

ELEVENTH PUBLIC HEARING OF THE NATIONAL COMMISSION ON TERRORIST
ATTACKS UPON THE UNITED STATES:
DAY TWO

CHAIRMAN: THOMAS H. KEAN

VICE CHAIRMAN: LEE H. HAMILTON

SUBJECT: EMERGENCY RESPONSE

WITNESSES:

STAFF STATEMENT NUMBER 14;

RUDOLPH W. GIULIANI, FORMER MAYOR, CITY OF NEW YORK;

PANEL IV:

DENNIS SMITH, AUTHOR, "REPORT FROM GROUND ZERO";

JEROME M. HAUER, FORMER DIRECTOR, NEW YORK CITY OFFICE OF
EMERGENCY MANAGEMENT;

EDWARD P. PLAUGHER, CHIEF, ARLINGTON COUNTY FIRE DEPARTMENT;

MICHAEL R. BLOOMBERG, MAYOR, CITY OF NEW YORK;

THOMAS J. RIDGE, SECRETARY, DEPARTMENT OF HOMELAND SECURITY

LOCATION: New School University, New York City

TIME: 8:00 A.M.

DATE: WEDNESDAY, MAY 19, 2004

MR. THOMAS H. KEAN: I hereby reconvene this, our eleventh public hearing. We'll be hearing this morning from several witnesses. So that they all receive the time they deserve I'm not going to make any additional opening remarks. As an administrative matter, I would again ask all our friends in the audience to refrain from applause or the opposite, simply so that we can give most time to the witnesses and the questions, and get

as much as possible into the actual information we're going to get from the hearing.

I now call upon the Commission's executive director, Dr. Philip Zelikow who will be joined by Emily Walker, Kevin Shaeffer and John Farmer in presenting a statement by the Commission's staff on crisis management.

MR. PHILIP D. ZELIKOW: Members of the Commission, with your help your staff is prepared to report its preliminary findings regarding the lessons learned from the emergency responses on September 11th, 2001, to the attacks on the World Trade Center and the Pentagon. These initial findings may help frame some of the issues for this hearing and the development of your judgments and recommendations. This report represents the results of our work to date. We remain ready to revise our current understanding in light of new information as our work continues. Sam Caspersen, Emily Walker, Mark Bittinger, Kevin Shaeffer, George Delgrosso, Jim Miller, Madeleine Blot, Cate Taylor, Joseph McBride, and John Farmer conducted most of the investigative work reflected in this statement.

We begin this statement with profound admiration for the first responders of 9/11, the civilians, firefighters, police officers, emergency medical technicians and emergency management professionals, living and dead, who exhibited steady determination and resolve under horrifying, overwhelming conditions. Along with the passengers and crew aboard the airplanes, the first responders on 9/11 were the first soldiers on the frontlines of a new kind of war. Some of them became its first casualties, some of them became its first heroes.

MS. EMILY WALKER: Civilian/private sector preparedness. Unless a terrorist's target is a military or other secure government facility, the first, first responders will almost certainly be civilians. The private sector controls 85 percent of the critical infrastructure in the nation. Homeland security and national preparedness therefore often begins with the private sector. Private sector preparedness should include, one, a plan for evacuation, two, adequate communications capabilities and three, a plan for continuity of operations. All three elements were tested in the private sector experience at the World Trade Center.

Evacuation. The centerpiece of preparedness is an evacuation plan. One of the lessons learned from the 1993 bombing was that evacuation procedures were inadequate. Although an estimated

50,000 civilians were evacuated, it took over four hours to complete the general evacuation of the buildings, with specific rescues going on for hours more. By all accounts, many steps were taken to improve evacuation procedures in the years between 1993 and 2001.

The evacuation effort on 9/11 was largely successful on floors below where the planes hit. Some of the evacuees have told us that the pre-9/11 drills helped them that morning. Others indicated that the drills had not helped, or could not recall having participated in pre-9/11 drills. The Port Authority's post 1993 installation of glow strips on the stairs and emergency lighting in the stairwells was cited by evacuees as significantly assisting their progress, as was the Port Authority's provision of flashlights to some tenants.

Some who worked in the World Trade Center told us that fire drills conducted by the Port Authority were extremely useful in their evacuation on September 11. Others, however, felt that the drills were formalities which did not engage the full attention or participation of most office workers on the floor. A former fire warden labeled the office workers as, "very uncooperative," claiming that most people refused to leave their offices because they were too busy and that those who did participate did not pay attention. The World Trade Center complex did not conduct a full evacuation training exercise. Individual companies had practiced drills isolated to their floors.

In no case, to our knowledge, did any tenant in the World Trade Center practice a drill where the employees walked down the stairs and exited the building. They did not know that the rooftop doors were kept locked, and that there was no plan for rooftop evacuation. They did not know that they should not evacuate up, and so some people began climbing stairs instead of trying to find clear paths of descent.

Some companies in the World Trade Center had developed their own evacuation plan separate from the Port Authority plan. Particularly notable was the plan in place for Morgan Stanley. Employees had practiced the plan, some had a copy both at the office and at home. Generally speaking, however, companies located in the World Trade Center did not have independent evacuation plans.

Communications. The second part of private sector preparedness is communications. Once a decision is made to react to an emergency, there must be an effective way to communicate

that decision to tenants and/or employees, to account for tenants and employees in the aftermath of an event, to communicate with concerned family members, and to continue operations. The tenants of the World Trade Center varied widely in their success in meeting these challenges. Like the first responder community, tenants at the World Trade Center experienced severe communications problems on 9/11.

The phone system in the World Trade Center continued to work immediately after the planes struck both towers, perhaps with the exception of the floors that were hit and those above them. During the time between 9:03 and 9:55 a.m., however, there was an abnormally high calling volume and the network, both landline and wireless, could not successfully respond to every request for service which affected those placing 911 calls. When the South Tower collapsed, the Verizon switching station went down, and all phone service was lost in the 16-acre World Trade Center complex.

Blackberries worked well during the day of September 11 when other means of communication were failing. This was because the control channel on the wireless network had a great deal more capacity than the wireless voice channel. Once evacuated, companies needed to locate their employees.

Finding employees and accounting for those missing became a full-time mission for several days. Most companies did not have any record of who was in the office on September 11th, 2001. There were few cases where employees were given a place to congregate following an evacuation or a location to call. Few companies had a crisis communications plan in place before disaster struck.

Continuity of Operations. Once employees have been evacuated and accounted for, the third pillar of private sector preparedness is continuity of operations. The response to 9/11 illustrates that continuity is one of the most difficult challenges because many of the people involved in continuity are also closely involved in the event. Some companies had backup sites and redundant facilities that were outside Lower Manhattan.

And although it was difficult for some employees to reach them, these preparations provided the best opportunities for resuming business operations. In those cases where there were usable and operable backup spaces, the issues the companies faced included lack of plans for personnel, equipment, files, and training to use these redundant facilities. Those tenants that

did not have backup facilities located outside of Lower Manhattan faced the additional challenge of scrambling for new locations.

The spirit of cooperation, however, was enormous. Companies offered competitors their space. Suppliers rerouted supplies such as computers and phones to those in need. Corporation donated time, expertise, and valuable equipment to the entire City of New York's physical operations as it tried to re-group days after the event. The Mayor's Office of Emergency Management, by all accounts, did a superb job in coordinating these efforts.

The Current State of Private Sector Preparedness. At a hearing held at Drew University last November, witness after witness told the Commission that despite 9/11, the private sector remains largely unprepared for a terrorist attack. We were also advised that the lack of a widely embraced private sector preparedness standard was a principal contributing factor to this lack of preparedness. The Commission responded by asking the American National Standards Institute, ANSI, for help. To develop a consensus, ANSI convened safety, security, and business continuity experts from a wide range of industries and associations, as well as from federal, state, and local government, to consider the need for standards for private sector emergency preparedness.

ANSI has recommended to the Commission a voluntary national preparedness standard, based on prior work of the National Fire Protection Association, with a common framework for emergency preparedness. The Commission will be considering whether to endorse this national preparedness standard, known as the NFPA 1600.

MR. KEVIN SHAEFFER: Public sector emergency response, developing an integrated command system. We now turn to the public sector emergency response. In this statement we step back from the specifics of the tactical decisions on the scene. We focus on potential lessons in three areas. Develop an integrated command system, size up the situation and keep re-evaluating it, and communicate and implement decisions.

We will first discuss incident command at the Pentagon. On any other day, the disaster at the Pentagon would be remembered as a singular challenge, an extraordinary national story. Yet the calamity at the World Trade Center included catastrophic damage 1,000 feet above the ground that instantly imperiled tens of thousands of people. The two experiences are not comparable.

Nonetheless, broader lessons in integrating multi-agency response efforts are apparent in analyzing the Pentagon response.

Emergency response at the Pentagon represented a mix of local, state, and federal jurisdictions. The response was generally effective. It overcame the inherent complications of a response across jurisdictions because the Incident Command System, a formalized management structure for emergency response, was in place in the National Capital Region on 9/11.

Because of the nature of the event, a fire and partial building collapse, the Arlington County Fire Department served as Incident Commander. Different agencies had different roles. The incident required a major rescue, fire and medical response teams from Arlington County at the U.S. military headquarters, a facility under the control of the Secretary of Defense.

Since it was a terrorist attack, the Department of Justice was the lead federal agency in charge, with authority delegated to the FBI for operational response. Additionally, the terrorist attack impacted the daily operations and emergency management requirements for Arlington County and all bordering and surrounding counties and states.

At 9:37, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, a Boeing 757. The crash caused immediate and catastrophic damage. All 64 people aboard the airliner were killed, as were 125 people inside the Pentagon, 70 civilians and 55 military service members. Approximately 110 people were seriously injured and transported to area hospitals.

While no emergency response is flawless, the response to the 9/11 terrorist attack on the Pentagon was mainly a success for three reasons. First, strong professional relationships and trust established among emergency responders. Second, the adoption of the Incident Command System, and third, the pursuit of a regional approach to response.

Many fire and police agencies that responded to the Pentagon had extensive prior experience working together on regional events and training exercises. Indeed, just before 9/11 preparations were underway by many of these agencies to ensure public safety at the annual meetings of the International Monetary Fund and the World Bank that were scheduled later that month in Washington, D.C. Local, regional, state, and federal agencies immediately responded to the Pentagon attack.

In addition to county fire, police, and sheriffs departments, the response was assisted by the Metropolitan Washington Airports Authority, Ronald Reagan Washington National Airport Fire Department, Fort Myer Fire Department, the Virginia State Police, the Virginia Emergency Management Agency, the FBI, the Federal Emergency Management Agency, the National Medical Response Team, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and numerous military personnel within the Military District of Washington.

Command was established at 9:41 a.m. At the same time, the Arlington County Emergency Communications Center contacted the Fairfax County, Alexandria, and District of Columbia fire departments to request mutual aid. The incident command post provided a clear view of, and access to, the crash site, allowing the Incident Commander to assess the situation at all times. At 9:55 a.m. the Incident Commander ordered an evacuation of the Pentagon impact area because of an imminent partial collapse, which occurred at 9:57 a.m. No first responder was injured in the partial collapse.

At 10:15 a.m. the Incident Commander ordered a full evacuation of the Command Post because of the warning of an approaching hijacked aircraft passed along by the FBI. This was the first of three evacuations caused by a report of incoming aircraft. This first evacuation order was well communicated and coordinated. Several factors facilitated the response to this incident, and distinguish it from the far more difficult task in New York.

There was a single incident. The incident site was relatively easy to secure and to contain. There are no other buildings in the immediate area. There was no collateral damage beyond the Pentagon.

MR. JOHN FARMER: As we noted yesterday in staff statement number 13, in July 2001 Mayor Giuliani signed a directive entitled "Direction and Control of Emergencies in the City of New York." Its purpose was, "to ensure the optimum use of agency resources while eliminating potential conflict among responding agencies which may have areas of overlapping expertise and responsibility." To some degree, the mayor's directive for incident command was followed on 9/11.

It was clear that the lead response agency was the FDNY, and that the other responding local, federal, bi-state, and state agencies acted in a supporting role. As we described yesterday,

there were instances of coordination at high levels of command. In addition, information was shared on an ad hoc basis, such as when NYPD rescue teams passed their evacuation order to FDNY units they encountered in the North Tower. Any attempt to establish a unified command on 9/11, however, would have been frustrated by the lack of communication and coordination among responding agencies.

The Office of Emergency Management headquarters, which could have served as a focal point for information-sharing, was evacuated. Even prior to its evacuation, moreover, it did not play an integral role in ensuring that information was shared among agencies on 9/11. Certainly, the FDNY was not, "responsible for the management of the City's response to the emergency," as the mayor's directive would have required.

One question looking forward, in light of the experience of 9/11, is whether establishing a single incident commander is possible or appropriate in a city like New York, or at an incident like the World Trade Center fires. The Incident Commander point is important. More important, though, is to embrace the concept of an integrated command system

On 9/11, the problem was less about turf battles on the scene. It had more to do with command systems designed to work independently, not together. Since 9/11, a consensus is emerging within the emergency response community that a clear Incident Command System should be required of all response agencies.

As of October 1, federal homeland security funding will be contingent upon the adoption and regular use of such a system by emergency response agencies. In New York City, the Mayor's Office announced a new Incident Command System plan last week. There is also consensus that regional mutual aid agreements, as exist in Northern Virginia and the New York metropolitan area, could become the future of formal joint response plan with neighboring jurisdictions working together along with state and federal representatives, to be sure they have the collective capability to respond to catastrophic events.

In other words, every county or municipality may not need its own HAZMAT team. States are also considering Emergency Management Assistance Compacts to help insure that regional resources are available for a comprehensive response. So, every city does not need to buy the capacity to deal with extreme events.

Sizing Up the Situation. On 9/11 the FDNY command structure immediately grasped the massive scale of the catastrophe. The commanders called for a large number of units. The FDNY commanders also immediately and correctly judged that the North Tower should be evacuated as quickly as possible. The decision to evacuate the still intact South Tower was a more difficult judgment which they made after they talked with Port Authority police and building personnel in their tower, about five minutes after these chiefs arrived at the scene.

The FDNY commanders also had to decide whether they should try to fight the fires. They rapidly and accurately judged that this was impossible, so they should concentrate on evacuation and consider firefighting only in the context of freeing trapped civilians. The FDNY commanders needed information on the situation within the buildings. Here they encountered more difficulty.

They did not have good information on which building systems were operating, or which, if any, stairwells were open. As ascending firefighters discovered situations, they could not always communicate this information to others. But if they could have communicated it, there was not a protocol in place for receiving and integrating this information in order to enhance the situation awareness for all the fire commanders, including those beyond the lobby command post.

As evacuees descended, there was no protocol for quickly debriefing them on what floor they came from, what the conditions were like on that floor, and how they got down. Again there was no focal point to receive and integrate this information. Such a field intelligence setup, suggested by military experience could be valuable in large and complex incidents, though it might not be necessary for more ordinary situations.

Lacking adequate situation awareness, the FDNY made key decisions about how to deploy personnel to help in the South Tower after it was hit. The commanders decided to dispatch more units to the scene, assigning them to the South Tower. If they had understood that units were still arriving at the North Tower or were already there but still in the lobby, they could have considered whether to reassign some of the units already at the scene to render immediate assistance to the South Tower.

The decision to handle the South Tower by dispatching new units meant that the number of firefighters available to help evacuees in that tower was relatively small for at least the first

20 minutes after the tower was hit, though that number sadly was rising in the minutes before the tower collapsed. As the conditions deteriorated, the FDNY commanders had to judge whether the buildings were in danger of collapse. Building collapse, like other dangers to response personnel, is a constant concern in firefighting.

Specific chiefs are tasked with responsibility for tracking these safety issues. The best estimate of one senior chief, provided to the chief of the department sometime between 9:25 and 9:45, was that there might be a danger of collapse in a few hours, and therefore units probably should not ascend above floors in the sixties. We did not see any evidence that this assessment had any impact on operations before the collapse of the South Tower effectively disabled every FDNY command post. Even after the South Tower collapsed, another senior chief reportedly thought that the North Tower would not collapse because its corner frame had not been struck.

Other than observation from the ground, remote observation, and a Fire Department boat in the Hudson River, the only other source of information on the building condition was from the air. NYPD aviation had helicopters observing the situation. There was no video feed from these helicopters to the overall command post. With the evacuation of the Office of Emergency Management headquarters, their radio observations were not readily available to chiefs either. Repeated updates from the NYPD aviation unit were not communicated to the FDNY.

NYPD aviation did not foresee the collapse of the South Tower, though at 9:55, four minutes before the collapse, a helicopter pilot radioed that a large piece of the South Tower looked like it was about to fall. Immediately after the collapse of the South Tower, a helicopter pilot radioed that news. This transmission was followed by others, beginning at 10:08, warning that the North Tower looked like it was about to collapse. These calls reinforced the urgency of the NYPD's evacuation of the area.

Although evacuation orders were also transmitted immediately by FDNY commanders, we earlier mentioned that these orders did not reflect the situation awareness reflected in the NYPD transmissions. The NYPD warning could not be relayed to the overall FDNY command post, since that post was disabled. Nor was there any capacity to relay this warning directly to the chiefs trying to regroup near the North Tower. Looking forward, a fully integrated Incident Command System will assure that evolving

situation awareness is shared among responding agencies and will assist first responders in sizing up the situation at hand.

MR. ZELIKOW: Communicate and Implement Decisions. Effective decision-making in New York was hampered by limited command and control and internal communications. Beyond the point we made earlier about a command system integrated across agencies, the FDNY had limited command and control of its own personnel. This was true for five main reasons

One, the magnitude of the incident was unforeseen. Two, commanders had difficulty communicating with their units. Three, FDNY personnel who were not dispatched self-dispatched and units which were dispatched consistently rode heavy with extra firefighters, a particular problem in some of the scarce elite units.

Four, more units were actually dispatched than were ordered by the chiefs. And five, once units arrived at the World Trade Center they were not accounted for comprehensively and coordinated. The NYPD's 911 operators and FDNY dispatch were not adequately integrated into the emergency response. This is an issue for an integrated command system, but it manifested itself as an inability to communicate key decisions to the people who most needed to hear about them, or gather intelligence from the people who could communicate it.

In several ways, the 911 system was not ready to cope with a major disaster. As we explained yesterday, these operators and dispatchers were one of the only sources of communication with individuals on the damaged floors. Once the seriousness of the situation was apparent and evacuation decisions had been made, this guidance should have been made available to these operators and dispatchers.

If it had been, individuals could have been told to evacuate. They could have been told not to go upstairs, which might have helped people in the South Tower. In future disasters, it is important to analyze how victims or the public will attempt to get information and help, and to be sure the people giving that information are part of the emergency response team.

The Port Authority's response was hampered by inadequate communication. For example, although the FDNY commanders at the North Tower advised Port Authority police and that tower's building personnel to evacuate the South Tower, shortly before 9:00 a.m., there is no evidence that this advice was communicated

effectively to the building personnel in the South Tower. A vital few minutes may have been lost and, when that tower did make its announcement to evacuate at 9:02 a.m., it was the ambiguous advice that everyone may wish to start an orderly evacuation if warranted by conditions on their floor. The Port Authority's Jersey City Police desk was also unaware of the evacuation decisions when, at 9:11 a.m., it advised workers on the 64th floor of the South Tower to stay near the stairwells and wait for assistance.

In general it was the practice of the Port Authority's differing commands to use localized frequencies. When officers reported from the tunnels and airports, they could not hear the commands being issued over the World Trade Center command frequency. The NYPD experienced comparatively fewer internal command and control and communications issues.

Because the department has a history of mobilizing thousands of officers for major events requiring crowd control, its technical radio capability and major incident protocols were more easily adapted to an incident of the magnitude of 9/11. In addition, its mission that day lay largely outside the towers themselves. Although there were rescue teams and a few individual police officers climbing in the towers, the vast majority of NYPD personnel were staged outside assisting with crowd control and evacuation and securing other sites in the city.

The Pentagon response too was plagued with difficulties that echo those experienced in New York. As the Arlington County after-action report notes, there were significant problems with both self dispatching and communications. "Organizations, response units, and individuals proceeding on their own initiative directly to an incident site, without the knowledge and permission of the host jurisdiction and the Incident Commander, complicate the exercise of command, increase the risks faced by bona fide responders, and exacerbate the challenge of accountability."

With respect to communications, the Arlington County after-action report concludes, almost all aspects of communications continue to be problematic, from initial notification to tactical operations. Cellular telephones were of little value. Radio channels were initially over-saturated. Pagers seemed to be the most reliable means of notification when available and used, but most firefighters are not issued pagers. It is a fair inference, given the differing situations in New York City and Northern Virginia, that the problems in command, control, and communications that occurred at both sites will likely recur in any emergency of similar scale. The task looking forward is to

enable first responders to respond in a coordinated manner with the best situational awareness possible.

Summary. Much of this statement has focused on the Fire Department of New York. We must therefore also note that the FDNY has responded with particular energy to the lessons of 9/11, and has acted to address many of the concerns we have identified. There may be a need, however, to expand the understanding of these lessons across the nation. The president's National Strategy for Homeland Security called for national standards in emergency response training and preparedness. Many experts have cited the National Fire Academy training program as a useful benchmark. We hope this hearing will contribute to education about the kinds of challenges emergency response agencies may face in the future.

(Audio break.)

MR. RUDOLPH W. GIULIANI: Our enemy is not each other. Catastrophic emergencies and attacks have acts of great heroism attached to them. They have acts of ingenious creativity attached to them, and they have mistakes that happen.

Hopefully this commission will assess that correctly, with compassion and with understanding, and then the next one will be done a little bit better. But the next one unfortunately is probably going to be a mix of exactly those same things: acts of great heroism, many, many creative and brilliant things done, and some terrible mistakes that were made. Because when human beings are put under this condition, that's what happens. So our anger should clearly be directed, and the blame should clearly be directed at one source and one source alone, the terrorists who killed our loved ones.

(Applause.)

For each other there really should be compassion, understanding and support, because we're all suffering. The attacks of September 11, 2001, were the worst attacks in the history of our country. Nothing like that had ever happened to us before. Hopefully, they'll remain the worst attacks in the history of our country, even if there may be others.

I believe then, I believe now, that the terrorists had two purposes in attacking us. One purpose was to kill many, many people to make some kind of, in their words, spectacular demonstration. And the other was to break our will, because they were convinced we were a weak people, that we would become

disunited, that we would start fighting with each other, that there would be tremendous chaos and confusion.

And I believe today, I believe then, because I observed it and was part of it. I believed it because I knew so many of these men and women, that it was their initial heroism that thwarted the objectives of the terrorists by going into the building, by standing their ground, by interpreting an evacuation order the way a brave rescue worker would interpret an evacuation order, which is first get the civilians out, and then get yourself out.

By doing that they thwarted the objectives that the terrorists had. The terrorists killed too many people, almost 3,000, but the first number that I was given in less than one hour of the collapse of the two buildings, was that over 12,000 people had died. And, in fact, at another point I was given a figure of 15,000 people. That was the calculation made by the Port Authority and the others, of the number of people that had been in the building at the time of the attack which may have been close to 22 to 25,000. And the number of people you could conceivably have gotten out, in the amount of time that the rescue workers had to get people out, and their calculation was 12 to 15,000 people.

When I said to the people of New York and the people of America that the losses were too much for us to bear, that was the number that was in my mind. They were too much for us to bear, even what it turned out to be. But the reason that you have that difference between the 12 to 15,000 originally estimated, and the less than 3,000 that actually took place, is the way in which a combination of the rescue workers and the civilians themselves conducted this evacuation. Not flawless, not without mistakes, and not without some terribly tragedies attached to it.

But overall, maybe 8,000 people more, maybe 9,000 people more than anyone could rightfully expect evacuated from that building because firefighters were walking upstairs while civilians were walking downstairs. I can't tell you how many civilians come up to me no matter where I go, and say to me, I want you to thank your fire department. I want you to thank them.

And I'll say why, and they'll say, because I was walking down, or my brother was, or my sister, or my father, and I saw one of your firefighters walking up while we were rushing down. And I'll say, well what did that do? And they'll say, it made me calmer, it made me feel confident, it made me continue to walk in the right direction.

