing conclusions from them. And -- but our attempt is not to have a report where parts are blacked out, it's to have a report that's very readable by every American who will understand what we're saying and understand our conclusions.

Q Governor, Phil Shenon with the New York Times. In October, you're holding hearings on whether or not the United States should restructure the intelligence community and whether there should be a director of national intelligence. In December, you're going to consider whether or not the United States needs an MI5. Is there anything surprising about how directly you've stated these possibilities? And does it occur to you that you probably will recommend some fundamental restructuring of the intelligence or law enforcement communities?

MR. KEAN: We will, without question, be making recommendations in that area. And we've tried to state very boldly the questions that are out there in this town and elsewhere around the country. And we are, by statute and by mandate, asked to look at those questions. Our recommendations, obviously, will come in those areas when we've done our work, and it's too early to say what they'll be. But yes, we will be making recommendations in those areas.

You haven't asked a question yet.

Q Thank you, sir. Craig Miller with the Los Angeles Times. Can you give us an update on your access to witnesses, and specifically on the conditions of that access? You had some concern at the last interim report that you were required to see witnesses with minders present at certain agencies.

MR. KEAN: Still got minders, still don't like them. (Laughs; laughter.)

But I'll say this, having said that, to be fair. Talking to staff, what they have told me is that as they've done these interviews, that the interviewees are encouragingly frank; that they by and large have not seemed to be intimidated in any way in their answers. In fact, it's the opposite in some cases. So, that's very, very encouraging. Do I wish we didn't have minders? I do. But I'm glad to hear that it's -- from the staff that they don't feel it's inhibiting the process of the interviews.

MR. HAMILTON: First of all, it's very difficult to make a judgment in a particular briefing or question-and-answer session as to whether or not the witness feels intimidated. That's not an easy judgment to make in most cases.

Secondly, it is our feeling that thus far, the minders have not been an impediment, in almost all cases. We've interviewed more than 200 individuals to date. We've also had 87 briefings by government officials, whom we have questioned. And I think there may have been one or two instances where the question has arisen. As the Governor has indicated, we would prefer no minders. But neither are we aware at this point that the presence of a minder has substantially impeded our inquiry. And nor have we run into a situation where we think a witness has refrained from speaking their minds.

Now, let me go back to my first point, and that is these are not easy judgments to make.

Q Terry Kivlan, Newhouse. Getting back to the information-gathering part of the program, have you asked for and received the transcripts - - any of the transcripts of the classified White House intelligence briefings, such as the one that Bush received on August 6th of 2001?

MR. KEAN: We received a number of very highly-sensitive documents in that area. I think we won't go into which ones at the moment, but we -- as I say, we have not been refused any documents. We are still in negotiation for the amount of access and the way in which we're going to see some of the documents. But as I say, we do not (have) that section of the congressional report yet. So far, there's nothing in it -- (chuckles) -- because we have not been denied access to anything.

If we are -- as I say, if we are denied access to documents you mentioned or any other, you will know about it. You will know about it ahead of time, because we'll say that is impeding us in our work, and we'll let the families and the public know that.

Q Also, do you plan to hold any of these hearings in New York City or New Jersey or the metro area?

MR. KEAN: We are going to have the November hearing in New Jersey, and in an area of the state where we have a tremendous number of families and at a place that -- where we have got permission from the president to be, a place called Drew University. And so we will be there in November.

It is my hope that we will hold a later hearing also in New York City, but we have not made that determination yet.

Q Governor, Mike Kelly, Bergen Record. I just wondered if I could follow up on the first question about your negotiations with the president -- President Bush and President Clinton, or your discussions within the Commission over this. Could you elaborate on where you're going with that and when you're going to make a decision on whether to invite Bush and Clinton to be interviewed and perhaps testify?

MR. KEAN: Probably down the line, when -- frankly, Mike, when we learn a lot more. I would suspect -- and I'm just guessing now -- that we probably wouldn't get into that question involving those two individuals probably till after the 1st of the year.

Yeah?

Q Governor, Danny Schechter, Globalvision. There have been a lot of suggestions in various articles in the press showing a historical relationship by agencies of our government and members of al Qaeda, the bin Laden family, bin Laden himself back in the '80s. Will you be exploring that historical record of covert activities and any associations between U.S. government agencies and people who are now considered terrorists?

MR. KEAN: We will be going back -- in fact, we have some very able people going back into the history of al Qaeda; in fact, even before it was called al Qaeda; in fact, to its origins in Egypt. And my suspicion is that as that bumps up against government entities or United States citizens in one way or another, that will be part of the story. But that's into -- under investigation now.

MR. HAMILTON: We do not accept the premise of your question. I think it simply depends on the facts as they unfold.

MR. KEAN: Yeah. Right.

Q Excuse me. I don't think they offered any premise. What I'm basically saying -- it's been widely reported in many books, articles, Newsweek, news magazines, et cetera, suggesting that there had been relationships.

And there are questions --

MR. HAMILTON: Sounds like it's --

Q -- about, for example, the bin Laden family.

MR. HAMILTON: Sounds like it's a premise to me.

Q And you get some of that -- well, I wasn't --

MR. HAMILTON: Sounds like -- sounds like a premise to me.

Q It's a question. It's a question that many people have.

MR. HAMILTON: A question based on a premise. (Laughter.)

Q Governor, Tim Burger at Time Magazine. Hoping to get a couple questions in, if I could.

MR. KEAN: Sure.

Q First, the Commission was going to be contacting foreign governments such as Saudi Arabia to ask them questions about the -- about 9/11. Have you made that outreach yet, and what kind of responsiveness do you seem to be getting?

MR. KEAN: We are going to be -- we are going to be reaching out. And it would be too early, really, to comment on that.

Q On that question of minders again, a couple of things. One, if you're really unhappy about it, how does it continue that you're sort of

allowing the interview process to happen with minders? And also, I'm wondering if minders have raised any objections to -- yet to any of the questions you've asked.

MR. KEAN: Well, firstly, that's how we get to interview people. I mean, if we -- if we -- if the condition is that we can interview somebody, but you can see this individual is very important to our investigation but there's somebody from the agency who has to be there, well, you got to accept that condition, or you may not do that interview. And we've -- we just -- we're not like a congressional committee; we don't have everlasting life. We really have a time limit. So we are interviewing people as fast as we can and getting as much information as we can. What I said earlier is that nobody has objected to the minders more than I have. But what I said is the happy thing from the staff is that no, this has not seemed to have inhibited them. In fact, the language, which I would not repeat here, that one of -- one of the interviewees expressed about his superiors, the minder must have gone back with an interesting story. (Laughter.) But -- so I -- that has not seemed to inhibit people. And I don't know as to any -- I don't know as to any cases, certainly not more than one or two, where the minder has objected to any line of questioning. I don't -- I don't -- I'm looking at the staff; I don't see any --

One -- one case? No? No cases. Okay.

Q Zero cases?

MR. HAMILTON: No. There were a couple of cases. In one case we asked that the minder be replaced, and he was.

Q Just one more think, if I could, on --

MR. KEAN: And -- and we have, also, if we have -- we have asked for this reservation, and we used it, and we will use it. If we have a very sensitive witness who we feel would really -- his testimony or her testimony would be really hurt by having the presence of a minder, we have told the agencies, and we have told the White House, in that case, we are going to request that that individual be seen without the presence of a minder. And we will do that.

Q Yeah, Governor, could I ask you and -- sorry. Shaun Waterman from United Press International. Could I ask you and Congressman Hamilton to reflect on a couple of elements of the experience of the congressional inquiry?

First of all, there was an extremely prolonged and, as Eleanor Hill put it, "vigorous" process of negotiation with all of the agencies involved about what could be declassified, with the Pentagon trying to keep stuff classified that was on their own website, for example. And secondly, the recommendations that they made, including several that relate to the questions you have said you'll be looking into, appear to have, well, sort of dried up and blown away, really.

MR. KEAN: Well, we hope that nothing is going to dry up and blow away out of our report. I'll say it again, as the non-Washingtonian here, probably only member of the commission who is looking for the first time at massive amounts of classified documents, I'm quite amazed at the fact that I've read so much of it in your various newspapers already. (Laughter.)