What we avoided was exactly what any novelist would have written about in an attack like this, had it been written a day before. He would have written that the evacuation, the exit from the building would cause more casualties than the actual attack. It's happened, I don't want to mention the emergencies, I know them, you know them, in which more people are killed trying to get out of the building than are actually killed in the fire or the attack.

People exited this building carefully, they exited this building quickly, they exited this building without harming or hurting each other. And the credit for that goes to Pete Ganci and Bill Feehan and Terry Hatton and Patty Brown and Michael Judge and I wish I could mention all the firefighters and the police officers, those happened to be the ones that I saw that morning, right before they died. And that's the reason they were thwarted in their ambition of sort of breaking our will.

Maybe it would be helpful if I just outlined quickly what I did in the first hour or two that morning, why I did it, and then you know, whatever questions that you have.

The morning of September 11, 2001 was a primary day in the city of New York. The Democratic party and the Republican party were voting to select the next mayor of the city. And I was having breakfast that morning at the Peninsula hotel on 55th Street with two old friends and colleagues, Dennison Young who was my counsel, and Bill Simon who was an Assistant United States attorney who had worked with me.

As we finished breakfast, the police notified Denny, the two police officers that were on my detail that morning, were notified and then they notified Denny Young, my counsel, and Denny walked up to me and he said the following. That it's been reported that a twin engine plane has crashed into the North Tower and there's a terrible fire there. So I left immediately, walked out into the street, and as I walked out into the street, Denny and I looked up in the sky, and what we saw was a beautiful clear day, about as clear as we had had in a long time, and came to the immediate conclusion that it could not have been an accident, that it had to have been an attack.

But we weren't sure whether it was a planned terrorist attack, or maybe some kind of act of individual anger or insanity or some person angry at some business in the building or whatever. But we knew it was an attack. We began to proceed south as quickly as we could, and maybe this is helpful on the telephone

contact, we started to make telephone contact in order to get more information. I tried to reach all the people the mayor would generally be in contact with at that point including, we attempted to reach the White House and the Governor's office.

I was successful in speaking with the Police Commissioner, was able to get through to him on the phone, he gave me an initial briefing. I was able to speak to some members of my staff that gave me information. I was not able to reach the fire commissioner. I was not able to reach the head of emergency services, Mr. Sheirer, we were not able to make a call outside the city, to the White House, which led me to believe that we had to have hard lines available in order to do that.

As we were coming down very, very close to this building, just a few blocks from this building on 6th, we passed St. Vincent's Hospital, and I looked outside and I saw outside many, many doctors and nurses and stretchers. And it registered in my mind that we were looking at a war zone, not a normal emergency. That was probably the first thing that said to me, we're into something beyond anything we've handled before. A little below St. Vincent's hospital, we could see the fire in the tower, but we saw a big explosion, and we didn't know what it was. We probably concluded that it was just an after effect of the original attack.

But within seconds of seeing it, we received a phone call from the police, and were notified that a second plane had hit, and realized at that point that obviously it was a terrorist attack. We then proceeded another half mile, we were about a half mile to a mile away when that happened, got to about Barclay Street where we could go no further. I got out of the van and I was approached by Police Commissioner Kerik and my deputy mayor for Operations, Joe Lhota, and they had a group of people behind them. Commissioner Kerik walked up to me, explained to me, and so did Deputy Mayor Lhota how terrible the situation was. The deputy mayor pointed to the sky and said, people were jumping from the buildings.

And I looked up and I thought he was wrong, and I thought I saw debris. And then the Police Commissioner pointed to an emergency truck that was pulling up to in front of 70 Barclay Street, and he said, that will be our command post. We're attaching hard lines into this building, and we're taking over this building. And they were literally taking people out of 75 Barclay Street and setting up a command post. And I said, is that going to be our main command post? And he said yes, that will be

our command post, we'll operate out of there, we've evacuated 7 World Trade Center.

I said okay, I said where is the fire department set up, where are they fighting the fire? He said over on West Street. So we began to walk and talk going toward West Street, which is a block and a half to two blocks away. What we talked about at that point was the Commissioner pointing out to me, the other things that he was then doing. He went over a checklist of, we've closed the bridges and tunnels to stop people from coming into the city. We're letting people out, no-one is coming in. That came off a protocol that we had and really the intelligence that we had available, was that was probably the most likely way in which we would be attacked, the bridges and tunnels of New York City.

Because they would be--plans for that would be found very, very often when terrorists were arrested. He then went through a list of buildings that he was covering, we're covering the Empire State Building, we're covering the Stock Exchange, we're covering --went through a whole list of--and he said, I have brought back the entire force, they're all reporting back for duty. We arrived, as we got very, very close to the World Trade Center, one of my police officers said to me, and all of us, keep looking up, keep looking up, because things were falling down around us. And I imagine that was for our own safety.

But when I looked up at that point, I realized that I saw a man, it wasn't debris, that I saw a man hurling himself out of the 102nd, 103rd, 104th floor. And I stopped, probably for two seconds, but it seems like a minute or two, and I was in shock. I mean, I said to the Police Commissioner, that we're in uncharted territory, we've never gone through anything like this before, we're just going to have to do the best we can to keep everybody together, keep them focused.

And the Commissioner said that's right, Mayor, that's right. That was the last thing I saw when I approached Pete Ganci. His operations center, his command center was set up outdoors on West Street, in a position where he could see both towers, where he'd get a view of both towers, which is typically the way a fire is fought in New York City. You set up an outside command post at least as the advance command post, where you can get the best view available of the fire. And he was there and he was in charge and he had the board in front of him, the board is an attempt to try to figure out where resources are located.

He was accompanied by Deputy Commissioner Bill Feehan, between the two of them they had 80 years of fire fighting experience, and they were the two best. And then off to the corner, I didn't get a chance to talk to him, was Ray Downey, who was the head of our search and rescue effort, and Ray was the best in the country. He trained most of the search and rescue teams and handled a lot of the search and rescue at Oklahoma City.

So we had the very best people there. My first question to Chief Ganci, maybe because of what I had just seen was, can we get helicopters up to the roof and help any of those people? Because I could see people hanging out the windows, and I thought I saw people on the roof. I didn't, I don't think because I don't think there were any people on the roof. But at least my observation was there were people near the top of the building.

And Pete pointed to a big flame that was shooting out of the North Tower at the time, and he said to me, my guys can save everybody below the fire, but I can't put a helicopter above the fire. And he didn't say the rest of it, which was do you see the flame, the helicopter would explode, but by pointing I knew what he was saying. He was saying if I put a helicopter near there, these flames that are coming out unpredictably and the helicopter could just blow. And he did say it would be too dangerous and it would not accomplish the result.

I then asked him if he had everything that he needed and he said yes, and he had a conversation with the Police Commissioner who went over with him how to do evacuations. His concern was to get people out of the area for two reasons, and then he reiterated that to me. He said to me, whatever you do, tell people to go north, get them out of here. And then he pointed to south and you could see while he was pointing that things were falling off the building and hitting people, and you could see other bodies that were coming down. That also posed a danger to other people that were on the ground.

And it seemed to me that his major concern at the time was that it was very, very dangerous to exit the buildings, and that had to be done carefully, and it had to be done to the north, because it appeared as if the way the debris was falling, the more the damage was going to happen to the south and to the west. And then he wished us well, and I told him I was going to communicate this, and that I would be back. And I shook his hand, and I said, God bless you, and he said the same. I then walked up with, at this point, the police commissioner, the deputy police commissioner, the chief of the department.

I asked my chief of staff who was now with me to get the fire commissioner. He told me the fire commissioner was in the advanced command post inside one of the buildings, I don't remember which one. I said, it's really important that we all be together at the command post so that we can make decisions, get him and bring him to us. And then we proceeded up West Street, two and a half blocks again, back to where we had originally been. On the way up I saw Father Judge, and it was the last time I saw him, and I asked him to pray for us, which he assured me that he was doing, and I shook hands with him.

And then I walked to 75 Barclay Street, I was really brought inside 75 Barclay Street and told this would be our command post, it was set up with telephones, there were police on the phones, and I was brought into a--like a cubicle inner office and told that we had reached the White House. I had already been informed by my chief of staff that he had reached the White House, and by the police commissioner, who I think had reached the Defense Department, I'm not sure exactly. But both of them had assured me that we had gotten air support, because that's why I wanted to reach the White House. I wanted to make sure that we had air defense for the city, and my chief of staff told me that he was informed by the White House that there were seven planes that were unaccounted for.

And at this point I knew of two, and I had heard reports that the Pentagon had been attacked, that the Sears Tower had been attacked, and several other buildings. So I got through to the White House, Chris Henick was on the phone, who was then the deputy political director to President Bush, and I said to him, Chris, was the Pentagon attacked?" And he said, "Confirmed." And then I asked if we had air support? I said, "Have you--do we have air support, do you have jets out, because I think we're going to get hit again." He said that the jets were dispatched twelve minutes ago and they should be there very shortly, and they should be able to defend you against further attacks.

And then he said, "We're evacuating the White House and the vice president will call you back very, very shortly." And I put down the phone, and within seconds got a call in another room from the vice president. I walked over to that room, picked up the phone, the White House operator was on the phone and said Mr. Mayor, the vice president will be on in a moment. And at that point I heard a click, the desk started to shake, and I heard next Chief Esposito, who was the uniformed head of the police department, I'm sure it was his voice, I heard him say, "The tower

is down, the tower has come down." And my first thought was that one of the radio towers from the top of the World Trade Center had come down.

I did not conceive of the entire tower coming down, but as he was saying that, I could see the desk shaking and I could see people in the outer office going under desks, and then all of a sudden I could see outside a tremendous amount of debris and it first felt like an earthquake, and then it looked like a nuclear cloud. So we realized very shortly that we were in danger in the building, that the building could come down. It had been damaged. It was shaking. So the police commissioner and I, and the deputy police commissioner, we jointly decided that we had to try to get everyone out of the building.

So we went downstairs into the basement, we tried two or three exits, could not get out, I don't know if they were locked or blocked, we couldn't get out. We went back up to the main floor to see if we could go out the main entrance, but at that point things were worse, there had been more damage done and it was blocked, and then two gentlemen, I believe janitors came up to us and said, there's a way out through the basement, through 100 Church Street. I knew 100 Church Street because that's where the Law Department was located, and we agreed that we would go with him.

So we all went downstairs. We walked through the hallway. We got to the door that he had selected. He opened the door and there was sort of a sigh of relief, and when we walked outside we were in the lobby of 100 Church Street. And then we wondered if we hadn't gone from bad to worse, because when you looked outside at 100 Church Street, what you saw again was a tremendous cloud, debris flying through the streets, and people being injured. And one of our deputy commissioners and one of my former security people were brought in at that point injured, bloodied and injured and obviously in a state of shock from what had happened to them, having been hit by debris.

So the Commissioner and I had to make a quick decision. Do we remain in the building and use that as a place to hold a press conference, to give people information, because there were some press right there? Do we remain here and operate here for a while until the cloud passes, or do we go outside? And the choice that we made was to go outside. And the choice that we made to go outside was because we felt we had, you know, a core of New York City government together at this point: the police commissioner, the head of Emergency Services, three of the four deputy mayors,

the commissioner of public health, and that if we went outside we had a better chance of more people surviving than if we stayed in the building where if something happened and the building crashed, you'd virtually have all of city government gone.

And we could communicate better from outside, hopefully be able to get through on radio or on television. So we went outside, grabbed a member of the press. I remember Andrew Kurtzman was the reporter that was there, and I said you know, come with us. And we began making telephone calls as we were marching up, asking people to remain calm, and asking people to go north, which were the instructions that Pete Ganci had given me.

And as I was doing that, I would stop and look at how people were reacting. Here I was asking them to remain calm, I was asking them to go north, I wanted to see how were they evacuating the building, and what I saw was very, very inspiring.

I saw people running. I saw people fleeing, which is exactly what we wanted them to do. I wanted to get them out of the area, but I didn't see people knocking each other over. I didn't see people in chaos. I didn't see people in panic.

I didn't see people hurting each other which you also would expect might happen. And I actually saw acts of people helping each other. Somebody would be running, see somebody fall down, stop and pick somebody up, and the Commissioner and I did that for one man who was having trouble, and put him in the Commissioner's car.

We were able to get through, and now the sequence gets very, very foggy in my own recollection, I'm not sure what happened in sequence, but very shortly after, maybe two or three blocks north of that, we heard another tremendous noise, realized that the second building had now come down, and saw the cloud from the second building come up the streets. And we're trying to determine at this point whether to return to City Hall or to set up operations of city government at the police academy. And we thought of several other sites. The police commissioner recommended that we use the police academy as our command center, because it had all of the communications equipment and it could be outfitted in minutes to be a command center.

And my chief of staff told me that City Hall had been abandoned because it had been hit very, very hard by debris. So we selected the police academy as our command center. We actually, Senator Kerrey, discussed New School as a place to come

because we walked right past here, but because the communications equipment was already there, the police commissioner decided on the police academy. We walked up to the firehouse on Houston Street, which is a few blocks north of here, and decided we'd stop there so we could make telephone calls. The police department broke in, not indicating any rivalry between the police department and the fire department, it was the right thing to do, they were not trying to destroy fire department property.

They broke in, and I was able to get through on the telephone now, first to Governor Pataki who expressed his concern for us because he had heard that we were missing, and thought we had been killed. And then said, you know, what help do you need, and I said, well, we need all the help we can get, and this is beyond anything that we've ever dealt with before, George. And he said I've brought out the National Guard, do you want me to deploy them, do you need them? And I as the mayor of New York City, I think I had always resisted having the National Guard, for reasons that an urban environment is so complex, so difficult.

It's difficult enough to police with trained police officers, you really don't want the National Guard. Not because they aren't terrific at what they do but this isn't what they do. But we were in such need at the time, I said absolutely, I need the National Guard and everything else you can send us. And we agreed that they would deploy on Randall's Island so that the police department could train them and deploy them properly, and in essence they could relieve our police officers in the right places.

And then the governor said, you know, I'll meet you, where do you want, where are you setting up, and I said we're going to set up at the police academy, we'll be there in about 15 minutes, and we agreed on something at that point that was very, very helpful. We agreed that we would put our governments together, we agreed that we would in essence sit in the same room in the same place, my commissioners, his commissioners, everybody had to approve things, and we would sit in one room and run the emergency together, and that we would do it at the police academy. And at that point, I was able to reach the White House and the Defense Department again. I was able to make several other telephone calls to the stock exchange because we thought they had been attacked. I reached Dick Grasso to find out if they had been attacked.

We tried to, we had had a number of false rumors of places that were attacked, and the police commissioner was able to make

sure that he had deployed his resources to the other places that we assumed we would have secondary attacks. From our briefings intelligence and protocols, we had a group of targets coming out of ten years of analysis of what the terrorists might do, so it was off that list that the police commissioner was deploying resources including ultimately the National Guard.

We then arrived at the police academy and set up a command center at the police academy and the command center at the police academy was complete with everything that we needed, all of the facilities, and were able to have a press conference there about 2:30 in the afternoon in which we could explain to people how the whole thing would be managed from there on in.

Later on I visited the police department, our backup command center, our number two backup command center would have been the police department, 7 World Trade Center was the primary one, the backup was the police academy. The number three would have been MetroTech in Brooklyn which is fully equipped to be a command center. We made the decision to use the police academy because we didn't want to leave this island, we didn't want to leave Manhattan. We thought it would be a terrible statement if city government left the island of Manhattan. But then we realized pretty shortly that the police academy was too small, and we selected Pier 92 as our command center.

And the reason Pier 92 was selected as the command center was because on the next day, on September 12th, Pier 92 was going to have a drill. It had hundreds of people here, from FEMA, from the federal government, from the state, from the State Emergency Management Office, and they were getting ready for a drill for biochemical attack. So that was going to be the place they were going to have the drill. The equipment was already there so we were able to establish a command center there within three days that was two-and-a-half to three times bigger than the command center that we had lost at 7 World Trade Center. And it was from there that the rest of the search and rescue effort was completed.

One other point and then I'll turn to questions. When you evaluate the performance of the firefighters and the police officers, in addition to the bravery and the heroics that they demonstrated at the time of initial attack, by standing their ground and rather than giving us a story of men--uniformed men fleeing while civilians were left behind, which would have been devastating to the morale of this country, rather than an Andrea Doria if you might remember that, they gave us an example of very,

very brave men and women in uniform, who stand their ground to protect civilians.

Instead of that, we got a story of heroism and we got a story of pride and we got a story of support that helped get us through. The second thing that they were able to carry out through I believe a superb command structure, going from Chief Ganci on down, was a recovery effort that was beyond any expectation that anyone could possibly have. If you had asked me the night of September 11, 2001, how many lives we would lose in the recovery effort at ground zero, I probably wouldn't have told you the number, but I would have said to myself at least a dozen people.

We can't put up a building in this city without losing four or five people. And not because they're careless, but because it's exceedingly dangerous. Well the site at the World Trade Center for 4, 5, 6 months was the most dangerous recovery site probably in the history of this country.

There were fires of 2,000 degrees Fahrenheit below the ground. I could be standing here and you could be standing there and I could be describing to you, governor, the site and then a fire would break out in between us and it was just by luck or the design of God that we weren't killed. They carried out the mission under great emotion, under great stress, flawlessly.

And that's because they have a superb command structure, and a structure in which they know how to deal with emergencies. So I would urge you in evaluating their performance to put it in the context of no one ever has encountered an attack like this. No one ever has had to have dealt with the recovery and search effort or anywhere near this dimension, not to mention the family center that had to be created, which no one had ever even heard of before, a family center, which the Office of Emergency Management had developed with the relief of the people of Flight 800.

The family center that they developed and the things that OEM provided for this city. So I will, maybe I'll make a comment at the end, but I think I've covered most of the things that I want to say and I thank you very, very much for your attention.

MR. KEAN: Mr. Mayor, thank you very, very much. The questioning will be led this morning by Commissioner Ben-Veniste followed by Commissioner Thompson.

MR. RICHARD BEN-VENISTE: Good morning.

MR. GIULIANI: Good Morning.

MR. BEN-VENISTE: On Labor Day, September 2001, I took my wife and younger daughter to see the Statue of Liberty and the Twin Towers. After September 11th, I like tens of thousands, maybe millions of others said there, but for the grace of God go I. And we are the lucky ones, the survivors, who must do better in the future to protect our loved ones and our institutions. You and I became friends at the U.S. Attorney's office in the early '70s prosecuting organized crime, labor racketeering, official corruption cases--the world seemed a much simpler place then.

I have followed your career since then with admiration, and while sometimes disagreeing with your decisions never questioned your unwavering dedication to New York City. On September 11, 2001, the City of New York showed what it was made of. The heroism of the firemen and the police officers who risked and in previously unimaginable numbers gave their lives in the quest for saving the lives of others, and your leadership on that day and in the days following gave the rest of the nation, and indeed the world, an unvarnished view of the indomitable spirit and the humanity, of this great city, and for that I salute you.

(Applause.)

There is no question but that on that day, thousands of lives were saved by the heroic actions of the first responders in evacuating the towers and the surrounding areas. Among the most significant of the problems we have seen were ones that reflect barriers between the effective communications between and among the first responders because of equipment that had not been standardized. The country had seen a previous analogy to this in connection with its armed forces which into the '80s did not have standardized communications equipment, ammunition, other things, that made communication between the army, the navy, the air force and the marines, an option during times of emergency.

These were barriers which had grown up in these services which were proud, individual and important sectors of our armed forces. It took strong leadership to butt heads together and to require standardization, to require that we be able to communicate between and among the services. So my first question to you is given the fact that you were no shrinking violet, and given the fact that the differences in the equipment that were used, in the radios and other communication technology over the years, made it obvious that there could not be easy inter-agency communication,

what barrier was there that prevented you from ordering standardization?

MR. GIULIANI: No barrier, the technology, and that's reason why there isn't standardization today, and the difference in mission between the fire department and the police department. If I can explain it, the way in which the fire department and the police department communicate is different because generally they have different missions. The fire department communicates, opts for a radio that allows for much less range of communication, but much more accurate communication in a small area, where more people can be on the line, because when they're managing an emergency they need to have as many people on the line as possible, because they're deploying a number of different companies, they're putting them in different places and having people communicate with each other.

The police department communicates by, essentially simplifying it, basically police officer to headquarter, or police officer to dispatcher, because you're largely dealing with a one-on-one mission rather than a major emergency mission. So the general way in which a police department communicates is different than the general way in which a fire department communicates. And when they're in the same emergency, they really have to get on the same frequency in order to be able to communicate with each other.

We had purchased for the fire department radios, I believe the radios came in, in early 2001, I think it was early 2001, I don't remember the exact date, but the radios had come in well before September 11, 2001. We had purchased for them new radios, they had attempted to use them and found them too complicated to use and had withdrawn them and were training people in how to use the new radios. That has proven to be so complex and so difficult that until a few weeks ago they haven't been able to do it. So there are significant difference in the way in which the two of them communicate.

And the best answer is to create an interoperable system so that the police radio can be switched over and be used the same way, again simplifying it somewhat. Generally, a police radio and a fire radio should operate differently because 90 percent of the time, 95 percent of the time, they're doing different things. Police officers are chasing criminals, fire fighters are dealing in mass emergencies. But they should have radios that are interoperable, so that in an emergency, both of them could be switched onto the same channel.

MR. BEN-VENISTE: But in the interim--

MR. GIULIANI: Those radios do not exist today.

MR. BEN-VENISTE: In the interim, would you not suggest that there has to be in place some kind of a system where communications can be synthesized, that even if the radios are not interoperable, that there has to be a level of communication which was not in place on 9/11?

MR. GIULIANI: Well, it was in place, there are, there were--

MR. BEN-VENISTE: But it didn't operate effectively on 9/11?

MR. GIULIANI: It may not have operated but they all had a radio system that would have allowed them to communicate with each other, but they decided that they couldn't use it, that it wasn't operable, that they weren't able to get through. And part of the problem that you'll face, even when you create an interoperable system is that if too many people are trying to communicate at the same time in any channel, they will begin to interfere with each other.

MR. BEN-VENISTE: But at the very top there's got to be some coordination, that's my only point, yeah.

MR. GIULIANI: Yes, absolutely.

MR. BEN-VENISTE: Let me move to a second area which we think there's got to be some movement and change, and that is in the area of the 911 emergency response. In the case of 9/11, individuals who were trapped in the building called 911 searching for answers to their immediate distress, and we found that those operators were not in a position to do anything other than receive information. It wasn't an interactive loop which obviously was called for in circumstances of this kind of dire emergency. Had you considered, prior to 9/11, the possibility in a disaster of this kind where people could go for information and receive it?

MR. GIULIANI: I would have to say, seeing what you've observed, or even going through some of this over the last year or two, 911 was overwhelmed, and should it have been larger, should it have been anticipated? Yes, it probably should have, but it wasn't. It was one of those things that was not anticipated. 911 volume, my numbers may be slightly off, but just for purposes of illustration, 911 on any given day does about 30,000--35,000 calls.

When they get up around 50 to 55,000, they are at capacity or beyond capacity. And I think they were well over 55,000 that day, and I don't think anyone ever anticipated that they would have to deal with an emergency of this kind. So some of the things that now have emerged, that they should have had more information, that there should have been updates, I suspect what was happening was they were so overwhelmed with calls, just getting to the next call, and getting to the next call, and getting to the next call, and getting to the next call, they, even the supervisors didn't have the time to impart information.

Number one, they weren't trained that way, they should have been but they weren't. And number two, even if that would have been their instinct, they were so overwhelmed that they weren't able to do it.

MR. BEN-VENISTE: Well this is an area that we feel there can be, and there should be a solution.

MR. GIULIANI: Absolutely.

MR. BEN-VENISTE: Final question, Rudy, when you and I were prosecutors and dealt with both the FBI and the New York PD, we saw that there was a level of, for want of a better word, arrogance at the FBI, it was a one way street, they did not interact, they were happy to receive information, but didn't give it. Things have changed somewhat now. In the world that we live in now, facing the potential of other terrorist attacks, it seems a no-brainer that as a force multiplier the FBI needs to trust more. It needs to disseminate more. It needs to utilize the vast resources of police departments such as the City of New York. I'd like to get your comments on that.