Having said that, we are going to do our best, as I say, to write a report that is clear, and concise, and factual, and has integrity, and can be read by every American. We're going to try and -- our conclusions cannot be classified, I don't believe. Some of the facts behind our conclusions, if they are -- and some agency says they're important to national security, maybe, and they may be in some classified appendix somewhere. But it's not going to affect our report and its conclusions, and it's not going to report (sic) the facts of 9/11. We don't expect any of that to be -- when we get that timeline, we get all of that, we don't expect any of that to be classified.

MR. HAMILTON: I think we should add, Governor, that you and I and the members of the commission are going to do our best to advocate the recommendations that we make. Now, all of us know that there are all kinds of commissions in this town; some work, some don't. My observation would be that the commissions that have been successful have been successful, number one, because of the membership of the commission and the quality of the commissioners; and secondly, the quality of the work that is done by the commission.

I think we have a commission, appointed by the president in the Chairman's case, and by the Congress in the rest of us -- the case of the rest of us, that is respected in this community and in this town. And we have yet to prove, of course, whether the work we do is competent. But we have reason to think that it will be. We also know that we will be addressing cutting-edge issues, as we've already identified for you.

Now, some of the recommendations we're bound to make will be controversial. And there will be heated discussions about them. I don't think they will be blown away. I hope they will not. No one can give you a guarantee at this point on that.

Your second -- your first question related to the prolonged negotiations between the joint inquiry and the administration. I know very little about that, except that what you say, I think, is correct. So, we're not able to make a judgment. I do feel personally that our path in getting access to materials has been made easier -- perhaps not easy, but easier -- because of the work done by the joint inquiry. And in many respects, they paved the way for us.

MR. KEAN: I'll say one thing that I'll never forget. One of the first meetings I had personally with a large group of members of families, somebody stood up and said, "You know, what we care about more than anything else is that your work lead to not only finding answers, but making sure that there are recommendations so that no other families are sitting where we're sitting today." I've always had that in the back of my mind, and my hope is that when we do come out with the recommendations, if they're recommendations that can be universally supported, that not only every member of the Commission -- we've talked about this -- all 10 of us going out individually and selling this report, but that we'll be joined by members of the families, who will go out also to try and sell our recommendations to make the American people safer. Because that's what it's, after all, all about.

Q I'm John Judge with 9/11 Citizens Watch. And Governor, you had been quoted in the press recently saying that there were many theories about 9/11, and that some of them were wrong. And I was interested to know which ones you thought were wrong and why in terms of what sort of premises in your own investigation you have sort of adopted.

MR. KEAN: Well, some of that -- that would all, obviously, come out in our report. There are, as you know as well as anybody else, 100 different theories involving the events of what happened on 9/11. What we're tracking down, based on our list of questions, really -- in many cases, it came from the families -- one by one, various -- as we've come down.

Some of them we found out are not accurate; some of them look to be accurate, and we're finding -- we're finding more information about them. But, again, we're still very much in the early stages of the investigation as far as the document and the interviews go. And rather than give a definite conclusion, I think, one of them right now, I'd rather save that for a little bit later.

Yes, sir.

Q Edward Felker with SNG Newspapers. What effect do you think the July 8th interim report had on the Administration's responsiveness to your requests and the criticisms that you had at that time?

MR. KEAN: Well, it may have been an accident. But -- (laughter) -- an awful lot of documents came in. (Laughs.) And, I mean -- to be honest, we -- when we -- we were very worried when we appeared before you before, because we had some task forces that didn't have enough documents to do their work. And they were saying if we don't get those documents, we're not going to be able to finish our work with integrity in the time that the Congress has given us. And that was very worrisome. We had shortly after that a genuine flood of documents. I mean, we're talking about 400,000 pages now of documents that we've received. The vast majority of those were received since we made that last report to you. So almost every -- I'll tell you, almost every agency of government has been more responsive. And as Lee and I said, I just don't think up to that point many of the agencies had recognized the enormity of our task and what they would have to go through to meet our requests on time. So they had assigned sort of one person to help us out occasionally. And that wasn't going to do it. Now we've got agencies with three or four people who are working to help us out. This has been enormously helpful. The White House has assigned people now full time to help us out, rather than -- rather than just part-time. All this, all this has been helpful.

So the answer is since our -- I hope that the last time we were -- our interim report, that it produced -- a lot of documents came in between now and then.

Yes, sir.