MR. GIULIANI: There's no question about that, the FBI would be even more effective, or to the extent that the FBI utilizes state and local law enforcement, the FBI takes what is a relatively small law enforcement organization, and multiplies it dramatically. The New York Police Department is larger than the FBI. It's a larger police agency than the FBI, so if you want to know about New York City, you've got to work with the New York Police Department.

Now the FBI learned that lesson after we left the United States Attorneys Office but some long time ago, long before I was the mayor or the United States Attorney, when they established the Joint Terrorism Task Force, which is by no means again perfect,

but a lot better than many other cities and states have available to them, and as a concept that should be replicated elsewhere. Other cities that are under threat, and you know, we believe the threat is largest in New York, or greatest, but the threat is everywhere, should have a joint terrorism task force.

And the FBI should be sharing information with the local police and the state police, and the resistance is a fear, because I've heard this expressed including at times when I was trying to get information from the FBI, for myself and for my Police Commissioner, and this is after September 11 and during the time of heightened emergency, I was told that if we give the information to the police, then it will be leaked.

Well, every once in a while the FBI leaks, and the reality is you know, I don't want to say anything but every once in a while, you know, so my response was that either give it to me now or I'll read it in the New York Times in two or three days. But let's share it with state--we don't, we've got to trust our state and local police. The FBI is a great law enforcement organization. The New York Police Department is a great law enforcement organization. The Chicago Police are a great law enforcement organization. They've got to have information to operate.

And the dispute there was not so much not being alerted, we would get alerted, but what I wanted was the information. I wanted, the question was, give us the words, because I need the words, I need to know what you know, because I don't need to know it as the mayor, but my police commissioner needs to know it, and there's 50 guys who do terrorist work need to know it, because they may be able to see in a word something that says bridge to them, or tunnel, or if I may I'll give you the illustration. It was several, and I think I shared this with Bob Kerrey when he visited with me, and John Lehman.

It was several weeks after the attack, and it was after the anthrax attack, which followed the first attack, and the country was put on a higher, on a much higher alert. And the Police Commissioner and I were sitting in my office, and we were trying to figure out what to do now that we were on a higher alert. We were on the highest alert we could think of being on. So I called and asked, could you give me the words that provoked this higher alert so that my Police Commissioner and I can make some choices, because we can't cover everything, but maybe we can make some calculated risks which we realized, you know, there's always a risk.

And after about four or five hours of going back and forth and getting a further clearance, they gave the information directly from the CIA to our Police Commissioner, who was able with his staff to make choices about what we should emphasize. Should we put more people at subways? Did it sound like, if there was going to be an attack, it was going to be a subway attack, a tunnel attack? Did it sound like it was going to be another building attack? Did it sound like it was going to be an attack on a synagogue or on a church? These people are experts at this and the more the FBI shares this information, and the more we break down this fear, you know, somebody's going to get credit, or somebody's going to leak something. We really shouldn't worry about the leak part, it comes out anyway so you might as well give it to law enforcement early.

MR. BEN-VENISTE: I agree, thank you Mr. Chairman, thank you very much.

MR. GIULIANI: Thank you.

MR. KEAN: Thank you.

Governor Thompson.

MR. JAMES R. THOMPSON: Mayor Giuliani, I'd like to associate myself, and I think probably every member of the panel does, with Commissioner Ben-Veniste's opening remarks considering your extraordinary leadership not only for the City of New York during crisis but for the nation as well in setting an example for all of us. And I'd like to take up on your opening statement and simply express my opinion that we here on this commission are not engaged in a search for blame. We're not engaged in a search for villains, we're engaged in two things.

One, what actually happened as best we can determine it? And two, what lessons can we learn from what happened and the response to it that hopefully will lessen the chance that it will happen again, or in such great numbers? All of us realize that it will happen again in some fashion somewhere, probably not in the same way, as we observed yesterday, the enemy is versatile, smart, entrepreneurial, and they don't fight the same war twice as we sometimes do.

We can't do that and carry the country with us in support of reform if we're seen as people who judge solely in hindsight, second guessing decisions of people who stood in the thick of battle with debris and bodies falling from the hundredth floor and

had to make split-second decisions on rescuing and helping as many people as possible. In my view it would dishonor the memory of those who died on September 11, if we don't learn those lessons and teach them to the country in hope for their support.

(Applause.)

I would rather honor the memory of those who died by moving forward, helping save other Americans. Now could you give us a description of the particular kinds of information you either did or did not receive from the FBI during the summer of 1991 (sic), with particular reference, and the Commission has devoted many hours to this, information that was received or not received about Usama Bin Ladin or al Qaeda during this period of extraordinary high chatter than the FBI, the CIA have previously testified about during that summer that preceded September 11th, 2001?

MR. GIULIANI: The information that I received in the summer or in the period, you know, leading up to September 11, 2001 would be not terribly different to the information that I received over the, maybe two or three years prior to that, going back to '97, '98 with the terrorist bombing case and the terrorists that were brought to New York to be prosecuted in the southern district of New York.

From that point on we would receive fairly regular briefings that the city was on alert, that there were dangers, that there were risks. Most of my briefings would come from the police, and most of them would occur during the regular meeting I had each week with the Police Commissioner, which included a written report and an oral presentation either from the Commissioner or from the deputy commissioner or one of the people that was an expert on this.

And then every once in a while, but I can't remember this increasing particularly in 2001, but every once in a while it would include a briefing by John O'Neill from the FBI who would come over after having maybe told the police department that he wanted to reiterate something of importance, that he would tell me. And sometimes it would come from Louis Freeh, who would call me from Washington to say they wanted to brief me on something.

But that was not particularly different in 2001 than it was in '98, '99, 2000, and beginning back then, we would continuously get alerts and advice about things that we should do, like to close down the area around the courthouse, because there was a fear that there would be a bombing at the courthouse in

retaliation for holding the terrorists in the Metropolitan Corrections Center. So we did that. We closed the streets around the courthouse and put up barricades.

And then specific warnings about the stock exchange and about City Hall, and we put up barriers around all of those places. And then sometimes there'd be an arrest that had been made, and during the arrest things were seized from the terrorist. And the things seized from the terrorist would include plans, that sometimes would be the plans for New York City subways, New York City tunnels.

Very often it would be the stock exchange, public buildings at City Hall or whatever. So those were thought of as the primary target and it seemed to me that information, that protocol that the FBI and the police developed came largely from what they were seizing from terrorists or suspected terrorists, and I assume, because I'm not, I wasn't privy to this part of it, I assume from what they were hearing on their interceptions.

But there was no--we were on high alert from about '97, '98 on. Probably the most briefings I received, and the most information came in the buildup to the millennium celebration in 2000, where I received four or five separate briefings about possible terrorist plans to attack that celebration. And we went through drills and exercises and deployed thousands of police officers and did background checks because there was a question about whether to cancel it or not.

I think the one in Seattle was cancelled. And we decided to go forward with it but with some real risk attached to it. But there was nothing particular in that summer of 2001 that was any different than you know, in the four or five years before.

MR. THOMPSON: You've faced many decisions as the chief executive and you understand how chief executives function. We've heard in these hearings, and even more in our private interviews about the difficulty of chief executives, whether President Clinton or President Bush or President Reagan or President Bush again, getting briefings on every conceivable subject that falls within a president's jurisdiction and having to sort of prioritize the issues of the day and make decisions on those.

We've heard about the August 6 PDB that President Bush received, and we've heard about the PDBs that President Clinton was privy to, and decisions that were made on the basis of intelligence. Can you give us just a perspective, as a former

chief executive, on the difficulties or challenges that chief executives face in dealing with everything at once every day?

MR. GIULIANI: Well I think that now when you go back over a report, and you know the end of the story, which is a horrible one, but you know the end of the story, the reports that are relevant become much more obvious than before you know the end of it. And part of the reason for that is because you're given so much information. At all different levels, I mean the FBI and the CIA and the other intelligence agencies collect enormous amounts of information, then they distil that information and they pass on a smaller amount, but still an enormous amount of information.

As the mayor of New York City, I was probably warned about threats to New York City, I can't give you like an accurate or scientific number, I'll give you one for rhetorical impact. Once a day, or five times a week, it was not unusual for me to receive a phone call from Police Commissioner Bratton or Police Commissioner Safir or Police Commissioner Kerik, and say, I have to talk to you on a secure phone, or I need to meet with you. And to give me a warning about a threat, something that was going to happen to the city.

So I imagine with the president, you would multiply that out many, many times so now that we hear the word threat, and it's attached to something that appears to be connected to September 11, it jumps out at us. At the time, it has to have melded together with hundreds of other things that were of equal or more importance. So when I look at these reports, I don't--they don't seem to me to be the kinds of things that would jump out at you, to be so terribly unusual.

MR. THOMPSON: Let's turn our attention to the FBI for a moment, I'm sure you're acquainted somewhat at least with the efforts Director Mueller has made to reform the FBI and to change the focus of its mission from strictly law enforcement to law enforcement and intelligence and to change the culture of the FBI to reward intelligence successes in the same way that they reward or have rewarded traditionally law enforcement successes in dealing with their agents.

Give us your assessment of how well you think he's done so far. But also give us your assessment of what structural changes we may need to recommend concerning the FBI or the CIA for that matter, because neither Director Tenet nor Director Mueller will, despite good intentions, always be there. And we need to tell the Congress and the American people how the collection and

dissemination of intelligence for the defense of this nation should be handled in the future?

MR. GIULIANI: Well I think it would be very, very valuable to recommend the creation of joint terrorism task forces in all major cities in the country, so that the FBI and the police are working together as partners. When Rick Ben-Veniste asked me that before, and I referred to the joint terrorism task force that was established in the late 1970s, the real benefit of it is that the police officer, police detective and the FBI agent are partners. They sit in the same office. They go out and investigate the same case.

So it doesn't mean you'll always get all the information you want, and it doesn't mean that the director doesn't have to break down even barriers there. But at least you're doing at a level of trust and cooperation that is beyond, you know, a lot of it throughout the United States. That would be an excellent mechanism to kind of assure that the information is flowing.

That also presents to the FBI in a compelling way the need for the two way street of cooperation. There was a case, I don't know if Commissioner Kerik described this yesterday, but there was a case about a year, year-and-a-half before September 11, 2001, in which the joint terrorism task force foiled an attack on the New York City subways by terrorists who had plans for the subways, the tunnels, the bridges. That case happened because a citizen noticed something suspicious and went into a police precinct and described it to a cop who decided and evaluated what the citizen said, that it was suspicious, and then brought in the joint terrorism task force.

But it happened because of good old fashioned police work. I don't know, it may have happened anyway, but I'm not sure it would have happened if you didn't have that joint terrorism connection where the police worked very closely with the FBI. That would help a lot.

I think that the director has made great strides in opening the FBI up, and I think he's moving them in exactly the right direction. And the only advice from my limited perspective that I can offer with regard to the CIA and intelligence gathering is, and this is a belief more than it is something I can prove, I think if we had more human intelligence, and we didn't rely just on interceptions, but we had human intelligence to inform the vast mounds of information that we get, we'd better be able to interpret it and to figure out priorities.

When you asked me before about the amount of information that comes in to intelligence analysts, who can put it on, is this big, and it all says threat, and it all says bad people who want who want to do terrible things. To figure out which one you should concentrate on, you need an interpreter, and the interpreter is human intelligence. Somebody inside these organizations, that's the way we investigated organized crime, and that's the way we investigated drug operations. You infiltrate them, and then the interceptions make sense to you.

I think we fell in love with our technology, and I think we felt we had so much technology that that made us secure, and we moved away, and I'm not talking about this president or the last one, or the last one, but for some time we moved away from the tough, more difficult and dirty work of human--infiltrating organizations. And if you had infiltrated organizations, then maybe the communiqué, you wouldn't just rely on a briefing, somebody would point it out to you and say that's the important one.

MR. THOMPSON: Thank you Mr. Mayor, thank you Mr. Chairman.

MR. KEAN: Mr. Mayor, just one thought or one question. New York City on that terrible day in a sense was blessed because it had you as a leader. It had somebody who was a great, great leader to take charge of a terrible, terrible event. You also had as you've told us, some of the best people in the country to call on, who worked for you and worked for the city.

This commission is charged with making recommendations for the nation, in a sense, and the cities, the rest of the cities in this country are not going to have a Mayor Giuliani. They may have a good man or woman, but they're not going to have you. They're not going to have the kind of people that you had to call on on that day to help you in this city. And we've got to make recommendations that also affect them and can make their cities safer.

Have you got any thoughts about what kind of recommendations we could make, based on your experience that would be across the board so that we could tell mayors of other cities who are good mayors but not you, have great people but not very great people--

MR. GIULIANI: The other cities have equally effective mayors and police departments and maybe more effective than me, and this isn't about particular individuals. It really isn't. It's about

people who seek out this work and I think New Yorkers, you know, I was very blessed to have an unbelievably capable fire department and police department, I mean beyond anything I would ever be able to describe to you. There's no way I can describe to you how effective the New York City Fire Department, the New York City Police Department is.

And I'm not talking just on September 11, I'm talking about the hundreds of times I've been in hospitals or emergency rooms with their families, men and women who put their lives at risk to protect other people. So I was very blessed to have terrifically effective people and rested on their shoulders. So it's not about me. And I think our people are special, and I think New Yorkers are special, so I can't help that.

I'm a New Yorker. I can't help it, I'm a New Yorker, I think they're special and I asked them that night when I was standing at the police academy, knowing that I had lost so many of my own friends and loved ones, and there'd be more to come, I asked them to give the country and the world a demonstration of how people react to terrorism, by emerging stronger. And they've emerged even stronger, and Mayor Bloomberg has carried on everything I was doing and done even more, and so has Commissioner Kelly.

And I think all these American cities have, you know, have certainly among their fire departments and police departments they have extraordinary people. I did worry, and do continue to worry that maybe because of, you know, the resources we have and the size that we have, that it isn't the same way in a lot of other places. I mean big cities, and this would also be true of Chicago, it would be true of Los Angeles, it would be true of the big cities.

Big cities are better prepared for this than smaller places, because we deal with emergencies all the time, and we're much better prepared for physical disaster, because while we were all sleeping, after your hearing last night, to this morning, the New York Fire Department probably saved you know, dozens of people and put out ten fires and the police department were probably engaged in emergency missions, they just--while we talk about it and opine about it, they just do it.

And they're terrific at it and I think other--

MR. KEAN: I guess what I was looking for was systems, a change in systems that we could recommend to other places in the country based on your experience?

MR. GIULIANI: I think the most important recommendation that I would make, put on the top of the list, is to have OEMs, that cities should have Offices of Emergency Management. The Office of Emergency Management that we established in '95, '96, was invaluable to us. We would not have gotten through, when I say September 11, I don't just mean the day, I mean the months after that, and then the anthrax attack that followed it, which people tend to forget about.

Within a month of September 11 we were attacked by anthrax, and then a month later we had a plane crash that in and of itself would have been the worst catastrophe of the year in Rockaway. Without the Office of Emergency Management, training us, doing drills, doing exercises, we would not, even with a very good police department and fire department, we would not have been able to handle all of that. And I know Chicago initiated an Office of Emergency Management within months of September 11, 2001, because Mayor Daley thinks in terms of, how do I prepare my city.

And I would think that would be something along with a joint terrorism taskforce, if cities had that, it would help them a lot in bringing together these resources, even in a city like New York as you found out, with a very large police department and a very large fire department, not everything can be coordinated.

MR. KEAN: Congressman Roemer?

MR. TIMOTHY J. ROEMER: Thank you Mr. Chairman, I too want to join, Mayor, in thanking you for your time this morning and particularly your brave and courageous leadership on September the 11th, when many of us, I served in government, in Washington D.C. on that day, and we constantly saw the replaying of the planes crashing into the two towers, and that brought a potential sense of devastation and insecurity to many people.

At the same time people would see the video of you marching down the streets of New York City showing calm and showing leadership, that I think had a ripple effect not just in New York City but to people, leaders in Washington and around the country. So for that we're very grateful and we're very grateful to the leadership that other people here in this city showed. Let me ask you a direct question, I hope it's fair, very direct, about something that this commission has spent a great deal of time on, and that's the presidential daily brief of August 6, 2001, to the president.

In this document it says Bin Ladin determined to strike in U.S., and it's only about a page and a paragraph. And in this document which we've agreed did not tell the president that something was going to happen in New York City, or there were going to be airplanes coming into the World Trade Centers, it does mention New York City or the World Trade Center three times in this document.

(Applause.)

Please. It says that Bin Ladin and his followers would follow the example of the World Trade Center bomber Ramzi Yousef and bring the fighting to America. It talks about a clandestine source in 1998 that a Bin Ladin cell in New York was recruiting Muslim American youth for attacks. And it says, it mentions the recent surveillance of federal buildings in New York City. Now again Mayor, there's nothing to say that you should have known about something happening on September the 11th. But it mentions New York, and we all know since 1993, 1997 when you mentioned the incident then, that New York was something that was very precious to us and a target by the terrorists.

I want to know, why is it the CIA and FBI were not sharing more of this with you, because you've said to us just this morning, that you didn't get an increased warning from the CIA and the FBI. It was pretty steady from '97 through the millennium, through the spring and summer of 2001, pretty steady, it was always pretty high. But we have people in Washington, CIA director and others, saying their "hair was on fire," this is a spike in warnings. One, why didn't we get better communication of this spike in warning in the spring and summer with the likely target of New York, to help you a little bit more, if possible?

And two, what specifically can we do in these instances in the spring and summer to try to fortify and protect and prepare, not knowing particularly A, B and C, when where and who's going to do it, but how do we try to prepare our people, our sites, and the city for something that happened that day and is probably going to happen again?

MR. GIULIANI: I don't know that I can really answer the whole question, I'll try. If that information had been given to us, or more warnings had been given in the summer of 2001, I can't honestly tell you we would have done anything differently. I mean I don't--we were doing at the time all that we could think of that was consistent with the city being able to move and to protect the city.

In fact for some time, we had been heavily criticized for doing too much, including closing down City Hall and closing some of the areas around public buildings. So some of that would have sounded a great deal like the information we were getting already in '98 and '99 and 2000, that New York City was the target.

I have to say that in the briefings that I got, and this is all now recollection more than anything else, but I think the police plan reflects that. Probably if we were to list the number one thing repeated as a target, it was the subways, tunnels and bridges, largely because when arrests were made, those are the things that would be seized. And then public buildings would be second.

So it may or may not have led to increased security at some of those buildings. But I do think, and again this is hypothetical and it's an interpretation, I do think that the interpretation would've been more in the direction of suicide bombings than aerial attack. Because in all the briefings that I received, the two areas that were emphasized were bombings, meaning suicide-type bombings, or an area that we haven't talked much about, but we should talk more about if we're looking toward the future, which is biological and chemical attack. So I don't know what it is that we would have done differently if we had been given the information, but we weren't given it.

MR. ROEMER: We've heard--okay. I will not be able to follow-up on that. I appreciate your answer, but I think the chairman wants to move onto the next one. I have several follow-ups.

Thank you, Mr. Chairman.

THOMAS KEAN: Senator Kerrey.

MR. BOB KERREY: Mayor, let me--at the beginning--respectfully disagree with two things you said at the start. And it may not be a disagreement, it may just be me seeing the world slightly different than you do. First of all, I don't believe it's an either/or choice of being angry at those who perpetrated this crime and feeling anger toward those with responsibility.

(Applause.)

And at the same time, I think one of the most remarkable things that you did during this whole period of time was help us

channel our own anger, because one of the problems with anger is that it becomes its evil twin in a hurry and becomes hatred. And the thing that I believe unified us on that day, in addition to your words and your leadership, was that all of a sudden it was no longer us and others. I mean, it wasn't just Americans who died on 11 September. Some of the people you pointed out was New York City strengths. Our immigrant community died on 11 September, including, I think it's fair to guess, undocumented people as well.

It wasn't just Christians and Jews. It was Christians, Jews and Muslims, and dare I say it, probably people who didn't believe in God, who just came to work and were trying to do what people do when they do their job. And all of a sudden--and for the rest of my life I'll never be able to see Port Authority Police, Fire, New York City Police Department, or for that matter, police people and fire department and Port Authority people anywhere and see them any differently than I do now, which is they're special people. And strangers became different.

All the obituaries that were in the newspapers and all the funerals that you went to, you personalized people that previously had been strangers. And that's, I think, where the unity came from. We didn't see it as us versus them. We didn't see the other any longer. We saw the humanity.

We reflected and let our anger subside a bit to see the humanity in other people at the moment that we may even be disagreeing with them. And I do praise you highly, especially for going to all those funerals. That had to be a terrible pain to do that. But you allowed us to grieve, and through our grief understand the full dimension of this loss and to unify as a nation.

I mean the word "damn" got dropped from our Yankees for a short period of time because the country did no longer see New York City as a strange and alien place. They saw it as a part of their country, as a part of their world indeed, because it was all over the world that people were feeling the humanity and the loss of humanity in New York City.

Yesterday, Mayor, we had three of your former commissioners before us, and Commissioner Kerik in his testimony said the city, through OEM, had conducted coordinated plans for many types of emergencies, including one simulating bio-chem attack, mass transit, actual emergencies like blackouts, building collapses, storms, plane crashes, et cetera. And when I asked the question,

was there a scenario analysis done for the possibility that a plane could hit one of these 1,350 foot towers, I got the answer, "no." And I'm not sure that's correct, because, like now, I had five minutes to do it, so I didn't have a chance to follow. To the best of your knowledge, was there a scenario analysis done for the possibility that a plane taking off from one of the airports in this area could hit the World Trade Center accidentally?

MR. GIULIANI: I don't recall one that would be done. I recall a number of field exercises and tabletop exercises. There was one done involving an actual field exercise involving a plane crash in which state and local and different county organizations had to respond to it to see if we could work together with Nassau County, the Port Authority. There was one done involving a sarin gas attack right near the World Trade Center that involved the Port Authority, and there were many done involving building attacks, building fires, building collapses. But I don't recall one involving an aerial strike on a building.

MR. KERREY: Among the--there were eureka moments for me where I discovered something on this commission. I was listening to flight attendant Betty Ong on American Airlines flight 11, when she was talking to the ground. People on the ground, American Airlines and federal officials, were surprised that the plane had been hijacked. In fact, argued with her, said, are you sure it isn't air rage?

Don't you think the FAA should have told the Port Authority at some point during this whole entire period--I mean, take '98 through 2001, because our staff has concluded that at least the Counterterrorism Center at CIA should have done some scenario analysis about hijacking, since it was mentioned in some of the things that we had picked up. No specific plan was detected, but don't you think that the FAA or somebody at the federal level should have engaged in some scenario analysis about the possibility of a hijacking and begin to think about that as a possible threat against the United States.

MR. GIULIANI: I imagine in hindsight it would have helped, sure. I mean, it would have. But they didn't. So I don't know how to evaluate how they make decisions or what it is that they decide on. Sure, if somebody had said this is a possibility, then there would have been an exercise done based on it. But no one thought of it and we didn't think of it.

We thought of a lot of things. We had plans for anthrax. We had plans for smallpox. We had plans for terrorist bombings. We

had plans for dirty bombs, airplane crashes. But in all that thinking that we did, we had never come up with the thought that there would be planes used as missiles, attacking buildings. Whether others should have done it, I don't know. I don't know if I can really judge that, Senator.

MR. KERREY: Thank you.

MR. KEAN: Commissioner Lehman.

MR. JOHN F. LEHMAN: Thank you.

Mr. Mayor, there is no question that your leadership and your firm grip and presence in your moveable command post made a huge difference on that day. There was no question to the world that the captain was on the bridge. But there is a tradition in the Navy, learned over centuries, that sometimes the captain is not on the bridge and that there has to be a clear and unambiguous succession of command authority in the event the captain is ashore when the attack comes, or the captain is killed in the event, and particularly when there are multiple crises around a battle or a ship. And one of the problems that our staff and we see in the new Incident Command System that has just been promulgated on Friday is that it's really a formula for negotiation between strong and powerful and heroic agencies as to who's going to be in charge at the time.

And I think Ray Kelly yesterday explained it very well, that this is a system based on a very strong mayoral system, and in a way it's modeled on you being on the bridge. We have a very strong mayor now. There have been times in the past--in fact frequent times--when we have not had very strong mayors.