Q Jon Steinman, Bloomberg News. You made a point in the report that some agencies that you expected to have documents had none or very few documents. Which agencies are those, and what did you expect to find that didn't turn up? MR. KEAN: Well, what we're talking about is when we had documents and questions that pointed to, for instance, another document. And we'd say, "All right, where's that document?" And the agency would search its files and would come back and say, "We don't have such a document." And we'd say -- referred to it, or whatever, or we -- there certainly should have been a document in that area. And they went -- they'd go back again and say, "We can't find it." So that's the reason we've said in this report that we're going to ask agencies that that's not -- that we're not -- it's not going to end there. If the document or documents that we think ought to exist, and an agency says, "We can't find them," we're going to make every agency head or ask every -- to

certify that those documents then -- that they have produced every document that they have pertinent to our requests.

Q Well, are you worried about getting everything you need? Everyone in this room, including everyone you're talking to, knows you have a statutory deadline. How much credibility would one of those certifications have if they're -- (off mike)?

MR. KEAN: Excuse me? What -- how much -- well, what we can do -- I mean, this -- when an agency -- head of an agency says to us that a document doesn't exist, and they've been over the files three or four times, asking an agency head to sign a certification and swear that those documents don't exist is the best, really, we can do. I mean, I don't know any other way to do it. And if you've got some suggestions, let us know, because we'll -- we'd like them.

Yes?

Q Dan Eggen with The Washington Post. Governor, I was struck -- just a minute ago you mentioned -- you described this as being at the early stage of investigation. Yet there's what, seven, eight months before the final report is due. Is there -- I mean, do you still --

MR. KEAN: I should have said midway, because we're exactly halfway.

Q Okay.

MR. KEAN: I misspoke. (Chuckles.)

Q Well, regardless, obviously there's still a great deal to be done.

MR. KEAN: Yeah.

Q Is there any chance you won't complete this in time or maybe will not have a publicly releasable report by the May deadline, because of the classification battle concern?

MR. KEAN: We have every expectation of being able to do it on time, as long as the production of documents continue to our needs. I mean, if we're held up because we can't get a document that we think is essential to our report, then my answer can change. But as long as the flow of documents continue and are responsive to our requests, then we should be able to finish our document under the statutory deadline the Congress and the President have given us.

MR. HAMILTON: The key here is cooperation. If the cooperation is satisfactory, we'll be on course.

Q Thomas Donlan of Barron's Weekly. Congressman Hamilton, you spoke earlier of laying down a marker and that crunch time was two weeks away. Could you be a little more specific about what marker has been put down and in what way you are together bringing this -- bringing something to a crunch time?

MR. HAMILTON: Well, we say in the interim report, in one of the bullets on page 2, that we've been assured that the remainder of the documents

will be made available in the next two weeks. So we have that assurance, and we take that assurance seriously.

Now, that applies to -- that applies across the board. And I'm not going to try to identify particular documents that may be in question. But we're very serious about these next two weeks, and we do think that it is time to resolve the questions of access. We think they've largely been resolved, as we've indicated time and again, because of the amounts of material available to us. But there are still some of these questions that linger, and we want to see them cleared up and we want to see them cleared up very quickly.

Yeah?

Q Will you be back in two weeks to report on the success or failure?

MR. HAMILTON: We say in the interim report that we will not hesitate to inform the public. You ask if we'll be back precisely at the two-week level. I don't know that I can commit to that. But we will do what we say in the report; we will inform the public.

Q Can you say for sure whether you will be able to publicly answer the questions that the Joint Inquiry couldn't answer publicly about foreign financing of terrorism?

MR. KEAN: I wouldn't -- I've learned enough not to guarantee anything, but we're certainly going to do our damndest.

MR. HAMILTON: That's a very difficult area --

MR. KEAN: Yeah.

MR. HAMILTON: -- because you're not just dealing with financial records, which are always sensitive; anybody that controls financial records is pretty reluctant to give them up. But secondly, you're dealing here with institutions that are not American in many cases. So, tracing funds is an extremely difficult task. We'll do the very best we can.

Q Do you think that you'll run into the same obstacles that the Joint Inquiry ran into with regards to classification of this issue?

MR. HAMILTON: It's really too early to make a judgment about that. We've not run into any obstacles at this point. But the way the process will unfold is that we will draft a report, and then we will be required by law to provide that to the executive branch, and they will go through that report very carefully with regard to classification or declassification of information.