And many cities around the country do not have a strong mayoral system, even if the incumbent is strong. But more importantly than that, below the mayor there does not seem to be in a situation like we are trying to plan for. They're coming back and they may and probably plan to do multiple events to maximize confusion and maximize casualties.

The problem is even with a strong captain on the bridge, this plan does not provide clear unity of command. It's a negotiating document. And I would like your personal view on whether it's not time, given the increased level of the threat from a very sophisticated enemy, that New York break from its long and successful tradition of working together with independent agencies to adopt a more clearly defined and unambiguous command and

control system above--I'm not saying within, although there are some issues there, but much less strong --but among the agencies, Port Authority, Fire Department and Police?

MR. GIULIANI: First of all, I believe that Mayor Bloomberg and Commissioner Kelly and the Commissioners you saw here yesterday, Commissioner Scoppetta, Commissioner Bruno, have done a lot, learning from the things that happened on September 11, 2001, to improve the readiness of the city. In fact, I think they've done exceptionally good work in doing that. And I think this protocol, matrix, is an attempt to try to improve on the one that we did the two or three years earlier; I've forgotten exactly when it was put out. But I went through so many drafts of that that when I see it now, I can't remember which was the last draft and which--it took us about three years to develop that.

First of all, the line of authority is clear. The mayor is in charge. All of these agencies are mayoral agencies. In the same way the president of the United States is commander-in-chief, the mayor is in charge. That's why people elect the mayor, so they get the choice of whether they get a strong captain or a weak captain or a lieutenant or whatever. The people get the choice of who they select. And maybe now in the new era that we're in this will be something that people think about, you know, when they make the choice. But at least they get the choice of who is in charge.

There's a deputy mayor who succeeds the mayor immediately if the mayor is sick, injured, hurt or missing and that deputy mayor is designated. In my case it was Joe Lhota, who was there right at the scene. He was the second person to come up to me, with the police commissioner, at the time, and he was ready to take command if anything happened to me. And then there's a line of succession after that. So there's never any--and this was true not only of my administration but of Mayor Dinkins' administration, Mayor Koch, and I think it--

MR. LEHMAN: But suppose there were three other events simultaneously?

MR. GIULIANI: Well, I mean that--if there were three other events simultaneously, then you have the best police department in the country, usually with a police commissioner who's among the three or four very best police professionals in the country because the New York City Police Department draws the best people. I mean, I never had trouble finding a really great police

commissioner. The real problem I had was selecting between the 10 that wanted to be police commissioner.

MR. LEHMAN: But why shouldn't there be an automatic--

MR. KEAN: This is the last--

MR. LEHMAN: This is my final--I'm from New York too, so-- (laughter)--why shouldn't there be a formula so that before that can be arbitrated, there's an automatic system for who's going to be in charge until a decision otherwise on the scene--I'm not talking about at the top--but on the scene of multiple incidents?

MR. GIULIANI: I think that because incidents are complex that's why you need OEM, and that's why I created OEM, to--

MR. LEHMAN: But it doesn't have the authority. That's the problem.

MR. GIULIANI: Yes, it does. It has the--

MR. LEHMAN: It can dictate who's going to be in charge?

MR. GIULIANI: Yes. Yes, it has the authority to decide who's in charge until the mayor gets there, and then I guess somebody could argue it. That never happened. The way the system was arranged--and I know my system better--but I think this one is very similar. Most emergencies have a department that's in charge.

A typical criminal case, the police are in charge. A typical fire, the Fire Department is in charge. Where it gets complicated is let's say--and I remember where this emerged. It emerged from the sarin gas attack that we simulated near the World Trade Center and the question was--this was a political rally attacked by Islamic terrorists, sarin gas attack, a thousand people down.

And the question was, who's in charge? The terrorists were in the crowd still releasing the sarin gas. Well, the Police Department is in charge while it's still a criminal case, a terrorist case. Now the terrorists are arrested. They're now out and now you've got a thousand victims that have to be saved, the Fire Department is in charge. And OEM has to determine that decision.

So if there were an attack in this building right now, if something happened in this building and the terrorists were in

this building or we were being held hostage or whatever, everybody would arrive, it would be clear that the Police Department was in charge. The chief of the Police Department would be outside and he would be directing the situation. Once the terrorists or hostage-takers were taken out and this building became a rescue mission, we had all been injured with biological attack or chemical attack, now the Fire Department would take over. And I saw several hundred of these and they never proved to be a problem.

One thing--I know you're a New Yorker, I'm a New Yorker-- I'll tell you one thing, and you know this about New York--and Rick is--they handle big things brilliantly. There was not a problem of coordination on September 11, 2001, because it was bigger than everybody involved in it, so nobody was asserting ego. You know, the Fire Department should take over, the Police Department, the mayor should be in charge--everyone sublimated their ego to how big it was. They're terrific at big emergencies. Where the problems occur that you've reported and found, it's in the smaller situations where they have time to debate who's better, who's more effective.

I come from a family of four uncles who were police officers and one who was a firefighter, so I know this from the time I was two years old. And if it's a big emergency they will all be in there helping each other and assisting each other. If it's an extraction from a car, they're going to race to get there because the Police Department feels they can do it better and the Fire Department feels they can do it better. And that's why you need an OEM. You want to retain this tremendous pride, like the Marine Corps has or like the FBI has. At the same time you want to be able to use it correctly.

I mean, the only thing I would recommend--and I think the present mayor is doing this, I think Mayor Bloomberg is doing this --you've got to have a very strong OEM so that if Jerry Hauer, who's going to be here later--I had two OEM directors. One was Jerry Hauer, the second one you saw yesterday, Ritchie Sheirer. If they arrived at an emergency and there was any doubt, they had the authority to say, Police Department in charge, Fire Department in charge. I would usually arrive there, or my deputy mayor if I wasn't--if I was sick or I wasn't around, and then if they had a problem with that they could raise it with the deputy mayor, but he would always support the head of OEM. So I mean I think that is the best way to handle it in New York.

MR. LEHMAN: Thank you.

MR. KEAN: Senator Gorton.

MR. SLADE GORTON: Mayor Giuliani, in your graphic description of your day, you remarked on one incident that leads me to a series of thoughts on which I'd like to have your comment. You said that instantly when you arrived there and spoke to the fire chief in charge you said, "Gosh, can you get a helicopter up to the top and rescue anyone?" and he said, "No. Look at the flames. We can rescue people below the impact area." Now that reference, I guess, was to Tower Number One, but presumably exactly the same doctrine applied to Tower Number Two. Four people did manage to get down, but there obviously wasn't any way for your first responders to get above that area and to save anyone.

That's the part of your narrative that caused me to this thought. Our chart shows that 2,602 people lost their lives in those two towers that day. Ten of them, of course, were hijackers. 147 were passengers in the two airplanes. A horrendous 403 were either your firefighters or police officers or Port Authority police officers.

And my arithmetic--that tells me that that means that 2,042 civilians who were in the towers at the time lost their lives. I'm not sure, but perhaps you can tell me whether or not there was any breakdown as to how many of those people were above the impact areas and how many were below? My own estimate, and you can tell me if you think I'm wrong, is probably fewer than 100 of them were below the impact areas. In other words, the overwhelming majority there was no way for you or your people to get at at all.

Now, if I'm right on that and if I'm right on the estimates that you've made that some 25,000 people were evacuated from those two towers, that tells me that your first responders, at the terrible price of 403 lives of their own, saved or managed the saving of over 99.5 percent of the people they could conceivably have saved, which is absolutely remarkable, you know, overwhelmingly remarkable. No matter what kind of criticisms there are, after the fact, on the way in which it was made. Am I correct in that estimate? Would it be accurate to say that your people saved, at this cost of 403 of their own lives, 99.5 percent or more of the people they could conceivably have saved?

MR. GIULIANI: I don't know if that would be the exact percentage, Senator. But the reality is that they saved more lives than I think anyone had any right to expect, that any human

beings would be able to do. Done differently with different people, and people that may be unwilling to be as bold as they were, you would have had a much more serious loss of life. And their willingness, the way I describe it, to stand their ground and not retreat, and even their interpretation of an evacuation order - and I know some of them.

I know one firefighter whose family has explained this to me. He was in the North Tower. He was evacuating people. He was given an evacuation order. He told his men to go, sent them down, they got out. But he was with a person in a wheelchair, and an overweight person having a hard time getting down, so he stayed with them.

So how did he interpret that evacuation order? He interpreted that evacuation order, "I'll get all my men out, but I'm going to stay here and help these people out." And the fact that so many of them interpreted it that way kept a much calmer situation and a much better evacuation--

(Voices raised from audience.)

--and these people--

MR. KEAN: Please.

MR. GIULIANI: These people's--

(Voices raised from audience.)

MR. GIULIANI: These people--

AUDIENCE VOICE: Talk about the radios.

MR. KEAN: I would please ask--

(Voices raised from audience.)

MR. KEAN: I would ask--

(Voices raised from audience.)

MR. KEAN: --you please to restore order.

(Voices raised from audience.)

MR. KEAN: You are simply wasting time at this point, which should be used for questions. Please. Thank you.

MR. GIULIANI: Well, it's understandable--

MR. GORTON: Thank you, Mr. Mayor. I think--

MR. GIULIANI: Senator, it's an understandable--

MR. GORTON: --that record is absolutely extraordinary.

MR. GIULIANI: And when you undergo the losses it creates, it's very understandable.

MR. GORTON: Thank you.

(Voices raised from audience.)

MR. KEAN: Commissioner Gorelick. If you want to continue to remain in the hearing--

(Applause.)

MR. KEAN: --I would ask you please to be in order.

(Applause and voices raised.)

MR. KEAN: Commissioner Gorelick.

MS. JAMIE S. GORELICK: I have--

AUDIENCE VOICE: Put one of us on the panel. Just one of us on that panel.

MR. KEAN: I would ask you all please--

(Applause.)

AUDIENCE VOICE: Just one of us.

MR. KEAN: I understand your feelings. I also understand that this hearing has to continue in an orderly manner. I would ask you to conduct yourselves that way, please.

MS. GORELICK: Thank you, Mr. Chairman.

The questions I have, Mr. Mayor--and, again, thank you for your appearance here today, are to follow up on the questions that Commissioner Lehman was asking. I appreciate your overarching statement that there has been continuity between your administration and your successor's. But you made two choices that are, in fact, different from your successor that I would really like to explore and drill down on. One is in this command matrix.

The fact of the matter is, and however long it took you to arrive at your matrix, when you issued it in 1996 it had, to use the basketball vernacular, very few jump balls. You basically said, in this type of incident "X" is going to be in the lead. Now, that may have changed in the course of an emergency. You know emergencies are dynamic, the role of the Incident Commander might change, but you have a presumptive leader in each situation.

In the procedures that were issued last week, nearly every--in fact every significant incident has at least two and in some instances as many as five agencies listed as the primary agency. That's a difference. Now, in response to Commissioner Lehman you said, well, that's why you have OEM. But, in fact, the second difference between your policies and your successor's is that in your policies the Office of Emergency Management is the on-scene interagency coordinator and does have the capacity--or did have the capacity that you describe.

In a *New York Times* op-ed piece, Jerry Hauer who ran, as you noted, your OEM at the beginning, says--is highly critical of Mayor Bloomberg's decision to essentially downgrade and change the role of OEM from a highly operational element that's an extension of the mayor to, in his words--and I think here he's quoting Director Bruno--to a think tank.

He says that--I'm quoting Hauer here, "Mayor Bloomberg continues to undermine the city's ability to deal with crises by weakening the role of the coordinator." And I won't quote at length, but I know that you're going to be loathe to criticize your successor. But it's important for us to understand on the ground in a city like this what the proper model should be, because we will be making recommendations about this. And so I would like to ask you whether you believe the policies and procedures you've set out are better or not, and what your reasons might be?

MR. GIULIANI: Well, I believe that the part of it that Jerry was incorrect about is that OEM still has the authority to make

the choice as to which agency is in charge. And that's critical. That's the critical part of it. Whether more agencies are selected as possible incident commanders, because the situation is more complex or because on analysis after they've looked at all of this, they've decided that there are--if you gave me a copy of it, it probably would help. If I could just see it?

MS. GORELICK: Sure, let me--

MR. GIULIANI: Because I'm really not as familiar with that, obviously, as I am my own.

MS. GORELICK: This is yours. I'm sorry, this is Mayor Bloomberg's and this is yours.

MR. GIULIANI: Okay.

MS. GORELICK: And you can see the difference here.

MR. GIULIANI: Okay. Well, the one thing that I would clarify in this is that OEM has the authority--meaning the new united command matrix, that OEM has the authority to make the decision if there's any confusion about who's in charge. I mean, the citywide public health emergency--it is possible that any one of those five agencies, depending on the kind of citywide health emergency, could be in charge of it, whether it's HHC or NYPD, FDNY, the Department of Health. So OEM would have to make that choice. That's the thing I would clarify in this if there's any ambiguity about it.

MS. GORELICK: Yes, because I would note that in the procedures issued by Mayor Bloomberg--and, frankly, it is consistent with the impression we were left with in the testimony yesterday, OEM responds to multi-agency incidents, participates in the command, coordinates resources from emergency support functions, relays information and supports logistic needs. It has, shall we say, a rather less affirmative, aggressive, operational sense than it does in your more straightforward language? And maybe it is an issue of clarification or maybe it is a choice?

MR. GIULIANI: But in terms of my opinion of it, I would think that's the thing that would have to be clarified because when--a power outage. NYPD, FDNY are the possible Incident Commanders. It really is going to depend on whether or not there's any suspicion of terrorism or criminal activity, or whether it's just a straight blackout that we're dealing with.

And if there's any confusion between the police and the fire and the mayor isn't available, then somebody has to decide that. That has to be OEM.

MS. GORELICK: So--

MR. KEAN: Last question.

MS. GORELICK: Yes, sir.

So just to clarify, your concern is not with the listing of multiple agencies, which is different from the plan that you put in place, but ensuring that there is a mechanism that is quite clear for determining who gets the lead if numerous agencies do show up as listed in the--

MR. GIULIANI: Correct. The agencies that are listed as alternatives all make sense. Aviation incident: Police Department, Fire Department or Port Authority. Depending on the aviation incident, it has to be one of those running it. The real question is if there's any dispute, you want to know immediately who's in charge and that has to be OEM's responsibility.

MS. GORELICK: Thank you very much.

MR. GIULIANI: Thank you.

MR. KEAN: Commissioner Fielding.

MR. FRED F. FIELDING: Thank you, Mr. Chairman.

Mayor Giuliani, as your friend of years I'm very pleased to join with my fellow commissioners and join in their words and also my own personal admiration for you over the years. Not just for your public service over the years but for the inspirational performance that you gave too on that day after the attack as the symbol of resilience of not only New Yorkers but all Americans, and I'm very pleased and proud to say that to you. I'm, I think, the cleanup hitter here, so there are a couple of things I want to catch on.

But first of all, there's some confusion in my mind and others' as to the relationship between OEM and the Port Authority. For instance, if the Port Authority at Newark heard that there was a plane headed for Manhattan, could they communicate to the command center of OEM?

MR. GIULIANI: Yes. The Port Authority did have and I'm sure continues to have direct communication with OEM and frequent communication with OEM. We did exercises and drills with the Port Authority on a fairly frequent basis, including simulating a plane crash for this very reason, to make sure that the Port Authority, the Police Department, the Fire Department, the Nassau County people could all respond correctly. So they have direct communication with OEM. And the building, the World Trade Center, I think--you'll have to check with others that know the statistics, I think it may have been the most responded to building in the city. So they were--the police, the fire and the Port Authority were used to working together in that building. They do it, like, seven or eight times a day.

MR. FIELDING: Now, following up on something Governor Thompson asked you, my question is slightly different. Despite all of Bob Mueller's good efforts, and he's really grasped the situation and is dealing with it, in anybody's mind who observes him, from your background in law enforcement and as a mayor and in your various public services do you think that given the role traditionally, culturally of the FBI and its strong emphasis on law enforcement that that's an organization that can indeed not only perform law enforcement, but also counter terrorism? Or would it be, in a perfect world, a better thing for us to consider putting that task and separating those tasks?

MR. GIULIANI: That's a very--that's a debate that has pros and cons and it's very difficult to decide which is a better way to do it.

MR. FIELDING: But it's our messy debate and we need your help.

MR. GIULIANI: (Laughs.) But you have to decide it and do it. I would say that there's probably more gained than lost by having it in the same agency. By having the criminal investigation and the counterintelligence for domestic purposes in the same agency. And that if we figure out how to have them communicating better so that we don't have the "wall" and we don't have the separation and we have, you know, sharing of information, we're probably going to gain a lot more from that. If it were just a separate domestic counterintelligence agency, I think it would be kind of isolated in terms of its ability to realistically pick up what's going on.

When I was asked earlier by some of the other panel members about the work between the FBI and the local police, the FBI--and

I'm sure the director understands this, but they have to accomplish it--has to think of the local police as arms of the FBI because very often they're the ones who can pick up the intelligence that's going to trigger the possibility of an attack, like the one I mentioned. And there are probably, you know, half-a-dozen others where the initial information came about because of good street police work. So if you had just an intelligence agency that was separated from the law enforcement agency, I think it would tend to become even more isolated than the situation we've had with the FBI. The idea of having those relationships with police departments is a valuable part of their intelligence gathering.

MR. FIELDING: Okay, thank you. One follow up question and one final question, excuse me. We haven't talked about the aftermath of 9/11, but I know that FEMA had a major role in the city, and I guess at one point there must have been some question as to whether there needed to be a federalization of the cleanup effort. And we really could use your comments on what happened because we've had no information on that.

MR. GIULIANI: Well, the reason the city of New York is such a remarkable place and I have such strong feelings about all these people in the Fire Department and the Police Department and OEM and elsewhere is they weren't attacked once. They were attacked in two months three times, with attacks that would be considered historic in nature in terms of proportion. First, the attacks of September 11, 2001, then anthrax in NBC, CBS, ABC, Fox, the governor's office, my office, a number of places--a new component--first time America ever, ever had to deal with that. And then just a month later we had an airplane crash in Rockaway, tragic, horrible airplane crash that at least in the initial moments appeared to be a terrorist attack.

FEMA was remarkably helpful and played exactly the right role. Joe Allbaugh came here within 24 hours. He took over the Javits Convention Center, they deployed search and rescue operatives from Indianapolis, from Chicago, from Baltimore, from Phoenix, Arizona. We had--Governor Thompson will appreciate this. We had Chicago police officers directing traffic in New York City. I don't know where they sent the people, but you know--(laughter)--they were directing traffic in New York City.

And we got tremendous help from FEMA and could not have gotten through it without all of that help. And they made the right decision for New York. It might be a different decision some place else. Because you have all these resources, at that

time a 40,000 police department, an 11,000 person fire department even with the terrible losses, a massive fire department, all of these emergency people, the Port Authority.

The best role to play in New York is a supportive role. It would have been impossible for FEMA to take over the effort. They wouldn't have understood the intricacies of the city well enough to take over the effort, so they played the right role. If they moved into another place--I was in Shanksville, Pennsylvania, after the attacks and went to the high school and the field where the plane came down. And my police commissioner was with me, Bernie Kerik, and when we passed a local firehouse both of us stopped for a moment and were stunned with the idea that it was a firehouse with two trucks that had to respond to what maybe could have been another terrorist attack.

So, you know, that might have been a situation where FEMA would come in and FEMA would have to help and assist because the resources aren't there. In New York or Chicago or Los Angeles these police organizations are going to be so big you've got to kind of work with them rather than try to direct them.

MR. FIELDING: Thank you very much.

Thank you, Mr. Chairman.

MR. KEAN: Vice Chairman Hamilton.

MR. LEE H. HAMILTON: Mayor, we're running about 25 or 30 minutes late because of the interest the Commission has had in your questions and your answers. You'll be glad to know I'll not ask any questions. I did feel, however, it's important that I simply express to you my appreciation not just for your leadership, you've heard that a lot this morning, but also because of the cooperation you've given this commission and the candor with which you've responded this morning, and in the previous interview.

We're deeply appreciative of that and we may very well want to ask you further questions as we finalize our report. As a Midwesterner I might say to you I've been impressed time and again with the pride you've expressed in New York City, and I admire that greatly and I think that may--

AUDIENCE VOICE: Stop kissing ass. Three thousand people are dead.

MR. HAMILTON: That may very well be--

AUDIENCE VOICE: (Cross talk)--great leader.

MR. HAMILTON: --one of the reasons for the success--

AUDIENCE VOICE: Three thousand people murdered does not--

MR. HAMILTON: --of your leadership. So we thank you very much for your help, your leadership--

AUDIENCE VOICE: (Inaudible) --asking the real questions for the mayor.

MR. HAMILTON: --and your cooperation with this commission.

AUDIENCE VOICE: I would--give me two minutes to rebut him.

MR. HAMILTON: Thank you.

AUDIENCE VOICE: Two minutes to ask a couple of real questions.

MR. KEAN: Thank you.

Mr. Mayor, thank you very, very much for your appearance here and for your help past and future, and thank you very much.

(Cross talk)

MR. GIULIANI: Thank you very much and God bless you.

(Applause.)

AUDIENCE VOICE: My brother was a fireman and I want to know why 300 firemen died. And I've got some real questions. Let's ask some real questions. Is that unfair?

AUDIENCE VOICE: You know what? My brother was one of the firemen that was killed and I think the mayor did a great job, so sit down and shut up.

AUDIENCE VOICE: What about the bunker? You didn't ask him about the bunker, the Office of Emergency Management bunker on fire-- (inaudible.)

MR. KEAN: We will get ready--we are getting ready for the next panel, which will appear shortly. If you want to be disruptive, you will be removed from this room.

AUDIENCE VOICE: Remember this, your government funded and trained al Qaeda. Your government funded and trained al Qaeda. I'll say it one more time. Your government funded and trained al Qaeda.

(Applause.)

MR. KEAN: If we could have your attention please. Our second panel has assembled. We will be extending our investigation now into the state of emergency preparedness and response beyond the New York region to other parts of the nation, and we have before us three experts in that subject: Dennis Smith, author of the book "Report from Ground Zero" comes to us as an independent voice and authority, not only about how New York City has approached emergency response, but how other cities plan as well.

The second member of this panel is Jerome Hauer. Mr. Hauer served as the director of the Office of Emergency Management during its formation and is a recognized expert on how various locales coordinate emergency rescue efforts. The third member of our panel is Edward Plaughter, chief of the Arlington County Fire Department. Mr. Plaughter was serving in that post on 9/11. His staff performed with valor and distinction during the attack on the Pentagon and they saved many lives that day.

Gentlemen, if you'd please rise and raise your hands. Do you swear to tell the truth, the whole truth and nothing but the truth?

(Witnesses sworn.)

MR. KEAN: Please be seated.

Mr. Hauer, are you going to start?

MR. JEROME M. HAUER: That's fine.

MR. KEAN: However you all would like--Mr. Hauer.

MR. HAUER: Mr. Chairman and members of the Commission, thank you for the opportunity to appear before you today. My opening

statement will be brief so as to leave more time to respond to your questions.

I was the first director of the Mayor's Office of Emergency Management in New York City. I had the honor of working for Mayor Rudy Giuliani for four years, during which time we built one of the strongest emergency management programs in the country. Since the attacks of September 11th, I have spent a lot of time soul searching, looking at what went right that day and what went wrong. I have tried to understand what could have been done to better prepare the city to manage such an incident. I've looked back and wondered what could have reduced the loss of lives among the ranks of our valiant heroes from the police, fire and emergency medical services. I've also thought heavily about what, if anything, could have been done to minimize the loss of life of innocent civilians.

Let me begin by saying that I believe that New York was the most prepared city in the United States. We worked for four years to build an emergency response system that could manage almost any crisis. We were recognized nationally and internationally for the work we did and were used as a model by cities all over the globe.

Clearly, the foundation for what we built was central to the city's response on September 11th. All the planning and training, all the efforts to ensure that agencies and people knew their roles, a mayor that was personally involved in many of the drills that we ran and who also sent a clear message to all agencies that emergency preparedness was one of his top priorities, paid off during an attack that was almost unthinkable in its horror.

Because of this effort, the city was able to continue to function and respond the way it did. City responders and the police and fire departments' leadership, Tom Von Essen and Bernie Kerik, functioned in an heroic fashion. That massive effort that you saw at Ground Zero so quickly after the collapse was in large part because the city had developed a system wherein everybody knew what was needed and went about doing what we had done so many times.

What we did was basic. We started out in 1996 by taking the few emergency plans that the city had and began rewriting them with a process that was inclusive. Any agency at the city, state or federal level, or any utility or entity in the private sector that had any possible responsibility for managing or assisting in the mitigation of a particular emergency was invited to our planning meetings. The plans were written and distributed to all

agencies for review. Once a plan was completed we did tabletop exercises to test the plans and modified them based on the outcomes of the exercise. We attempted to do a tabletop or field exercise every eight to 12 weeks.

We also held comprehensive field and command post exercises to test our chemical and biological response plans. New York was the first city in the nation to develop a biological terrorism response plan and to have a tabletop exercise to test it. We held the nation's largest chemical terrorism exercise, as well as the first infrastructure exercise to look at the impact on the city when confronted with the loss of components of our critical infrastructure.

In 1996 we began planning for terrorist events in a far more detailed way than the city had ever done before. We started out by looking at threats. Most of the information we received was from open source documents, as we could not get any information from any law enforcement or intelligence agency.

As we looked at threats, particularly from biological and chemical agents, we broke the incidents down to their components and defined what was needed to respond to each part of an evolving incident. Long before any federal funds were available--and we did request \$20 million from the federal government in 1997 and received \$300,000--I approached the mayor and asked for funding to enhance our efforts. Without hesitation, he approved over \$10 million. We began to buy antidotes, decontamination equipment and specialized containment vessels for extremely hazardous materials.

I must say, though, as we did our planning and looked at what we thought was every type of event that could strike New York City, we never looked up. We looked at every conceivable threat that anyone on the staff could think of, be it natural or intentional, but not the use of aircraft as missiles. We never received any intelligence telling us that this was a threat.

A central component of our planning efforts was to define an Incident Command System. Mayor Giuliani wanted a clear line of authority and one agency that was responsible for the management of the incident. As we continued to plan, we attempted to get the police and fire departments to communicate on both a common radio frequency at hazardous materials events and on an 800 megahertz frequency at major emergencies. We were unable to get the two groups to share a common frequency at hazardous materials emergencies, and the 800 megahertz radios were rarely used. The interoperable radio project at the Department of Information

Technology, which gave new frequencies to the departments to talk on with one another, continued along with slow progress.

As I look back at September 11, I see our inability to get the departments to talk with one another on a common frequency and at a single command post as our single greatest problem in preparedness.

The fundamental issue, though, is not just radios. It's two agencies doing the same job.

We had also not planned for the chaos that follows the loss of command structure of the Fire Department and hundreds of members of the Police Department and Fire Department. No one had ever conceived of this as an issue that we would face. It's a testament to the city's preparedness that in spite of these devastating events, the response continued in such a coordinated way.

I also believe that even if the firefighters in the building had been notified by radio and knew of a potential collapse, many would have continued efforts to rescue trapped civilians and their fellow firefighters and they would not have left the buildings. Likewise, many of the police officers in the building would have stayed knowing that civilians and fellow officers were in harm's way. That's the nature of these selfless men and women.

Let me conclude by saying that as horrific as the events of September 11 were, they were limited in scope and geography. The next incident may well involve simultaneous attacks in a single or multiple cities, the use of chemical or biological agents or the use of a nuclear device. A well coordinated incident management system facilitates an effective multi-agency response. The lack of one only leads to confusion and the potential for increased morbidity and mortality. New York needs an Incident Command System that works, one that demands good interagency coordination. New York needs to get the roles of the emergency response agencies clearly defined

Mr. Chairman and members of the Commission, I am proud to have been part of getting the city to where it was, recognizing that, back in that environment, everyone thought we were crazy for preparing for terrorism. More importantly, I am very proud to have had the opportunity, over the last 35 years, to work with the many brave men and women and the fire and police departments and the Port Authority who lost their lives that day. We owe them and

their families a great debt of gratitude. I'll never forget them and what they did and gave that day.

Thank you.

MR. KEAN: Mr. Smith, you're going to go next?

MR. DENNIS SMITH: Yes, sure. Mr. Chairman, members of the Commission, it is my honor to sit here before you today and I wish you Godspeed in your deliberations and conclusions. I would like to acknowledge the men and women who are in our military and who are defending our nation as we sit here to discuss the many prices that we pay for the homeland security. And I'd also like to acknowledge the families who have given more than anyone had the right to ask and whose prudence and determination caused this commission to be in place and caused our meeting here today.

In a haphazard joining of time and place, I found myself at Ground Zero early on the morning of September 11th. And as the Bible says, I try to remember, "Write down the revelation and make it plain on tablets so that a herald may run with it." This, to me, has always meant that we need to say what is in our mind, our revelations within ourselves, in our hearts and our minds and it's only from that that we can learn. And if we are politic or circumspect or our motivations are not clear, I don't think that we can learn very much.

And in the emergency professions, to learn is to save future lives. From the second hour after the attack and for 57 consecutive days at the World Trade Center, I spoke to hundreds of people who worked at various levels of responsibility, from the top commanders of both the fire and the police departments to the men and women sifting through the pile. And in all of that time and to this day, there is a singular question that gnaws at my understanding and that is: Why is there such a disparity in the loss of life among the first responders?

Something went wrong but because of the great respect for the maelstrom of sadness that entered all of our lives during that period, it wasn't a question that one would ask. And the slightest suggestion of criticism would be unacceptable and wrong amidst such historic heroism. Since that terrible day, though, because of an evolving accumulation of facts, the management of the emergency can now be fairly questioned. I have reluctantly come to the belief that the crisis at the World Trade Center was worsened by the uncooperative connection that exists between the police and the fire departments.

I believe that the age-old antagonism between the services had become institutionalized. And though its beginnings are murky, somewhat like the beginning of day as it evolves from night, the rift was created by the establishment of two special rescue organizations, one in each of the two largest emergency service teams in the world. And it intensified in 1988 when a helicopter went into the East River, killing one and injuring four and the firefighters were ordered to sit on the side in their scuba gear and people were outraged. And Mayor Koch ordered an investigation by Deputy Mayor Stanley Brezenoff, which supported the firefighters and then that recommendation was ignored.

And then in 1990, spurred on by Mayor Dinkins, protocols were signed by both departments. The protocol would work, Mayor Dinkins promised, because it involved persons of goodwill. But they were quickly forgotten. And another agreement was made by Mayor Giuliani, who spoke of it earlier, in 1960 (sic) and in 1997. And it was ignored for the most part.

Any analysis of 9/11 will show that the fire and police departments, both charged with protecting life and property in the city, could hardly be said to be working together though there was overwhelming individual greatness in both departments. The rescuers recognized the dangers. Yet they did what was asked of them. We know that a firefighter left a prognosticating note for his family in a firehouse and that police officers helped victims out of the buildings and then reentered only to lose their lives.

A policeman friend of mine was suited and roped to be lowered from a helicopter to the roof of the South Tower, only to be redirected at the last moment. And another friend responded to his final job from the Fire Department Medical Office where he had been placed on medical leave. What unique courage and dedication these stories convey.

There is much evidence of inadequate communication between the fire and police. You know of the McKenzie report. You know about the police helicopter in those reports. I won't go into them. The fire chiefs were in a crisis management but they had not yet internalized the finality of the moment. And perhaps, if they had heard the police department's robust commands, their own commands might have been as robust as the police department's.

Notwithstanding that this was a successful police communication that resulted in the saving of many lives, the fire chiefs did not hear this order. Their concern continued to be

those of the firefighters and civilians still in the building. They had made many rescues: people stuck in elevators, people in wheelchairs, people injured, 25,000 people in all, one of the largest rescues in history.

The fire chiefs in the North Tower gave their own special order to evacuate. Though thrown down and covered with debris, when the South Tower fell, they did not know what hit them. Chief Joseph Pfeifer, in complete darkness and stunned, not knowing if another plane had hit or if there was another bomb or part of one of the buildings fell, gave the order: "All units in Tower One evacuate the building."

Just how many firefighters heard that order and escaped in the 29 minutes from Chief Pfeifer's command is not certain. But we do know that one police officer, at least five Port Authority police officers and 121 firefighters were killed when the second tower collapsed. Others were killed on the street including four Emergency Service Unit officers and a number of other firefighters who had just successfully evacuated the building.

In all, 15 firefighters for every New York City Police officers were killed and among lost police officers, there were none of officer rank while there 23 fire chiefs killed. This suggests one thing to me, that there was successful communications within the police department. But the communications within ranks of firefighters cannot be proven to be successful as evidenced by the number killed in the Tower One.

It cannot be said that our first responders were prepared at Ground Zero. Fire and police were not having regular drills before the emergency, and there was no meaningful protocol in place. Because information was not shared and the services did not interact in a predetermined and agreed to manner, the firefighters and the police were not given the opportunity to work in a viable emergency system.

The Department of Homeland Security has mandated the National Incident Management System. You know about that and its relevance to our future. I won't go into it.

MR. KEAN: Now, if you'd sum up now, Mr. Smith, your time is up.

MR. SMITH: The city has just accomplished this new protocol but it's not the answer. Fire, rescue and police have great and heroic histories. But it is time to consider that in the

population's interest that we join these two emergency services in a third emergency service because no other city in the nation has a fire and a police department that does redundant and competitive work.

Everything I witnessed on September 11th and the successive days of the World Trade Center has left me with the greatest sadness we have every known. A more grateful and a more inspired person, I was able to spend much time next to men and women whose actions each day manifested all that is right about America and some of them are in this room today. My testimony will speak for itself and I hope that you will read it in its completion.

Thank you.

MR. KEAN: Thank you very much. Mr. Plaughner.

MR. EDWARD P. PLAUGHER: Good morning. Mr. Chairman and members of the Commission, good morning. And for the record, I am Edward Plaughner, fire chief of the Arlington County, Virginia Fire Department. Let me begin by thanking the Commission for your efforts to understand fully the events of 9/11 and for your focus on emergency response to the events that unfolded on that never-to-be-forgotten day.

As the Commission heard on April the 1st, 2003, in testimony by the Arlington County Fire Department Assistant Fire Chief Shawn Kelley, our department in cooperation with the Justice Department and the Office of Domestic Preparedness, now a part of the Department of Homeland Security, completed an in-depth after-action report, "Arlington County After-Action Report on the Response to September 11th Terrorist Attack on the Pentagon." In that report, we attempted to provide a blueprint for preparedness for our nation at the local, state and federal government levels.

Within the body of the report, which is divided into four major sections: Fire Department Operations, Hospitals and Clinics, Law Enforcement, and Emergency Management and Emergency Operations Center, not only was a description of the response effort documented but also efforts were made to fully understand all elements for a successful response. The report was based on interviews of first responders and generated with a bias towards their perspective, as well as the expertise of a recognized national firm that specializes in emergency preparedness and response.

Staff preparing the report utilized an exhaustive multi-level validation process to produce a series of recommendations and findings. If I can relate just for a second--I know we're out of time here--but there are some key here that we need to mention. First off, capabilities that others should emulate, ICS and unified command. It goes on further and talks about mutual aid and outside support. It talks about comprehensive emergency management plans, an employee assistance program and how valuable that was for us during the time and, of course, also training exercises and shared experiences.

The report also focuses on challenges that must be met, such as self-dispatching, such as fixed and mobile command and control facilities. It focuses a lot on communications which we continue to hear about. It focuses on logistics, how do we support these types of effort. As well, hospital coordination was a major part of it.

In addition to these main issues, the report contains 235 recommendations and/or findings from which we believe a blueprint for preparedness response can be developed. Let us not, as a nation, at a later date, produce another after-action report that again brings forward these same concerns. In other words, now is the time for a comprehensive preparedness to be undertaken by all levels of government.

Of particular note in the after-action report was the emphasis on the need for strong professional relationships between response partners prior to an incident and the control systems that embraces the ICS, or Incident Command System, as well as the concept of unified command. Without an effective well-tested and practiced command and control system, confusion and accountability problems will surface and plague the responders. Together, ICS and unified command, as we have found in the National Capitol Region, work best in a regional response system that leverages the investment made by local, state and federal governments.

Absent a regional mutual aid response program, duplication of resources will occur and little progress will be made to reach maximum effectiveness. Moving away from the current baseline can only be achieved with effective partnerships and strong dependence on your partners. If you have a shovel and I have a wheelbarrow, together we can move mountains. Included in these efforts is the need to leverage private sector resources as well as public. Regional cross-discipline and cross-sector programs are essential for effective preparedness response.

Each of us as leaders must commit to breaking down barriers. Task forces must be formed and systems and structures must be put into place. Clearly articulating an end state that is almost impossible to achieve must become a priority for preparedness within the response community. In that regard, mandatory regional efforts that build relationships and shores up the capability must be undertaken by every level of government. I recommend that all future federal and state funding allocations be dedicated to regional efforts. We have spent billions of dollars on fragmented approach that fails to leverage resources and staff in a way to achieve maximum effectiveness.

Another area of concern raised by your commission staff was in regards to the perception that currently there is a splitting of prevention efforts within Homeland Security with the ongoing efforts for enhanced emergency preparedness and response. In the Washington, D.C. region, known as the National Capitol Region, the NCR, the Department of Homeland Security has a regional coordinator, a position that was established for the express purpose of preventing bifurcation of the prevention and emergency preparedness programs and functions. Efforts, I believe, must be undertaken to establish these regional coordinator positions in all major metropolitan areas of our nation. Allowing the division of security and preparedness programs must not be allowed to occur in any community or metropolitan area within our nation.

In conclusion, I have provided each member of the Commission a copy of the after-action report and I look forward to respond to any questions you might have.

MR. KEAN: Thank you very much. Our questioning will be done by Commissioner Gorelick and Commissioner Gorton. Who's--Senator Gorton.

MR. GORTON: Mr. Hauer, Mayor Giuliani just a few moments ago told us that when there was a dispute over who was in charge, the director of OEM had the authority to make that determination.

MR. HAUER: That's correct.

MR. GORTON: That's not the impression we got from your two successors and it isn't even the impression I get in the fifth paragraph of your written statement on page 3, but rather that you just could operate as a referee and a coordinating agency.

MR. HAUER: No--

MR. GORTON: Does that office in fact have the right to say in this case, the fire department is in charge, in this case, the police department is in charge?

MR. HAUER: Yeah, absolutely. I did that often. That's one of the things the mayor empowered us to do, is to be at the scene and I either had field responders at the lower level incidents and at the larger incidents, I was out there. And there were many occasions where there was a concern about who was in charge, whether or not it was a crime scene, whether or not police should go in first or the fire department and we resolved that. And we had very little in the way of interagency squabbling as a result of that.

MR. GORTON: In your view, does your present successor continue to have that authority? He can make that decision?

MR. HAUER: I don't know. I don't know. It's not my impression that he does. But I don't know that for a fact.

MR. GORTON: Thank you.

Mr. Smith, your central suggestion, at least here for New York, is that, because both the fire department and the police department have Emergency Service Units and because this is the heart of where controversies take place between them, the solution is a rather drastic one of taking that authority away from both of them and creating a new special emergency service unit. I think you also said, in your oral testimony, that you believe that this is the only city in the United States in which this is the case.

So my question to you is, is your recommendation simply a matter of history and despair that these disputes can ever be appropriately settled between these two departments or is this something that you think is something universal, that it is ideal to have the emergency service unit separated from both the police and the fire departments? Or would you think that, if there is a history of there being in just one of those two, that's the best way of doing it?

MR. SMITH: Yes, I do think that in most places in America, the emergency response and management is determined by the fire department and police departments are left to law enforcement in most places of America. Here, the history shows a slowly building emergency services in the police department whereas in the last decade, it has grown to be so much larger. And I don't see any way, at all, of getting these organizations to not be competitive

because firefighters and police officers are really good at what they do, particularly in the Emergency Service Units and the rescue units, and to try to get these people, knowing that they have these inherent talents and understandings of emergencies, to not compete for those jobs is unrealistic.

MR. GORTON: So your solution is a New York City solution, not a universal one?

MR. SMITH: Well, if it occurred in other places, I would warn them that the New York City history is not a good history and that they should leave things as they are, you should not have competing organizations.

MR. GORTON: Thank you.

Thank you, Mr. Chairman.

MR. KEAN: Commissioner Gorelick.

MS. GORELICK: Thank you for your testimony today. It is very provocative and enormously helpful and I personally wish we had had you at the outset of this hearing rather than at the end because your comments would have informed both the public and our questions. And I also am sorry that we have so little time with you today.

I'd like to start with Mr. Hauer. Is it your view that the failure to have a common and interoperable radio system between the police department and the fire department was a failure of will or a failure of technology?

MR. HAUER: A combination of both. The technology was evolving and still evolves. And interoperable radio communications is still a problem but there are solutions. We had an 800 megahertz system in this city that allowed EMS, Fire and PD to talk on a command channel. There was little support for it.

MS. GORELICK: Had that system been in place on September 11th, 2001, is it your view that the drastic communications failures that we have seen within the fire department and between the fire department and the police department would have been ameliorated?

MR. HAUER: It would have helped. It certainly would have helped. It would not have helped with the handy talkie problem that occurred in the building when the repeaters went down. But I

think it would have helped if we had an interoperable communications systems that allowed the helicopters to talk to the command post.

But it's not just radios as Dennis has emphasized, it's also a culture. And the culture was, and continues to be, one where there is not a joint command post. And it is very difficult. We worked at it for four years. Under the mayor, we were able to push it very hard and we were able to get it done. But it is a culture where the police go about doing what they do and it is at the smaller incidents that evolve that you start off with the two command posts and then they remain separated and getting them together is very difficult.

MS. GORELICK: So your recommendation, and I now ask this question of Mr. Smith as well, is for both a very strong central command in the form of an OEM that can make decisions and a mandating of bringing together of the command centers. Is that correct?

MR. HAUER: Yeah. Absolutely. But I also think that, as I said in my comments, as long as you have duplication of roles in the agencies, as long as the police department has hazardous materials response capability and collapse rescue response capabilities, there are going to be problems.

MS. GORELICK: Mr. Smith, would you like to address this issue and also the issue of joint training? As I understand it, your view is that, without--that the absence of joint training for a disaster of the sort that we had on 9/11 here was in large part responsible for the lack of coordination in the response.

MR. SMITH: Well, I think that there are a lot of training meetings that occurred before 9/11 and particularly under Jerry Hauer's auspices, there were many joint drills between the police department and the fire department. They were not regularized and they were not codified. You know, they were just sort of developed.

We had one last Saturday here in New York. I feel that the police department emergency services and the fire department rescue services have to train together all the time. They have to get to know each other. They have to understand each other.

The problem is that they train separately and their culture, as Jerry said, is a very separate and distinctive culture. Police officers are very different from firefighters, although they begin

their careers demographically identical. As they develop in their institutions, they become, you know, part of that service with the love and the respect and the enthusiasm for that institution. And they exclude all the others. And I think that, in the future, we should seek to bring them together as often as we possibly can in a regularized and codified way.

MS. GORELICK: So we should not take too much comfort in the fact that they had a football game?

MR. SMITH: No. Or a hockey game.

MS. GORELICK: Chief Plaughner, you ran a unified command at the Pentagon. Is that correct?

MR. PLAUGHER: That's correct.

MS. GORELICK: And you had every discipline of first responder submitting to your unified command. Is that correct?

MR. PLAUGHER: Yes, ma'am.

MS. GORELICK: You told our staff, if I can quote you, "that the lack of a unified command dramatically impacted the loss of first responder lives on 9/11 in New York City." Is that your view today?

MR. PLAUGHER: Yes, ma'am, it is.

MS. GORELICK: And you told us that the chief, the fire chief of the fire department here in New York, said it is impossible to run an incident in New York City with a unified command but that you disagreed with that. From my last question, I would ask you to elaborate on that.

MR. PLAUGHER: The unified command is the single most critical element of management of an incident because what it does is allow the incident to be managed from the basis of who's in charge of what. There should never be a day when a fire chief attempts to provide directions to a police officer out on the street. That will just not be accepted not should it be accepted. But it is critical that that police officer fits into the incident scene and into the incident management in a very purposeful and straightforward fashion. So a unified command gives you the structure for that.

We, as a nation, have been practicing unified command, particularly on major wild fire incidents for decades and we have honed this down to an absolute science. And so, for us now to still be struggling with this is a little bit unconscionable for a lot of us in the profession. In March, March of '01, the fire chiefs and the police chiefs from the entire Washington metropolitan region spent two full days at the National Fire Academy making sure that we clearly understood the National Incident Command System that was being taught at that time at the National Fire Academy and that we had worked out regional differences between those groups and left those two days agreeing that unified command was how we were going to operate. And on 9/11, that's exactly what we did.

MS. GORELICK: And I take it then--and this is my final question--that you believe that the way that things work here in New York City is an outlier.

MR. PLAUGHER: I'm sorry. What was that?

MS. GORELICK: That it is an outlier, that it is not consistent with the way unified commands work in the rest of the nation.

MR. PLAUGHER: I think that, if in fact what I'm hearing from the periphery and those types of things that they are struggling with understanding the concept of who's in charge of what and that's where senior leaders sit down in a room, a very private room, and they divvy up what has to be done on the incident scene and they decide who's going to be responsible for what needs to be done. And that's a conscious effort that has to go on and they have to come to agreement and consensus and they have to leave there and then pass that down their chains of command so that everybody on the incident scene fully understands what their role is and then you go about the business of doing it and doing it right.

Because remember now, what has to happen is that, as progress is made, it has to be reported back up to the Incident Commander, back up to the unified command so that the appropriate incident action plans can be developed because incidents are complex. This is no longer the day where there is a guy standing up in the front yard with a portable radio and tells people what to do. We are in a very complex, a very threatening environment that needs to have a very structured response pattern available for it.

MS. GORELICK: Thank you very much.

MR. KEAN: Senator Kerrey.

MR. KERREY: Mr. Hauer, can you confirm something we heard earlier, that OEM did not do any planning for what would be the response if a commercial or a private plane were to accidentally either the World Trade Center or some other building in New York City?

MR. HAUER: OEM did not do--we had aircraft crash drills on a regular basis. The general consensus in the city was that a plane hitting a building, particularly after, you know, the Empire State Building incident, was that it would be a high-rise fire. And I think you heard that from Commissioner Von Essen yesterday and that was the general sense. There was never a sense, as I said in my testimony, that aircraft were going to be used as missiles.

MR. KEAN: Congressman Roemer.

MR. ROEMER: Thank you, Mr. Chairman. Harry Truman once said that doing the right thing is easy, figuring out what the right thing is the hard part. And you're trying to do the hard work of looking critically at some of the decisions that were made and trying to figure out with us, in addition to the lives that were saved, how do we save more? How do we try to save more of those 3,000 people's lives that were taken the next time terrorists come to New York City, which we know they're going to do? So I very much appreciate the difficult work of critiquing in a hopeful way, in a positive way some of the mistakes that were made on 9/11.

Mr. Smith, I'd like to ask you, since you wrote an op-ed piece in the *New York Times* yesterday, critical of 9/11 and the activity, some of the activities that took place. I have a list of about six things and I just want to ask you for a--has it been solved or not? So this will take us a very short amount of time. Communications in New York City today, solved or still a problem?

MR. SMITH: It's still a problem.

MR. ROEMER: Okay. Competition between the police and the fire, solved or still a problem?

MR. SMITH: Still a problem.

MR. ROEMER: Still a problem. The culture between the two, solved or still a problem?

MR. SMITH: I think it will get better because--

MR. ROEMER: Solved or still a problem?

MR. SMITH: It's still a problem.

MR. ROEMER: Evacuation plans for all buildings, solved or still a problem?

MR. SMITH: I'm not prepared to answer that question. I just don't know. I think--

MR. ROEMER: It's not an option for you, Mr. Smith. Solved or still a problem?

MR. SMITH: I would say it's still a problem.

MR. ROEMER: All right. Incident Command structure, solved or still a problem?

MR. SMITH: Still, it's very much a problem.

MR. ROEMER: And citywide after-action report that looks at both the police and the fire department not them separately, commissioned separately, solved or still a problem?

MR. SMITH: You know, I--

MR. ROEMER: Solved or still a problem?

MR. SMITH: I think the mayor is on this problem and I think that he is solving it.