Q You say here on page two that you've interviewed first responders from across the country. I'm assuming those are folks not in the areas where the airplanes came down. Why across the country in that case?

MR. KEAN: This -- I gather this was really to get an idea what -- one of our mandates is to find out how -- one, how people responded on 9/11, and how people -- futuristically, how they would respond. So, we're looking not only at the airports involved in 9/11, but we're looking at airports across the country and how they would respond, were they to have a real problem. We're trying to learn about that.

Q In terms of access to witnesses or to information that you're unable to get, particularly with this crunch time that you're approaching here, will you consider using your subpoena powers, and if you've not -- have you used them yet, to date, and if so -- if not, why not?

MR. KEAN: We have not used them because we have not felt the need to use them. Subpoena powers -- again, I'm not a lawyer, but subpoena powers, I gather, bring all sorts of things into play, such as having people accompanied by their lawyers, getting the lawyers cleared in many cases. It's a whole different game when you get into subpoena. Witnesses are much more careful in what they say.

We felt at the moment, and staff has felt that we can get much better information and clearer information without the use of subpoena. But we recognize that as tool we have, and if that is the most useful way to get information out of a reluctant witness, we will not hesitate to use it. But we have not used it up to this point.

MR. HAMILTON: The Congress saw fit to give us the subpoena power. I think that was a very good judgment on the part of the Congress. The knowledge that we have the subpoena power has probably reduced our need to use it. So, it's important to have it in the authorizing legislation, but we have not, as the Governor said, needed to use it at this point. We will certainly use it, if we think we need to.

MR. KEAN: Tim, you had another point?

Q Thanks. In the last interim report, you mentioned that you have gotten access to detainee interview reports. Does the commission also plan to do its own interviews of any of the detainees? And have any of the detainees' defense attorneys -- I'm sorry. Have attorneys for people like Moussaoui tried to get any of the detainee reports from you?

MR. KEAN: We are working and have gotten access to information in that area. I think for legal and other reasons, to go into too much detail on it would probably be a mistake. But there's obviously information coming from the detainees that we are getting and that we need in order to make our report.

Q Governor, you mentioned at the last briefing that the Commission had worked without any partisan disagreements to that point in July. I'm wondering if that's still the case.

MR. KEAN: That is still the case, I'm proud to say. We've had -- we've had disagreements, I would say. (Chuckles.) But they have not been partisan in nature. And my hope is that we'll continue that from now until the end.

We really get across -- we really get along extraordinarily well with one another. Surprising. (Laughs.)

Yes?

STAFF: We have one final question.

MR. KEAN: All right.

Q Governor, could we go back again to the question of the documents you expected to find but didn't find? Were these important documents, and is there any concern on your part that they may have been, at the very least, misplaced or even destroyed?

MR. KEAN: Well, I don't think we have a concern that they've been destroyed. If they've been lost, we're still looking for some of them. I don't know whether our counsel and chief of staff are here, and -- (to staff) -- I don't know if you want to comment on it. But we're -- it's just -- it's whether the gap in information or something's referred to.

Q (Inaudible) -- important documents, though? Do they appear to be important documents?

MR. KEAN: (To staff.) Why don't you say.

MR. ZELIKOW: It's -- the basic problem is that we give document requests that are categorical. It says: Please provide any documents of a certain kind. And then, what happens is we get few or none in some cases, and then the agencies say -- in some cases, even to us, they say, "We're actually kind of surprised we didn't find more. And we're a little surprised we didn't find more." Sometimes, they are already looking again, because it puzzled them.

Different agencies have different staffing procedures and different record-keeping procedures. So, there are innocent explanations as to why people didn't write up things the way they should have or the way they ordinarily would have, according to the organization's routines. But in all those cases, we want to absolutely be sure that this just isn't the case of a sloppy search or a search that wasn't done with sufficient diligence, and that's why we're adopting the sworn certification requirement that we think makes agencies accountable for the completeness of what they provide.

Q And that will be signed by the agency head -- (inaudible)?

MR. KEAN: That will be signed by the agency head, correct.

Q (Off mike.)

MR. KEAN: They would sign -- yes. Yes. The responsible individual would sign for the agency.

MR. HAMILTON: Thank you very much.

MR. KEAN: Okay. Thank you all very much.

END.