MR. ROEMER: Meaning that he is on it means it's not been solved yet.

MR. SMITH: Well, okay.

MR. ROEMER: Okay, thank you very much.

Thank you, Mr. Chairman.

MR. KEAN: Last question for this panel, Commissioner Thompson.

MR. THOMPSON: Mr. Smith, I want to clear up the confusion that still exists in my mind after two days of hearings here,

listening to different people. I understand the issue of inoperability of radios and all the other technological problems of September 11th. I understand the issue of, you know, elite rescue squads and whatever the culture of the police and the fire department have been working together. But I still--you were a large part of this, maybe you can help me--I still haven't heard any concrete examples of how any presumed rivalry or competition between the New York Fire Department and the New York Police Department made things go worse on September 11th.

Can you give me those examples?

MR. SMITH: I can give you my opinion.

MR. THOMPSON: Sure.

MR. SMITH: And I feel that there are so many nuances in emergency work that it's difficult to come away with an absolute exactitude, if we did it this way, this would happen. To give you an example, as Jerry Hauer has said, that these firefighters would do anything to save another human life. But there is a nuance involved in that observation and that is, if there was a command for them to evacuate, every officer I know in the New York Fire Department who is as well trained and as intuitively confident in the ability of his fire chief would leave the building because he had a direct order to leave the building.

He would not jeopardize his men in that building if he were given a direct order. And I don't think they heard an order to evacuate. That's my opinion. We'll never know.

(Applause.)

But I got to say that, in the beginning, and again, one of the top police commanders is a close personal friend of mine, very close personal friend of mine. The chief of department was a good friend. These men did not get together that day and they should have been together. And I think, had they been together, that the communications system would have been a little different. And God knows, you know, maybe not as many people would have died.

MR. THOMPSON: But what has that to do with any rivalry?

MR. SMITH: Well, the fact that they did not come together illustrated to me that the psychology of the day was that we will do what we do best and let them do what they do best instead of: We are really good at what we do and let's do it together.

MR. THOMPSON: But isn't there some logic to that in the case of September 11th with the police controlling the perimeter and keeping people away and sending them in different directions and providing security for the scene and the fire department fighting the fire?

MR. SMITH: But that would be fine if you said that that was the only mandate that the police department had that day. And I don't think it is. I think that the police department as well as the fire department take oaths of office that will protect the lives of the people of the city of New York. And Incident Command Systems all over the country, as mandated by the federal government and the Department of Homeland Security says that the police officer in charge and the fire officer in charge will come together and there will be an incident commander. In almost every place in America, the fire department takes over that incident.

MR. THOMPSON: Thank you.

MR. KEAN: Mr. Smith, Mr. Hauer and Mr. Plaughter, we thank you very, very much for your testimony. We're very pleased to have you with us today. You're excused and we'll have the next witness.

(Recess.)

MR. KEAN: If we could bring the hearing back to order, please. We are very pleased this morning to have the mayor of this great city of New York, Mayor Bloomberg, with us. Because we're running so tight on time with Secretary Ridge here, we are not going to, at this point, ask the Mayor any questions after his statement. But we would hope, Mayor, if we have questions for you in the future, that we can ask you those questions in writing perhaps and get them to you. The answers the mayor has will be made public and incorporated obviously into our report.

So, at this point, Mayor, would you please raise your hand? Do you swear to tell the truth, the whole truth and nothing but the truth?

MAYOR MICHAEL R. BLOOMBERG: I do.

MR. KEAN: Thank you very much. Mr. Mayor, please begin.

MAYOR BLOOMBERG: Governor and members of the Commission, welcome back to New York and thank you for asking me to testify

today. Over the last two days, these hearings have explored in thorough and, I think, in often painful detail what the city endured on September 11th, 2001. The images have been vivid and the memories have been heart wrenching and your questions have been pointed. I know that, for the families who lost loved ones, these hearings have undoubtedly reopened the wounds. Our thoughts and prayers are with them.

Understanding what happened on 9/11 is crucial to our success in winning the war against terror and to explaining to those families why so many were lost. That's why you have been empowered to make these inquiries. This investigation is also a measure of our society's inherent strength and confidence. The willingness to openly examine our institutions in order to improve them demonstrates why, as former Mayor Giuliani has pointed out, democracies are strong and why free people will prevail over terror.

Our administration has shown a similar willingness to thoroughly and openly examine the events of 9/11. Shortly after taking office, we asked the management consulting firm of McKenzie & Company to critically analyze how the police and fire departments responded that day. We made the results of that study public and we have turned them over to the staff of this commission. That's because we, like you, are determined to learn from this tragedy.

I was sworn in less than four months after those savage attacks. After the ceremony, the smoke was still rising as I watched members of the fire department pull the body of one of their brothers out of the rubble. It was clear to me and to my administration that it was our job to make sure the city learned the lessons of 9/11 so it would be better prepared in the future. We have worked hard to do just that, to build on the proud traditions of service and sacrifice that have characterized our police and fire departments since their founding in the 19th century and that still animate those who protect our city today.

Yesterday you reviewed once again the heroic actions of our city's firefighters and police officers on 9/11, many of whom gave their lives in the greatest rescue effort in our history. The bravery and professionalism they demonstrated never cease to amaze and inspire all of us, and the firm leadership Mayor Giuliani showed that day and the days that followed gave us the strength to endure and the will to prevail. Building on their achievements and example, our task now is to achieve a new level of preparedness and teamwork at all levels of government. I am happy

to say that President Bush, Governor Pataki and their administrations have established just such a spirit of cooperation with our city.

Today, almost 14 months after my first appearance before this commission, I want to describe what our administration is doing to keep New York City safe and free. I also want to urge this commission in its final report to recommend desperately needed reforms in the nation's system of funding homeland security. It is a system that was irrational the first time I testified. It remains tragically misguided today, creating grave hazards, not just for New Yorkers but for all Americans.

There is no need for me to repeat in detail the testimony you heard yesterday from Commissioners Kelly, Scoppetta and Bruno. Suffice it to say that today, New York is the safest big city in the nation, better prepared than at any time in its history to prevent and respond to any danger, no matter what its source.

Building on Mayor Giuliani's eight years of success, crime in New York is nearly 16 percent lower than it was at this time three years ago. Fire fatalities are at levels not seen since the 1930s. We've achieved these results despite a fiscal crisis, despite the need to divert precious resources to anti-terrorism activities, and despite the need to protect the civil liberties of everyone who lives and works in our city, even as we remain vigilant against terror.

That's as it must be, because the freedom to express our views, pursue our dreams, and worship God as each sees fit is fundamental to our democracy. Sacrificing those liberties, or making us fearful and keeping us in our homes, would give the terrorists a victory without firing a shot. That's a victory we will never grant them.

All the agencies that protect our city are as well-led today, I think as they have ever been. Yesterday, Commissioner Kelly described the threats against this city and the outstanding work of the New York police department in counteracting and deterring them. Likewise, Commissioner Scoppetta testified about the fire department's success in rebuilding from the devastation of 9/11.

Yesterday's testimony also presented the steps we have taken to improve communications within and between the police and fire departments. The fire department, for example, has new and more powerful radios that permit more traffic during incidents and enable fire department officials to communicate directly with

their police counterparts. Detailed new management policies and protocols have improved cooperation between these departments. Our ongoing counterterrorism efforts also include a broad range of other agencies, including our Department of Health and Environmental Protection and many other city agencies, including but not limited to, the Department of Sanitation, Transportation, Design and Construction, all of whom played instrumental roles in helping New York City recover and rebuild since 9/11 and would be called on again, should we be attacked.

Multi-agency training exercises also take place on a regular basis. On Sunday, for example, we conducted an operation called Operation Transit Safe, an exercise involving more than 20 public agencies and private partners. It tested our response to a simulated terror incident in the city's subway system. The terrorist attack in Madrid on March 11th underscored the vital importance of protecting a mass transit system used by seven million riders each day.

Our administration has also adopted a city-wide Incident Management System, or CIMS, that is consistent with federal guidelines. It provides a framework of action for emergency responders and enhances interagency decision-making and communication. We all seek clarity in complex situations, but that doesn't mean we should seek simplistic solutions to complex situations. CIMS establishes clear-cut lead agencies in the more day-to-day emergency situations. Extraordinary catastrophes, such as explosions and plane crashes, require robust responses with more than one primary agency.

By setting up unified command posts staffed by top-level chiefs, we can ensure that responses of all agencies are coordinated and effective and that each agency's core competency will be fully utilized. This sets up a structure that requires interagency coordination and cooperation without sacrificing the intra-agency chain of command that are crucial to any emergency operations. The last thing that we want at a catastrophe is a lower level person from one agency telling the ranking officers in the agencies that are responsible to protect us, what to do.

CIMS builds on a system promulgated under Mayor Giuliani and integrates lessons learned from 9/11 and its aftermath. In many respects, it formalizes and improves the type of emergency response that New York City has engaged in for many years, exemplified on 9/11. On that day, the fire department took the lead in fighting the fires in the towers and effecting the heroic rescue of civilians. The police department addressed security

concerns downtown and throughout the city. Other agencies understood their responsibilities, and executed them as well.

Perhaps the most impressive and comforting statistic is that on 9/11, while 25,000 people were being evacuated from the World Trade Center towers and many thousands more were being directed out of Lower Manhattan to safety, response times by the police and firefighters to calls elsewhere in the five boroughs was barely affected. If that isn't a testimony to organization, capability, training, communication, direction, creativity and bravery, I don't know what is.

In the two years and eight months since 9/11, New York City has had a number of emergencies: a fuel barge explosion on Staten Island, a chemical explosion at a warehouse here in Manhattan, and others. On each occasion, the relevant agencies successfully worked together to protect New Yorkers--evidence of their training and professionalism.

When the city was blacked out last August, city agencies performed superbly. More than 132,000 calls were logged into 911 during the outage, almost three times more than average. Emergency Medical Service personnel responded to more than 5,000 calls for help on August 14th, a record for one 24-hour period and 60 percent more than usual. Firefighters put out 60 serious fires, six times the expected number on a summer night.

Because of their skill and cooperation, order and safety were maintained under extraordinarily difficult conditions. And after the blackout, I directed a full evaluation of the events on those days, just as was the case with the McKenzie reports following 9/11, so that we could learn what we could have done better. Like the McKenzie reports, that report was made public when completed.

The armchair quarterbacks forget that New York City police officers and firefighters work together hundreds of times a day on such incidents as building collapses, fires, and traffic accidents. And although much has been made of the so-called battle of the badges, these are isolated episodes that are the result of individual, low-level breakdowns in discipline. They are not the problem of systemic problems and don't occur higher up, where it would jeopardize the mission of each agency. Even the shortcomings that have been identified by the Commission in the city's response to 9/11 were the results of problems in communications, not the result of any battle of the badges.

Certainly any system can be improved. CIMS is no exception. We will be constantly evaluating and monitoring CIMS in order to do just that. That's why I picked Joe Bruno to head that commission. There will be extensive, ongoing training to ensure its success. We will adopt new technologies, match resources to changes in population density and other conditions, and reduce duplicative services.

Several weeks ago, in my executive budget for the next fiscal year, I set aside \$1 billion in capital funds for a comprehensive overhaul of the city's 911 dispatch system. What was a cutting edge system of the 1970s is now obsolete, and we will take advantage of new technologies to centralize dispatch of our police, fire, and EMS departments. By using technologies such as GPS, we will for the first time be able to track our assets and their deployment across agencies.

This will make them more efficient, eliminate duplication, and do a better job of protecting the public. But even now, as we are improving the dispatching system, 911 operators now have the ability, training and supervision to disseminate relevant rescue information to 911 callers. We have taken, and will take, all of these measures because we recognize that New York City faces far greater risk of terrorist attack than any other City, other than perhaps our nation's capital.

Senator Kerrey, you asked police Commissioner Kelly why NYC is different. Let me add to what he said. We are, indeed, in the crosshairs. To people around the world, New York City embodies what makes this nation great. That's a function of our status as the world's financial capital, driven not only by Wall Street, but our international prominence in such fields as broadcasting, the arts, entertainment and medicine. Such is New York's importance that to a great extent, as goes its economy, so goes the country's. If Wall Street is destroyed, Main Street will suffer.

Beyond that, New York embraces the intellectual and religious freedom and cultural diversity that makes us truly the world's second home. We are a magnet for the talented and ambitious from every corner of the globe. In short, we embody the strengths of America's freedom, and that makes us an inevitable target of those who hate our nation and what we stand for. New York City has already been targeted by terrorists six times since 1993, yet inexplicably, today New York state ranks 49th among the 50 states in per capita Homeland Security funding. Forty-ninth out of 50.

During Fiscal Year 2004, New York state received \$5.47 per capita in Homeland Security grants. Nebraska, which you're familiar with, Senator- Nebraska got \$14.33 per capita; North Dakota \$30.42; Wyoming \$38.31; and American Samoa \$101.43. The same problem plagues the distribution of bio-terrorism preparedness funding provided by the Department of Health and Human Services to local hospitals and public health systems. In Fiscal Year 2003, New York City received \$4.19 per capita and New York state the same, making them 45th and 46th respectively of the states and local jurisdictions eligible for funding. By comparison, Nebraska got \$7.03 per capita and Wyoming \$15.69. Nebraska fell back there. Sorry.

What does that say about our national resolve to combat terrorism that after everything this commission has learned in the past year, our city has been advised by Congress that they are reducing our proposed Homeland Security funding from Fiscal '04 by nearly half, from \$188 million to \$96 million? Do you really want that? This is pork barrel politics at its worst. It's the kind of shortsighted "me first" nonsense that gives Washington a bad name. It also--(Applause.) It also, unfortunately, has the effect of aiding and abetting those who hate us and plot against us.

In the budget for Fiscal 2005 submitted to Congress, President Bush and Homeland Secretary Ridge took steps to put Homeland Security footing on a fair and rational basis, discarding per capita distribution in favor of allocations based on actual risk and threat. In addition, that proposed budget would increase to 54 percent the percentage of Homeland Security funds distributed on a high-threat basis. But even the distribution system based on threat analysis is being undermined as more areas and cities are added. So far, the number of high-threat areas has mushroomed from seven to 80. We cannot allow this to continue or we will be right back where we started.

This commission must challenge Congress to follow the Bush administration's lead and stop treating Homeland Security and bio-terrorism preparedness funding as political pork. They should be allocated on the basis of the real risks we face. I urge this commission to recommend that in the strongest possible way. Any other formula defies logic and undermines the seriousness of the country's counterterrorism efforts.

Washington has the whole federal government protecting it. We need to make sure now that New York City, the economic engine that drives the entire region and arguably the country, has the

resources it needs to protect itself. As a nation, we must come to each other's aid in a manner that protects us all.

The 9/11 attacks took an enormous economic toll on New York and New York state. They contributed--it contributed to a decline in city tax revenues totaling almost \$3 billion in Fiscal Year 2002 and 2003. The Bush administration and Congress responded with assurances of approximately \$20 billion in aid to help us rebuild.

Because of that assistance and because of the hardiness and intrepid spirit of the eight million people of New York, I can report that now our economy is now growing again. New Yorkers are grateful for the federal assistance we have received. We will never forget how the rest of the nation stood by us. Yet there is much to be done.

So in addition to revising the allocation of Homeland Security and bio-terrorism preparedness funding, there are several additional recommendations that I would like to make. They would benefit any city that suffers a terrorist attack. I would like to quickly summarize them for the committee. I know your staff has been briefed on these previously, but I believe their importance warrants my reviewing them now.

Amendments to the Stafford Act, the law that governs FEMA's ability to reimburse localities, must be made to help cities that may be confronted with the fiscal consequences of terrorist attacks in the future. The amendments we have suggested would permit the reimbursement of local expenditures associated with a response to terrorist activities, which is not the case under present law. These include overtime costs for emergency responders who are not at the actual site of an attack, including those providing increased security at airports, bridges, tunnels, and rail lines. The process for citizens to obtain various forms of financial assistance must be streamlined so as to avoid the long waits that occurred after 9/11. Increased funding over a longer period of time for local mental health treatment must also be provided.

As we learned in New York, there can also be an astronomical litigation cost associated with the response to a terrorist attack. Fortunately for New York and the private contractors who assisted us, the federal government ultimately funded an insurance program providing coverage for claims brought by workers at Ground Zero who were not eligible for the Victim's Compensation Fund.

Such protection must be formalized rather than done on an ad hoc basis.

Congress should pass legislation now, creating insurance that will protect both employers and employees who someday may be asked to provide their assistance in response to a terrorist attack. An incredible public/private partnership at Ground Zero enabled so much to be done so well and so quickly. We must not deter such a similar response in the future. That means ensuring that those who selflessly come forward to provide their assistance after such attacks know that they will be adequately protected by insurance, selflessly coming forward.

I want to commend the Commission for its assiduous efforts in analyzing what led up to the attacks of 9/11, the response to those attacks, and what needs to be done in light of them. I know your staff has spent thousands of hours interviewing well over a hundred members of our police and fire departments and the Office of Emergency Management in an effort to get a complete picture of the day's events and of our current needs.

Like you, New York City has learned, and continues to learn, the lessons of 9/11. To protect us we clearly need well-trained and equipped uniformed services, managed by experienced, intelligent, and innovative leaders. We must plan, and train, study and learn. But we must also recognize that no matter how exhaustive our efforts or how realistic our simulations, the dynamics affecting the next real world incident, the time of day or night, extremes of weather conditions, and myriad other factors, will be different from what we've experienced before.

Using hindsight, self-styled experts will always be able to say that we should have done things differently. But in the real world, you experience the "fog of war," with sirens wailing, communications systems overloaded, and rumors of all sorts flying about. It is easy to make decisions when you know all the facts. The challenge is making decisions when you don't have the facts. Those are the dynamics I bear in mind when I conclude that on 9/11, it is amazing how well everyone performed.

The world is a far more dangerous place that we thought it was on September 10th, '01. But we were not defenseless then, nor are we now. From Mayor Giuliani on down, those in charge in our city on 9/11 showed us what must be done. Following their example and showing the willingness at the local and national levels to put aside parochial interests in the service of our common good can and will keep us safe and free.

Thank you very much.

MR. KEAN: Thank you.

Mr. Mayor, thank you very much. As I said, we will not be asking questions for the mayor at this time. Instead, we will follow up and ask you questions, we hope, when you and I and all of us have more time, and we will preserve that and those things in detail. Any information we learn from the mayor will be in our report. Mr. Mayor, thank you very, very much. We appreciate it.

(Recess.)

MR. KEAN: Our final guest has arrived. Secretary Ridge, we thank you very much for joining us this morning. We thank you very much also for your service to the nation.

If you would please rise and raise your right hand.

(Witness sworn.)

MR. KEAN: Thank you, sir. Secretary Ridge, please proceed.

SEC. THOMAS J. RIDGE: Good morning, Mr. Chairman, Mr. Vice Chairman, members of the Commission. I'm very pleased and honored to have the opportunity to speak with you today and to respond to your questions.

It truly is a solemn duty in which you are currently engaged, even more so as we meet so close to the site of the most devastating terrorist tragedy in our nation's history. No one in this country is immune to the grief and sorrow of that September day nearly three years ago. No one is more burdened by those memories than those whose loved ones passed away at the Pentagon, the World Trade Center, or aboard Flight 93.

New Yorkers bear a disproportionate amount of our collective burden, as we heard this morning from Mayors Giuliani and Bloomberg and others who witnessed the destruction firsthand. Like them, I witnessed terror's greatest tragedy firsthand on my own turf. I held public office when the brave passengers of Flight 93 made their heroic good-byes in the skies above my home state of Pennsylvania, and then fell into our grateful embrace forever.

As I said to the families of Pennsylvanians then, and repeated many times since, we are thankful for the strength and resolve of the families of all 9/11 victims. You have been patient and persistent, and the work of this commission will no doubt bring further honor to your sacrifice and those of your loved ones, too soon gone, but never forgotten.

In the days and weeks and months following September 11, 2001, our country came together as one to honor the victims by waving flags, donating blood, volunteering time, publicly expressing their patriotism, like never before in our nation's history. And as time passed, and the initial shock faded, the memories of that day continued to heat the passion of our country. 9/11 steeled our resolve to protect this country, to bring terrorists to justice, to secure our homeland, and take preventive measures so that a tragedy of this magnitude would never happen again.

The thick emotions of September 11th were the vivid backdrop to the conversation I had with President Bush about moving to Washington to help him secure the country. His bold leadership in the days following the attack brought our country together like never before. And with his arm around New York's finest, he used a bullhorn to put terrorists on notice with his words, "never again, never again." His resolve and the resolve of this nation is unwavering. We share his sense of duty to this country and to the families, friends and fellow citizens of everyone we lost. We know that we must make the full protection of our citizens the highest charge of our nation.

So we went to work. We called on the best and brightest minds. We sought out the most advanced technologies. We began to build and bolster security throughout the country. We worked to reduce the vulnerabilities that were exploited on September 11th and think analytically about those that could be exploited in the future. We examined our critical infrastructure, our transportation systems, our borders, our ports, and, of course, the skies overhead. Nothing was or is beyond our scope of analysis and review.

Securing our homeland and protecting our citizens is a monumental task. We must guard thousands of miles of borders, shoreline, highways, railways and waterways. This monumental task required a monumental federal effort, which is why President Bush and the Congress showed strong leadership--the right leadership--and worked together to create the Department of Homeland Security. This department, the combined efforts of nearly 180,000 people and

22 component agencies, provides a central point of command for the protection of our country and citizens and a common vision for preserving our freedoms and securing the homeland.

The result? We are more secure today than yesterday, and we will be more secure tomorrow than we are today. We took the challenge head-on, and you can see and feel the difference in ways both large and small. Before September 11th, ticket agents asked who packed a traveler's bags, but little else was done in the airport or the aircraft to provide security. Today we have deployed newly-trained screeners and thousands of federal air marshals; we've hardened cockpit doors on the aircraft, introduced state-of-the-art technologies, which, from the curb to the cockpit, have made airline travel safer.

Before September 11th, visitors at our borders faced an inspection process with distinct and disparate purposes. Today we have unified that process to present "One Face at the Border" and have deployed advanced technologies, the United States-VISIT system, the student exchange program, special lanes for pre-cleared travelers and cargo that all welcome the free flow of trade and travelers, but keep terrorists out.

I'd like to mention the US-VISIT system, in particular. US-VISIT uses the smart technology of biometrics to speed the entry of foreign travelers. Since its deployment in early January of this year, four million passengers have been processed and more than 400 individuals have either been apprehended or prevented from entering the country, based on information we were able to secure by having access to their photograph and fingerprints.

The Student and Exchange Visitor Information program, a program that we worked very hard with the colleges and universities in our country. In collaboration with them last year, during the enrollment season of August and September, we allowed passage and welcomed to college and university campuses nearly 300,000 young men and women, but we turned nearly 200 away at ports of entry. We don't know what their intentions are, but they were not registered to go to school. They were therefore not admitted.

Before September 11th, we never looked in a container of cargo until it reached our shores, though nearly 20,000 containers arrive in our ports every single day. Now, as I speak and the Commission convenes, there are U.S. inspectors in Rotterdam and Singapore and Hong Kong and 14 other international ports of trade

working alongside our allies to target and screen cargo. They add another layer of safety to protect world commerce.

Before September 11th, our national stockpile of medications to protect Americans against a bio-terrorist attack was drastically undersupplied. Today we have stockpiled a billion doses of antibiotics and vaccines, including enough smallpox vaccine for every man, woman and child in America.

Before September 11th, employers and employees rarely took the time to prepare and exercise emergency plans. Now there is a foundation on which the private sector can take important steps to improve their readiness and protect their employees. The American National Standards Institute and the National Fire Prevention Association have created voluntary readiness standards. The Department of Homeland Security encourages business to adopt. It will be very much a part of our outreach campaign to the business community later on this year, ready for business.

Before September 11th, as so many here today understand, our first-preventers and first-responders lacked the financial resources and equipment they needed to respond together in a crisis. And yet today we have allocated or awarded more than \$8 billion dollars for our state and local partners across the country. We have and will continue to develop new standards for interoperable communications equipment and protective gear. Right here in New York, nearly \$430 million has been put to use for much-needed equipment and training, critical assets that can help folks on the frontlines perform their duties quickly and safely at any emergency scene.

And then lastly, before September 11th, agencies in the federal government saw very little need to share information and intelligence between themselves, let alone with state and local officials. And yet today, secure communications technologies and expanded clearances, along with the shared language of the Homeland Security Advisory System, create a powerful and constant two-way flow of threat information between the federal government and our partners at the state and local level and around the world.

Now, there may be some who would be tempted to minimize these security enhancements. They would be wrong. They would be very wrong. In every way possible, we've made a real difference in securing our people and our homeland, and there are certainly more changes ahead. The successful integration of people and technology for a greater purpose has had a genuine result.

Thanks to the new layered protections on air, land, and sea, our nation is better protected and more secure today than ever before. But, of course, there is still plenty of work left to be done. In particular, we're making great progress in two areas of concern to this commission and to all New Yorkers, as well as the citizens across the country. Today I'd like to focus my remarks on these two issues. First, building new intelligence and information-sharing capabilities. And, second, establishing true interoperability throughout the emergency preparedness community.

Now, in order to accomplish these goals, we had to build bridges to one another, bridges that connected capabilities and people, ones that invited two-way channels of communication. We knew from the outset that our vast scope of protective measures had to build upon existing strengths, but more importantly, had to be reconstructed in a way that unified and facilitated accuracy and easy access for all those--and literally we have hundreds of thousands of men and women around this country, not just at the federal level, but the state and local level--for all those involved in the hard work of securing this country every single day. That's exactly what we did.

Through initiatives like the Terrorist Threat Integration Center and the U.S. PATRIOT Act, we began tearing down the walls that prevented policymakers from having the benefit of intelligence analyses that were based on all available information. Now we are building more integrated and coordinated homeland security, intelligence and law enforcement communities that keep people informed with all the information they need to know. Sometimes it's not actionable information, but as we get information at the federal level that may be relevant to a community, somewhere down the line, somewhere down the road, it's incumbent upon us to reach out and share that information with them. So they have a databank. They have a base of information upon which we may call upon them to act in the future.

We began dismantling roadblocks that once prevented communication between the federal government and our partners in states and cities and counties and towns across America, not to mention our international partners. Now we are replacing them with an active, multi-layered communication system between all levels of government, all around the world. That enhances cooperation and the sharing of information and resources.

We began to eliminate the old obstacles that divided the tremendous capacities and capabilities and resolve of thousands of

security professionals, from police officers to sheriffs and firefighters, to EMTs. Now we are enhancing the abilities of first-responders with interoperable standards for communications and equipment so that those on the frontlines of homeland security can do their jobs to the best of their abilities with the tools they need to succeed.

Knowledge and information is the foundation of our effort to secure our borders and our country. The department has made widespread coordination and information sharing the hallmark of our new approach to homeland security. And we have developed new tools for communication that reach horizontally across all federal departments and agencies, and then vertically to our partners at the state, local, territorial, and tribal levels.

First, we interface with all components of the intelligence community, including the Terrorist Threat Integration Center, in order to synthesize, analyze and apply information collected literally from thousands of sources, ranging from electronic surveillance to human reporting.

Let me be very clear. The Department of Homeland Security is not specifically in the traditional intelligence collection business, although many of our component agencies collect significant amounts of information, some of which is relevant to our charge to prevent a terrorist attack. But we are definitely in the analysis and application business, in the solution business. We turn this information into action and implementation by sharing it with our partners at the state and local level and the private sector.

This happens primarily under the umbrella of the Homeland Security Advisory System. This communication tool includes the color-coded threat condition, as well as several products, such as our information bulletins and threat advisories that allow us to tailor specific information for specific recipients, whether it's a region, a sector of our economy, or for that matter, a specific site or location. This communication process represents the first ever centralized integrated effort of its kind in the federal government and a vast improvement from the fragmented system that existed before.

It not only outlines threats, but also recommends specific steps that can be taken to heighten readiness or improve physical protections. This is about more than just dissemination of information, this is about achieving the right outcomes. We see communication as a two-way process, we collect information from

the field, as well, and listen to what our partners need from us in order to help them do their jobs better. This means heightened awareness, better intelligence, wiser decisions, and improved coordination at every level. We have created several new two-way channels of communication, including the National Infrastructure Coordination Center which is created to communicate with the private sector, and the Homeland Security Information Network created for use by government entities.

The National Infrastructure Coordination Center provides a centralized mechanism for the private sector, industry representatives, individual companies and the information-sharing and analysis centers in different sectors or our economy to share and receive situational information about a threat, an event, or a crisis. And the Homeland Security Information Network is a real-time Internet-based collaboration system that allows multiple jurisdictions, disciplines and emergency operation centers to receive and share the same intelligence and the same tactical information so that those who need to act on information have the same overall situational awareness.

This year we have expanded this information network to include senior decision-makers, such as governors, Homeland Security advisors and the Emergency Operations Centers in all 50 states, territories and major urban areas. By the end of the summer we will have achieved real-time nationwide connectivity. Pure and simple, more information, more integration, better coordination. Both of these important communication networks support the Homeland Security Operations Center, a 24-hour, seven-day-a-week nerve center that enables the department to monitor activity across the country.

It's important to note: These are tools of prevention, tools designed to stop an attack before it ever takes place. Achieving this kind of coordination throughout the first-responder community is one of the greatest challenges facing our country. So many people here today know that part of the tragedy of September 11th was that equipment didn't work across jurisdictions and disciplines. We learned that fire department radios couldn't transmit to police department radios, brave firefighters rushing in from other cities, and even neighborhoods, were in some cases unable to assist because the couplings that attach hoses to hydrants simply wouldn't fit, they weren't compatible. This problem has to be fixed and there is both an immediate as well as a long-term solution.

There are immediate steps the department can take in the short-term while we focus everyone's attention on a long-term integrated solution to overall interoperability. Already the department has identified technical specifications for a baseline incident interoperable communications system that would allow first-responders to communicate with each other during a crisis, regardless of the frequency or the mode of communication. Quite simply, ladies and gentlemen, it is a technology translator. A multiple-means of communication--we have landlines from traditional phones, wireless telephones, radios. And the technical specifications--which the private sector has responded to creates a translator where all the information from these multiple sources come in, it is basically synthesized and sent back out using the same forms of communication.

But that's just a temporary solution, that's just a temporary solution to an incident management response. We need as a country a longer term solution that will frankly not only help us respond to terrorist incidents, but frankly probably make us safer and healthier in the long-run regardless of whether we respond to a terrorist attack, a criminal event, a natural disaster. Again, making the right investments in response to the terrorist attack will also make us a stronger, better and safer country in the future.

So we've recently announced the first comprehensive statement of requirements for communications throughout the first-responder community. It's very interesting, we talked with first-responders around the country, we talked to elected officials, we basically understood what the technical requirements are, and we have now a statement of requirements basically to build a national capacity and we've already had 5,000 hits, dozens if not hundreds of companies taking the technical requirements down from the Internet, saying we think we can help you find a long-term solution to interoperability.

We've also taken it upon ourselves to set the first level of standards regarding personal protective equipment to protect first-responders against chemical, biological, radiological and nuclear incidents. We remind ourselves, we have to help to protect the first-responders so they can be in a position to help protect and save their fellow citizens. All of the department's efforts in this area will be coordinated by a new office of interoperability and compatibility. This office will focus, not just on interoperable communications, but on all the gear and equipment that will be used by multiple jurisdictions. Firefighters and police officers from different neighborhoods as

they join together to respond to a major event--again, perhaps a terrorist event, could be a major crime scene, could be a natural disaster.

These immediate steps at the federal level will begin to build a foundation for longer-term efforts and a truly national solution. Now this second track will require leadership at the state and local level. In other words, my colleagues in public service have to share the same resolve not to let an incompatible radio frequency or a too small, too large piece of safety equipment impede the ability of brave men and women to save the lives of citizens, as well as their own.

A truly nationwide interoperable system demands commitment from leaders at all levels, and we are already beginning to see a commitment to this very important principle. This is really an example of people coming together around a shared idea, a shared national purpose, a shared responsibility of protecting our homeland. Homeland Security is really not about a department, it's really not about a federal agency. Homeland security is about the integration of a country. Everyone pledged to freedom's cause, everyone its protector and everyone its ultimate beneficiary.

It's about the integration of people and technology to make us safer, smarter and better protected. It's about the integration of our national efforts, not one department or one organization, but everyone tasked with our nation's protection. Every day, workers, 180,000 strong in the federal government, but I will tell you there are hundreds of thousands in the state and local government as well--every day we work to make America more secure. Every day the memories of September 11 inspire us to live our vision, a vision of preserving our freedoms, protecting America, enjoying our liberties and securing the homeland.

Thank you very much, Mr. Chairman.

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

Questioning will begin with Commissioner Roemer, followed by Commissioner Lehman.

MR. ROEMER: Thank you, Mr. Chairman.

I just want to start by saying that John Quincy Adams, who was the only person in our history elected to the Congress after the presidency, said that was the best title he ever had, and I

know you served there, Tom, and if I slip and call you congressman it will be a compliment.

SEC. RIDGE: Be fine.

MR. ROEMER: Talking about Congress, I served there and they contemplated lashing up all these various cultures and organizations, and ultimately created the biggest bureaucracy in the history of our government. I'm worried, quite frankly, having voted against the creation of the Homeland Security Department, that we made something that's more like an elephant chasing a snake. That we've seen this evolution in al Qaeda where they go from putting bombs in a van in 1993 and attacking the World Trade Center--which is right down the street--to simultaneously attacking embassies in Africa and devastatingly killing people, to packing a dinghy full of explosives and killing 17 sailors in the USS *Cole*, and then--why we're here today--using planes as missiles and killing 3,000 people.

Tell me, Congressman Ridge, somebody known as a governor and a congressman that tries to solve problems, and you're known as trying to deal with the art of the possible in solving problems, that you haven't been given an impossible task in matching up this threat with the job you have. What are two dramatic institutional recommendations, suggestions that you would make in order to make your department run better so that it can go after an al Qaeda threat that could put eight people on a plane and be in our country in six hours and kill tens of thousands of people?

SEC. RIDGE: Well, first of all I must say that Congress has been very responsive to requests we've made for support for innovations like the US-VISIT program at our borders. While you and I served in Congress, together, there were many conversations and many directives to the executive branch to create some form of entry and exit system. That languished for well over 10 years until the post-9/11 environment, not only was there an impetus to create the system, but substantial funding that came along with it. We added, frankly, the biometric requirement within our department, feeling that a name-based system that monitored people coming in and out of our country in the long-run was of very little value.

So I guess if there was an institutional request that I might have vis-à-vis our relationship or any secretary's relationship with Congress would be the ability to reprogram a little bit more of the money. You can well imagine, Commissioner, that we submit a budget based on what we think our needs are. Congress has the

power of the purse strings, very appropriately so. But from time-to-time there is a shifting of literally hundreds of millions of dollars from an area that we think should be a priority to an area that they think should be a priority. That's the democratic process, that's the way it's worked for 200 years, we want it to continue to work that way. But from time-to-time I think if we had the ability to move some of these dollars around, there was a little more flexibility with those dollars.

And the second--and this is very mundane, it's very practical. It would be very helpful, I think, if at some point in time there was an effort on the part of Congress to basically reorganize itself so that we could have an even closer day-to-day working relationship with Congress as it relates to their oversight. We're part of the executive branch--very appropriately, because Congress has the power of the purse strings, they're going to oversee what we do, when we do it, how well we do it, point out our successes, point out our errors, challenge us every step of the way. That's fine. But there are multiple committees of jurisdiction.

Last year we testified before 145 committees and subcommittees. This year we're already up to 100. Last year we went to the Hill and briefed over 800 members of Congress or committee staffs. We still have pending over nearly 300 General Accounting Office reports and we've already submitted at least that number. This is not a complaint about the relationship or the oversight. That's constitutional and we need it. It would be nice, however--I think we could be even more effective in what we're doing in partnership with Congress if there was some means of reducing, frankly, the multiple layers of interaction that we encounter every single day.

MR. ROEMER: Well, sir, you're very polite about it. It is absolutely absurd that Congress would require you to report to 88 different subcommittees and committees when we're supposed to be fighting al Qaeda. Maybe there are two or three that could claim jurisdiction, and I hope this commission will make some serious and substantive institutional recommendations for Congress to reorganize itself so you can do the job--you can do your job of getting al Qaeda and they can do their job more effectively of oversight.

SEC. RIDGE: It would be most welcome.

MR. ROEMER: Let me ask you another question about this incident command structure that has been the topic of conversation the last couple of days. New York City has had a tough time

getting there from Governor Pataki issuing an executive order in 1996 to Mayor Giuliani issuing some guidelines in July of 2001, to Mayor Bloomberg deciding last Friday that he might try to imitate this kind of Incident Command System.

In your opinion, Congressman Ridge, does this announcement by Mayor Bloomberg last week, does it meet the October 1 federal requirements to make sure that New York City is eligible for funds, contingent upon two things: adoption of this Incident Command structure, and; (2) regular use of such a unified system?

SEC. RIDGE: Without knowing all of the details of his announcement, my preliminary conclusion is that it does. I would like some refinement, however, because under the National Incident Management System that we have developed, as part of the Department of Homeland Security's partnering with state and locals, we've made some very specific recommendations. And it highlights the challenge of creating a national infrastructure over a federal government. We have layers of jurisdictions that we can cajole, sometimes we can leverage, sometimes we can convince.

But the National Incident Management System, we know that if an incident occurs we will send in--I will identify a principal federal officer that will coordinate the federal activity. We, want as part of the National Incident Management System, whether it's New York, Boston, wherever, we want one operation center. We don't need operations centers scattered all over a city. And we need someone within that operation center to be in charge so there is one voice speaking on behalf of that community and coordinating the local effort. My sense is that the mayor is certainly moving in the right direction and I suspect that there's more clarity in the details of his announcement that would certainly qualify him for that support.

MR. ROEMER: Well, speaking personally, I hope New York City does qualify. I think New York City and the state of New York could probably use a great deal more funds to protect so many valuable assets here. We've heard from a number of experts, however, that have said they're not sure that this agreement on Friday, including a panel that testified just an hour or so before you, that it meets the requirements based upon the adoption of this unified command structure or that it's regularly used and implemented as well.

SEC. RIDGE: Well, I would tell you--if I might? I'm sorry to interrupt you, Commissioner.

MR. ROEMER: No, go ahead.

SEC. RIDGE: We have a unique opportunity in this department to really build the kind of long term sustainable relationship with our partners at the state and local level. And we've got great partners with the first-responder and the first-preventer community in New York City, for example. And I would tell you that if we took a preliminary look at that decision and that announcement and found that, for whatever reason, it was not up to standard, part of our job is to make sure that it is. So that I could virtually assure you that if it isn't between now and October 1, New York City will be eligible.

MR. ROEMER: Let me get into another area that I'm very concerned about, just generally speaking about homeland security. I'm a fan, I am a big believer in national assessments and national metrics. How do we assess the most likely targets that terrorists are going to pick out when they come after us next week, tomorrow, next year? Is that a chemical plant in San Jose, California, that if they effectively target that it could kill hundreds of thousands of people? Is that a nuclear power plant, one of 104 in our country, over the border of my home state of Indiana? Is that some of the great landmarks we have in this city or the capitol, in Washington?

I worry that we have not done this national assessment to the Department of Homeland Security. And, 2), that we have a metric system, Congressman, that says to the United States Congress, you can't just spend funds on a small fire department in northern California that is 10,781 on the national assessment list, and you're not funding needed programs right here in New York City that are high targets, that are likely targets and that may be hit very soon. How can you give me some better assurances that, 1), we have done a national assessment of these terrorist targets-- which I don't think we have--and 2), that we can work with Congress and get a metric system set up so that the expenditures are going to the high-priority needs, and not just the chairman or ranking members of committees in Congress that funnel that money out to their constituents, and it's really not protecting our national interests, but more of a parochial concern?

SEC. RIDGE: Well, first of all I think it's important to explain in some detail how we operate within the Department of Homeland Security, particularly as it relates to your question of identifying critical infrastructure and prioritizing that within our country we would go first to secure. First of all, we don't

have the luxury in Homeland Security to guess as to whether or not it will be explosives, it will be chemical, it will be meteorological, it will be biological. So on a day-to-day basis from investment of our time and resources and technology, working with training and exercises and the like, we deal with the possibility of all of those kinds of attacks.

So, again, we have to be as prepared as we can, and better prepared every single day, to deal with a broad range of attacks. We know there's a fairly large menu that they could choose from. Now, some of these attacks--just as they turned commercial airliners into missiles, involve taking assets that are very much a part of who we are as a country, part of an \$11 trillion gross domestic product, which means we are a target-rich environment, and turning these assets and our economy that improve our quality of life that are very much a part of who we are and how we live and turn them into weapons, or using them as means of destruction.

Now, we have begun that process--remember, it's an \$11 trillion economy--working with the states, and we are obliged, by the end of this year, to have a national database of critical infrastructure. Having said that, we continue to make those assessments. But on a day-to-day basis within the Department of Homeland Security, we are working with telecommunications, energy, chemical facilities, with the information that we have now to begin securing them at a higher level. So, 1), we work every single day on multiple methods of attack. Every single day we're developing the national database. We need to know what we have and the loss of which would result in catastrophic loss of life or economic damage.

But you should also know, depending on a threat or in response to an incident, we go right back out--post-3/11, after Madrid, we went right back out and did additional vulnerability assessments of mass transit and railroads and talked to these companies, talked to the trade associations, made some recommendations. We began to take a look at some other means of security and protection. So we have a normal operational structure, we're building that database. A threat or incident would drive us to a particular venue, a particular target, where we immediately move to improve security.

MR. ROEMER: So that means we're still working on this national assessment?

SEC. RIDGE: Oh, well I think--that's right.

MR. KEAN: This is the last question.

SEC. RIDGE: We're getting great help from our partners at the state and local level.

MR. ROEMER: I just hope that we would expedite that national assessment and also work on a metric system so we know where that money is going.

SEC. RIDGE: It's in the works.

MR. ROEMER: Thank you, Congressman.

MR. KEAN: Secretary Lehman.

MR. MR. LEHMAN: I've always felt the title "secretary" is a nicer title than "congressman" myself. (Laughter.) And so, Mr. Secretary, I'd like to congratulate you on your testimony. There's a lot of real meat in it and a lot of real accomplishment, but I think you've been overly modest in what is, I think, a major event in your last paragraph. I think it's a very decisive move of you to formally endorse national standards for building codes, fire protection because, you know that it is a very contentious subject.

But I think it's a terrific accomplishment because it shows a number of things. First, a lot of people have the idea that we as a commission are working in secret and we're going to pop out this set of recommendations in July, when in fact it's been a very interactive process and your staff has been particularly good in working with our staff in developing things where through our unique ability to draw on information. We have seen this national standards issue emerge.

I mean, you've heard the testimony about the real problems in the New York building codes, but those are just a tiny tip of the iceberg. There are no national standards for these kinds of things. And working with your staff, we now see that you have preempted us, which is terrific. That's what the purpose of this operation really is. But I commend you on taking that and running with it, and I just wish it were headlines at the beginning, rather than the last paragraph.

Another issue I'd like to pursue is Tim Roemer's, about the allocation. We had pretty forceful testimony from the mayor this morning, and from officials before that, about the gross, grotesque distortion of your fairly sensible risk-based

recommendations for allocation of homeland security funding from the various accounts, where Alaska ends up with 58 bucks per head and New York ends up with 25 bucks per head. And, probably thanks to Bob's persuasiveness, Nebraska is right up there near the top as well.

But I think the record shows that this really is a terrible misallocation and it happened in Congress, and it has been a complete turnover, almost of this essential national defense funding to pork barrel. And I know you weren't a part of it, but the mayor also complained about the shift that your department has made from having seven high risk areas, now all the way up to 80, which means that New York gets an even smaller piece. And, of course, some of the New York politicians have said, oh, it's those terrible Republicans because New York is not going to vote Republican, so take the money away from them and give it to Wyoming. Say it ain't so.

(Laughter.)

SEC. RIDGE: It ain't so.

(Laughter.)

MR. LEHMAN: But could you talk about that a bit and how you can use the power of your office, which is formidable, to stop this pork-barreling?

SEC. RIDGE: Mr. Secretary, Commissioner, we have advocated for two years that the funding formula be changed, with one caveat. I do think, in the world within which we now live, in the post-9/11 world which has changed considerably, that there ought to be some dollars going to each state as they build up over a period of time, a capacity to support each other in these communities. So I don't want to leave you with the impression that I think we ought to just simply send it to the urban communities. I don't think that's the right thing to do.

What we did propose in this budget, however, is take a substantial proportion of dollars, that would have been distributed on a formula basis, and put it into a different pot, basically, to draw down from, which is really directed and based upon population density, critical infrastructure and threat. It seems to me that we ought to continue to fund, at a certain level--obviously, I've concluded, not quite as aggressively--the 50 states. In the smaller states we're working with their homeland security advisors, their first-preventers, their first-responders.

Sometimes their ability to respond to an event will be just as complicated. They'll have the needs with much more of a mutual aid. Not every community will have everything. They need to build up their capacity within the state.

But having said that, I do think that we would advance the cause of enhancing security a lot faster, it would be a lot stronger if we were able to direct more resources to areas where the potential loss of life is greatest, where the greatest percentage of critical infrastructure exists and, frankly, where we know the threat exists. It's a dynamic process. It's something we want to assess every year. But population density threat and critical infrastructure should drive most of the money, and not just part of it.

MR. LEHMAN: Thank you.

I have another question about something you talked about earlier. You had in your private sessions with us what I thought was a very astute analogy of the sharing of intelligence with--as the central nervous system of information in the government. And our investigations have shown that there have been things, like the TTIC set up as part of the brainstem and the main part of the nervous system. But we have found that out at the extremities, i.e. let's say New York City's JTTF and other places, say, in the Defense Department, that they're numb. They haven't gotten the information. There doesn't seem to be any push. The plumbing does not seem to have been completed to get this fused intelligence out to the users.

As we understand it, the New York City intelligence establishment, which is very good and, of course, as the mayor pointed out, the New York City Police Department is bigger than the whole FBI, yet they depend on the pipeline of the FBI to filter what comes out of the TTIC through the FBI and there's no real push system to it as it exists.

So, I mean, you are so--the agencies that you are in charge of are so critical, both for gathering intelligence at the border, and for needing the most up-to-date fused intelligence from the intelligence community. What needs to be done so that this concept, which is a valid one, which you've talked about, can actually work, because it's not working today?

SEC. RIDGE: Well, first of all I think within the department one of the most strategic pieces of the new department is the Information Analysis Infrastructure Protection piece. We have

literally have our own analysts in the TTIC, and there'll be even more there as we ramp up and as they build a larger facility. We are another dimension to that push system because we see ourselves as being, frankly, advocates for our partners at the state and local level. Now, New York City is unique among I think the urban areas because the CIA has assigned someone here and has daily contact with the intelligence unit and the counterterrorism unit. The FBI with a more robust JTTF than here.

But, again, this is a--we're developing another pipeline to New York City. It is, frankly, to the governor's office. But this is not just to New York City. Our partners in the integration effort, people in technology are the states and the urban areas. We now have the secure video conferencing at the state level, secure phones with the principals at the state level that, drive that down to the major urban areas, the Internet-based system that we have called the Homeland Security Information Network. By the way, during the holiday season we used the Internet and we had literally minute-by-minute situational awareness in New York, Los Angeles, in our operation center. We were communicating back and forth with one another through the entire two-day period.

We also began to send our own information out through a series of bulletins and advisories. We gleaned information from the TTIC, we gleaned information we may generate ourselves. Our job is to push that information out, which we do. And, frankly, from time-to-time our assistant secretary of information analysis will just pick up the phone and double check and make sure that the folks in New York City--"Did you guys get that information? Are you acting on that? Is there anything else we could do to--that you need to know?" So, again, we're building redundancy in that push system and I think that's a good thing.

MR. LEHMAN: One last question. We secretaries never go through a hearing without some congressman asking us, "Well, could you"--

MR. RIDGE: Thank goodness there's a governor on--

(Laughter.)

MR. LEHMAN: "Well, Mr. Secretary, what is your personal opinion about that?" So I know--and I used to respond, well, I do have a personal opinion but I don't agree with it and--

SEC. RIDGE: Depending on what you ask me, I may give you the same answer.

MR. LEHMAN: Well, that's what I'm afraid of. But the question is the original--many of the original advocates of the Homeland Security bill felt very strongly that domestic intelligence in a cop shop fundamentally did not work, and that the domestic intelligence function should be put into homeland security. Now, could I have your personal opinion about--in the great by and by--let's just, say not in this administration, but some day would it make sense to have a non-law enforcement domestic intelligence agency fully under the protections of privacy and civil liberties and so forth that now exist under the Justice Department? Would it make sense some day to have that function in your department?

SEC. RIDGE: I think there are certain features of the existing system that in time we should have. The Terrorist Screening Center, where they've consolidated the databases about names and others. At some point in time I'd like to--and I've discussed privately and now I'm discussing it publicly--that ought to be part of our homeland security infrastructure because we are probably the number one consumer of all that information. At least, we rival anybody else who ever claims they could use it as frequently as we do.

But I do think the relationship that we are developing--and, again, we are a new department and Bob Mueller and the FBI have been charged with the president to be the domestic counterterrorism agency. That relationship is developing and maturing quite rapidly. It begins with the principals, we have a day-to-day working relationship that I think is exceptional. I have a special assistant who sits over in the FBI office and gets the same briefing as the FBI director does. We've linked up some of our units with regard to terrorist financing, our Immigration and Customs Enforcement people with the FBI's people.

So I think as this relationship improves and matures--and certainly the FBI director has made significant steps organizationally and technologically to make headquarters the fusion center for all the field officers, and that will be more easily shared with us and other members of the intelligence community. I think that will not be more than adequate, I think that absolutely fits the bill. But I do think you have to give it a chance to evolve. But I would tell you we're setting the right tone at the principals level and we just have to let the organizational and technological changes, that we are both

effecting right now, have to come to pass, and I think it will be precisely what you need and what the Congress wanted.

MR. LEHMAN: Thank you very much, Mr. Secretary.

MR. KEAN: Mr. Governor.

MR. THOMPSON: I've just got a couple of brief questions. One is just to pick up on something that Commissioner Roemer talked about, and I don't know if I caught it properly. How many committees of Congress do you report to?

SEC. RIDGE: I think the congressman mentioned 88 committees and subcommittees. Just--quite a few.

MR. THOMPSON: I just thought my ears weren't right. Eighty-eight?

SEC. RIDGE: Yeah.

MR. THOMPSON: And you said you've testified--

SEC. RIDGE: Not me personally, but myself, the deputy secretary, assistant secretaries. In 2003 alone it was 145 committee or subcommittee hearings. Last week we hit the century mark this year and it's mid-May.

MR. THOMPSON: Well, this means basically to me, if I add up the numbers right, that you're spending one out of three working days of your job testifying--

SEC. RIDGE: Someone is.

MR. THOMPSON: Now, that makes so little sense, given the importance of what you do for this country. And one of our jobs, given us by the Congress, is to look at congressional oversight. This is probably--you always look for an example that's ridiculous to make a point. That is ridiculous, that you have given that much time--all of us understand congressional oversight and the importance of it--

SEC. RIDGE: Correct.

MR. THOMPSON: --but to spend that much of your time reporting to 88 different congressional committees is taking you away from what you were hired to do. And so--

SEC. RIDGE: Well, we would welcome any recommendations you might have to condense that whole--and reduce that process, understanding as a former member oversight is critical. It's absolutely essential. They are our partners in establishing the department and promoting national security. I'm not sure you could ever reduce it to one, but certainly the present configuration is unacceptable.

MR. KEAN: You can certainly reduce it to two in each House, at least in my opinion. But anyway, if this commission has anything to say about it, there will be--at least that will be among our recommendations. And one just comment.

People have said in the last couple of days New York's in a bull's eye, New York still remains the prime target, New York could be the target the terrorists would look for again because of its importance to the economy and the vision of the world and what it means to America. And so it would just seem to me that whatever--and this is a comment, I guess, again, to Congress, rather than you--but any allocation of money which doesn't give New York more money per capita than any other place doesn't make sense.

(Applause.)

I didn't want you applauding for other people; I don't want you applauding for me either. (Laughs.) So I don't know if you want to comment on that, but it just--that would be a way I would logically judge whether an appropriations bill made sense. New York, Washington, places that remain prime targets?

SEC. RIDGE: Well, if the Congress would accept the president's recommendation, which is basically recognizing that every state ought to get some additional dollars to build certain capacities, would shift a significant portion of those dollars into what we call the Urban Area Security Initiative. It's just another pot of money we target to highly populated areas with a lot of infrastructure that we think are potential targets. New York City would be the number one beneficiary of that change.

MR. KEAN: Commissioner Ben-Veniste.

MR. BEN-VENISTE: Thank you, Mr. Chairman.

Mr. Secretary, I'm going to be brief. I know we're running behind time. I would like to say how much we appreciate the cooperation which you and your department have extended to this commission. It's truly been an interactive process which I think

will benefit the nation, substantially. We have had, as you probably have read, some difficulty in other areas obtaining information and securing cooperation. That has not been the case and we are very thankful for your cooperation with respect to you and your agency.

SEC. RIDGE: Thank you, sir.

MR. BEN-VENISTE: Much of what we would ordinarily bring out in a hearing we have already covered in very substantial detail behind the scenes of a public hearing. And so let me focus on one area that has been kind of a pet peeve of mine, and that is the color-coded threat condition.

SEC. RIDGE: I saw you writing a note down as soon as I mentioned it. I had a hunch it was coming my way.

(Laughter.)

MR. BEN-VENISTE: You're good. You're good.

You know, I grew up when we had nuclear drills where kids in grade schools were told to duck under their desks to protect themselves against nuclear attack. Now that was flat out stupid. And I think it did traumatize a certain number of young people in this country about something against which they had no ability to protect themselves.

With respect to the color-coded system, well, I won't go to that extreme in characterizing it, it seems to me that at his point, having gone through the educational process of alerting people to things they ought to think about and do in the event of a catastrophe that affects them directly in their areas, it seems to me, now, a matter of total CYA for their to be elevated threat levels unless there's something people can do about it.

Obviously, the information going to the hands of state and local law enforcement and other agencies whose function it is to protect the localities makes a lot of sense to the extent we can direct that information and go to a higher alert. But putting the whole nation on that kind of an alert, causing people in Moline and Peoria to put their fire departments and police on overtime seems to me not to make any sense, nor does it make sense to stir up the American public in such a fashion. It's either going to be ignored in some quarters, and in other quarters it's going to cause unnecessary stress. So I'd like your comment on it.

SEC. RIDGE: This doesn't lend itself to a quick sound bite. So if you'd bear with me for a few moments so I could explain to you the origin as well as the evolution of the Homeland Security Advisory System.

We first of all took a look at a way to just tell America, based on information that we had received, that a group of the president's advisors, i.e. several members of his Cabinet, have collectively concluded, based on information that they have had before them, that the threat of an attack tomorrow is greater than it is today. We started the system before we actually had the Department of Homeland Security, and that's why I think the story about its evolution is very important. Before we had the system, it was either General Ashcroft, Bob Mueller or myself, or collectively, we would go out and tell America, well, be alert, be aware, and then retire back to our offices and do what we're supposed to do every day, and that was just totally inadequate.

We took a look at what the State Department does, based on threat information. We took a look at what the Department of Defense does. They all have a system of alert, of awareness, that accompanies additional security measures. We took a look at that system, we talked to first-responders, we talked to mayors, we talked to a lot of people around the country who wanted a notification system, but also wanted to have built into that system--not only tell us the threats more--but tell us what you want us to do because of the heightened level of threat.

So initially, before we had the department, the alert was really based on threat. It has now evolved and matured into a threat-risk system, because since we've developed the department, we are layering in protective measures that mean the likelihood of us, over time, going up will be less, rather than more, because the threat is less because we've added more security.

Let me give you an example. This is a federal system. Every federal agency knows that when we elevate or reduce the threat level, they are to either increase or decrease certain security measures. States have adopted it, local communities have adopted it. We're working with a lot of people in the private sector to adopt it. So if we were to go up in the future, we say to the general public, there's a consensus among the secretary of Defense, the FBI director, the attorney general and some others in the Homeland Security group. The consensus is that the threat tomorrow is greater than it is today, but it's also a signal, just like a traffic light. It's a signal to the states and to the

locals in the private sector, you know, the enhancements that we've worked on, you've got to bump them up.

Two, during the past year, because we've been able to develop the communication system with our state and locals and the private sector, they now have more information at their disposal about how terrorists act and their modes of attack, and we've made specific recommendations for them to do certain things to prepare for that kind of attack. We have begun, not to make announcements nationally, but surgically to tailor information to certain venues.

Most recent example is when we did go nationally, and over the holiday season we went to orange. We came back down to the elevated level, but we went back to certain communities and said within those communities, you keep your security at a certain level for a certain additional period of time. Long explanation for a very complicated process. It is an evolutionary process. We are getting more sustained security across the board. Our level of security today and our level of protection today under yellow is far greater than it was a year ago. The level of protection at yellow a year from now will be even higher, which means our decision to raise it will have a higher threshold to go up. And in the meantime, our preference is to surgically target the information, and frankly, add security measures without even using the threat system.

MR. BEN-VENISTE: I agree with that. And my point was directed to the general national elevation of this color-coded system where people were instructed to go out and buy duct tape, which was probably a stimulus to the economy, but was pretty darn goofy when you get down to it at the end of the day.

SEC. RIDGE: I've got some great political cartoons on that.

MR. BEN-VENISTE: And that more importantly, I think, plays into a certain politics of fear. I think your point about targeting to the folks who need to know is a far more intelligent way of going about that.

SEC. RIDGE: And I think you are seeing--we are witnessing--and we continue to talk to the mayors and the first-responders. You'll see that process being used more and more so that the threshold will go up. It's going to be much higher. And, frankly, hopefully again, depending on the threat information, our need to use it to alert an entire country will be less. It's labor intensive and it's expensive. We know that.

MR. BEN-VENISTE: Thanks to both governors. Both of these governors.

MR. KEAN: Senator Gorton.

MR. GORTON: Early in your formal remarks you talked about both the visitors and the number of potential visitors who were not allowed, and even more significantly, about the number of potential students and the relatively small number who were not admitted. You did, however, it seems to me, leave out one consideration that has been a matter of particular concern to colleges and universities and probably to tourist-oriented groups too, and that is how many people who would be quite legitimate students or legitimate visitors don't apply in the first place because they're afraid of our heightened security system.

I think the colleges and universities have remarked on the decline in the numbers of thousands of foreign students here, and have to a certain extent, attributed it to that fact, that there's just too much hassle in getting here.

Can you make any comments on that and how we create that balance of welcoming the vast majority of people we want, either as students or tourists, and at the same time provide the kind of security you want to provide for us.

SEC. RIDGE: Well, first of all, I must say that the colleges and universities have been great partners with us in the post-9/11 environment, particularly since we've set up the department, because we know that we are and always want to be an open and welcoming and diverse country. We know that our communities and our colleges are culturally enriched, academically enriched, enriched by the presence of international students. And one might add, one of the best long-term antidotes to combat the enemy that confronts us necessitates the Department of Homeland Security is getting more and more people in to better understand who we are, what our values are, what we believe in.

And so the notion that we need to continue to work with the colleges and universities to reach out to potential foreign students is something we're very, very mindful of. To that end, I'd say that right after 9/11 we made significant adjustments in our visa policy, as it affected the recreational traveler, the business traveler, the student. Decisions were made about visa policy which we now inherit. Visa policy, by virtue of the enabling legislation, is one of the additional responsibilities in

the department. We have been talking to the communities that you've mentioned, the scientific community, the educational community and the business community, about making adjustments to those adjustments, i.e. without compromising security, but making it easier for people to get into this country. And we are looking toward the end of June to begin to vet those within--to shop those around within the administration.

I don't think we should apologize for really focusing hard on security right after 9/11, but two plus years later, we take a look at the adjustments we made and all of us have concluded that we need to go back and review them and adjust some of those. I spent a little time--because the Department of Homeland Security has not a significant physical presence overseas, but with a Container Security Initiative, visa policy and others--we have a considerable impact on international relations.

I was in Singapore with 21 ambassadors. Every ambassador said, we understand security has got to be the primary concern, but we have to find a better way. We need to go back and take a look at what we've done since 9/11 and make some adjustments. Every head of state that I run into has made the same request. In the long-term, I think this, again, is in our best interest of the country. I think we can find a balance. I think we can make some changes to make it easier for students and travelers and businessmen and women to get here. That's our task and I think we're up to it.

MR. BEN-VENISTE: Thank you, Mr. Secretary.

Thank you, Mr. Chairman

MR. KEAN: Senator Kerrey.

MR. KERREY: Mr. Secretary, thank you as well for your testimony and for your saying yes to the president coming back into public service. I appreciate that very much. Let me very respectfully urge you to consider going a bit further with New York City. I don't seek to get an applause out of this audience at all. I do think the dots in this case connected to say that it is very likely that New York City is going to be the next terrorist attack point in the country. It's been attacked twice, third attempt over the Landmarks effort.

We heard yesterday Commissioner Kelly talked about the New York City Police Department intercepting two attempts since 9/11. I think you've got to separate the city out. It bears a

disproportionate share of national security effort. The effort of local law enforcement and local fire department people here really are providing a national security function beyond what's going on in any other state or any other municipality. And I think unless you separate it out, from my own experience authorizing and appropriating--and I told Commissioner Gorton here that I got an e-mail message earlier from somebody that was listening, attacking me for getting that increased money for Nebraska.

I vote in New York City today so this is--I didn't do the stuff that--but I do have experience with it, and I think unless you separate it out, it's going to be exceptionally difficult to get the resources necessary to make certain that if there's another one, we have the resources to surge, to do the response, et cetera, et cetera.

And I also appreciate the answer that you gave to Senator Gorton just a few minutes ago on universities. A third of our degree students are international. Not just the incoming students, but conferences, et cetera. And you are exactly right. Entirely justified in the early days after 9/11, and I appreciate very much your looking to review that, because it really does in a very real world represent outsourcing in reverse for the United States of America. So as we hear this outsourcing issue, remember in higher education it's outsourcing in reverse, and there's lots of competitive opportunities for our international students, other than the United States of America.

You mentioned the US-VISIT program, and I do, for a range of reasons, use my passport for identification, and here it is. And it's paper. I mean, I just--it is a paper document. It's really an archaic system of keeping track of people. And I have in my billfold--I'm going to pull them out--all kinds of pieces of plastic that are must more sophisticated ways of determining whether or not I am who I say I am when I'm trying to engage in a transaction.

And you used the number of million people on the VISIT program. There's, I think, 440 million annual visitors to the United States, it's a relatively small fraction that we're getting with that biometric system. Can you tell me how quickly you expect to have, if not 100 percent, pretty close to 100 percent, of U.S. visitors being able to use a more--I think it's got to be a much more efficient, as well as a system much more likely to be a very strong deterrent against somebody who wants to forge one of these documents to come to the United States, as we believe all 19

of the individuals who came to the United States did. So can you
--

SEC. RIDGE: Sure.

MR. KERREY: When do you expect the US-VISIT program to be 100 percent implemented?

SEC. RIDGE: The mandate of Congress was to get the US-VISIT program in place at seaports, at airports by the end of last year. We are mandated to have an entry-exit system at the 50 largest land borders by the end of this year. And we will meet that goal, probably using a different kind of technology because the land borders between Canada and Mexico, we've got to figure a system where we can be relatively sure of who's coming across without putting pedestrian, vehicular and commercial traffic to a screeching halt. And we are exploring different kinds of technology to enable us to reduce the risk of someone unwanted and undesirable coming across the border.

Having said that and looking at that document, I would hope that since we are asking the rest of the world to give us their fingerprints and their photograph, when they come into our country --and we've had some very good conversations, because as we go about trying to deal with the responsibility of government system, wherever they are, to make sure that they protect their borders, getting the international community to buy into a single standard --it's not a U.S. standard plus another world standard. We need one international standard. There is surprising support for both photographs, across the board, and in some areas, even for finger scans.

So I think one of the things we could do in this country that would be somewhat, perhaps, controversial, but if we want to lead the rest of the world, then we ought to start requiring digital photographs and finger scans on our own passports. It would be a lot easier to go out to the rest of the world to say, when you come into our country, we'd like to have your fingerprints and your photographs on yours and on your visas.

MR. KERREY: Well, I can just tell you that, as one person who travels, unfortunately, a great deal commercially inside the United States of America, I would certainly welcome that.

SEC. RIDGE: Sure.

MR. KERREY: I mean, I get asked because I've got metal in my leg from the same place you went a number of years ago. I get asked to take off my pants all the time and--(laughter)--go through all this--truly--and I don't take a great deal of comfort when I fly commercially. For feeling safer on the commercial airplanes, there's a consequence of the regulatory frictions that are currently in place. So if it needs to be a voluntary system, I'd volunteer.

But I think the timeline for implementing US-VISIT in short--the timeline needs to be shortened considerably. I think Congress has been far too modest in its objectives and leaves a considerable amount of vulnerability as a consequence of being too modest and shortening those deadlines.

SEC. RIDGE: The other good news about--if I might, Senator--about much of the world beginning to embrace the notion that we need biometrics to confirm identity and authenticate the documents is that we've just quietly reached an agreement with the European Union to get passenger name record information on people that will be boarding those flights from the European Union, coming to the United States, so we can use a national targeting center, which we didn't have before 9/11, but which we do have now, to use that information and compare it against databases that we have.

So, again, we have, I think, a responsibility to protect our citizens. That's the foremost responsibility. But what I've detected over the past several months is greater interest internationally to use the same kinds of systems so they can protect their systems, their commercial airliners, their ports, as well.

MR. KEAN: Commissioner Gorelick.

MS. GORELICK: Thank you, Mr. Chairman.

And thank you, Mr. Secretary, for your testimony today and all that you do for our country. In al Qaeda and related terrorist groups, we know we have an agile and entrepreneurial enemy that we need to face off against. We need to understand them, we need to understand their tactics, we need to anticipate what they're going to do, we need to figure out how to attack them, we need to anticipate how to respond to their attacks. And all of this we need to ensure that we execute and execute very well. And we have lots of tools. We have domestic intelligence gathering, we have foreign intelligence gathering, we have

diplomatic tools, we have our military. We have covert action authorities in our intelligence community.

I have asked every person in government with any possible responsibility in this area this question: Are you our quarterback in this effort? You said at the outset of your testimony that the Department of Homeland Security is, and I think this is a quote, "the central point of command for the protection of our citizens." And I think, frankly, when we, as a country, created your department, because you have the title of secretary of the Department of Homeland Security, that you were that person, you were that quarterback.

But when we ask your assistant secretary for information and analysis, when we ask the Terrorist Threat Integration Center, when we ask the Terrorist Screening Center, when we ask the Counterterrorism Center at the FBI and at the CIA, when we ask the National Security Council, when we ask the Homeland Security Council, are you the quarterback? And if you're not the quarterback, who is the quarterback?

We get--the only answer we've gotten as high up as your deputy secretary--a wonderful man, Admiral Loy--is that the quarterback is the president. Now, nominally that's true. He controls every element of the executive branch. But that's impossible. He can't be our full-time quarterback against al Qaeda. So I wanted to ask you the question, are you the quarterback? And if you are not the quarterback, who should we look to for that direction and control of our efforts in facing off against this agile and entrepreneurial enemy?

SEC. RIDGE: (Laughter in the audience) Well, sometimes I'm the quarterback, sometimes I'm the wide receiver, sometimes I'm the--let me say this without meaning to do anything other than to take your questions seriously, and building on what Admiral Loy said. I think it's interesting to note at the outset, that every single morning the quarterback that he identified, the president of the United States, sits down with the FBI director and the attorney general and the CIA director and the national security advisor and we go over homeland security-related terrorist threat information every single day.

So in a sense, maybe the quarterback or maybe this is the--the president has designed a system where we all are assigned very specific roles so that it is a team effort, not an individual one. The president has said before 9/11 there was no central repository for information. We had multiple intelligence gathering agencies.

We've got a lot of information. We chew through information, thousands and thousands of bits and pieces every day. But everybody talks about stovepipes. They were right. Everybody talks about reluctance and resistance to share, culturally and organizationally. They were right. The president said we can't have that anymore. We set up the Terrorist Threat Integration Center, a central repository where those men and women create a strategic picture of the domestic threat and international threat for the president and for the team.

Certain parts of that analysis come to Homeland Security so that we can use it to anticipate attacks, inform our partners at the state and local level, and make recommendations that they do certain things in order to prevent that attack. A certain piece of that analytical work, the FBI takes along with theirs, and focuses investigations on individuals or potential cells or what have you. So at the end of the day, I think the analogy is a correct one--not sure if the president is the quarterback. He certainly is leading the team. But the centerpiece is the TTIC. That's the strategic piece. They do not collect, but all the information is funneled. They create the strategic framework within which a lot of us work, and we are assigned very specific and very important roles.

Our role within Homeland Security, as designed by Congress, is to anticipate, based on the strategic analysis and our own--we have our own analytical shop--anticipate a potential attack, look and assess the vulnerability of the potential point of attack, and then make recommendations to secure and to improve protection. The president's--basically there's an orchestra here. He's the conductor. I don't know if he's written the script. We all have certain roles we play within--remember, Homeland Security is about the integration of a country.

It's not about a department, it's really not about a quarterback. It's about very specific roles assigned to people at the federal, local--state and local level to do very specific things. If we do that with people in technology, it's the team that provides homeland security, not the quarterback. And it's the team that will ultimately be successful, not any single player or any single unit of government.

MS. GORELICK: Thank you.

MR. KEAN: Commissioner Fielding.

MR. FIELDING: Mr. Secretary, thank you for appearing here today. I know we're abusing the time that you gave us and we're running short. Just let me ask you one question, if I may. In our report and in our analysis, we have to deal with national security issues and we also have to be mindful of privacy issues. And I know you have that same responsibility. And so just for our current edification, could you tell us where we are with CAPPS II?

SEC. RIDGE: Yes. For those who are not aware of the CAPPS II program, that is the Computer Assisted Passenger [Pre-] Screening [System] program. It is a follow-on to a system that has existed within commercial aviation for a long time, but really hasn't been very effective. Initially, I recommended that we come out with a very aggressive and very robust CAPPS II system, and I think ultimately we will get there. But we've made the decision to design a better, but more modest system at the outset so that people at the airports, and ports of entry for that matter, would have access to names, the Terrorist Screening Center names and other information about people before they got on the airplane.

We wanted to include criminal records and some other information. There was talk about creating an algorithm based on some information you might have about the passenger that would create--you would draw an opinion as to whether this person may or may not be a terrorist. I think it's possible to do that. We certainly are not comfortable with what we know now, that it could be done effectively and at the same time protect the privacy of individuals. So we are going to roll out, in time, hopefully by the end of the year, a modest computer-assisted passenger screening program really based on the identification of the information available on a name basis. And even that is a problem --is a challenge because of the commonality of many names. And so we are working to address that feature as well.

At some point in time--and, again, this may--at some point in time, I think including people who are--who may have been deported on that list, who may have been convicted of a crime, but absconded, on that list. I don't necessarily want to be sitting next to somebody like that, but that's down the road. Right now we just really want to match up the counter on commercial aviation in a very modest way, names, no fancy computer-based algorithm to draw conclusions on information, no criminal records. And we're going to roll that out, again, in discussion with the privacy groups.

We haven't sent men and women--for 200 years around the world, and a million of them have died and a lot more been injured

and wounded--to defend freedom and liberty to forsake it at home. We're very mindful of that, and so we're going to move very cautiously with the CAPPS II program.

MR. FIELDING: Thank you very much.

Thank you, Mr. Chairman.

MR. KEAN: Secretary Ridge, that concludes our hearing. Thank you very, very much for your testimony and I would like you please--you've been very helpful to us in the past and I know you'll be very helpful to us in the future. And I want to thank you for all that and please understand we'll be asking for help in our recommendations.

(Yelling from the audience.)

SEC. RIDGE: Thank you.

MR. KEAN: Thank you very much.

SEC. RIDGE: Thank you, Governor.

MR. KEAN: That adjourns the hearing.

END.