

THE UNITED STATES COMMISSION ON TERRORISM
New York, New York

TESTIMONY
OF DENNIS SMITH
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It is my honor to testify before you today, and I wish you god-speed in your deliberations and in reaching your conclusions. I want to recognize the women and men of our military who are giving of themselves on foreign soil, brave troops who must be considered as we sit here today to discuss the many prices we must pay for the security of the homeland.

In a haphazard joining of time and place I found myself not far from the World Trade Center on the morning September 11, 2001, and, as the North Tower fell, in a commandeered city bus going south on West Street with more than a dozen firefighters. With hundreds of firefighters, police officers, medical personnel, construction workers and others I then watched the day unfold in a tragedy so profound that not one among us was prepared to integrate what we saw into a normal expectation, or an unaffected memory. I have written and published a book about that and the ensuing days, its title and contents offered for the

record, and as far as I know every fact in my book falls within the definition of a generally accepted account.

The necessity of that day and the ensuing days called upon all of us to make a statement, either in our hearts or in our conversation with our families and our friends, some message that said we were cognizant of what was done to us, that we were Americans, and that we would stand firmly together in any adversity.

As the bible says: "Write down the revelation and make it plain on tablets so that a herald may run with it." I want to think that the report of this commission will be the tablet, and that our history will be the herald. Our times, now more than ever, call for an honest appraisal of our record in counter-terrorism preparedness. With diligence and courage, we must record our mistakes to enable the trumpet of truth to sound out. Without it we will be shattered.

In the emergency services professions, to learn is to save future lives, and we learn by making conclusions, even if they might be unpopular.

From the second hour after the attack and for fifty-seven 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 police departments, to the men and women sifting through the piles. In all of that time, and to this day, there is a singular question that gnaws at my understanding: Why is there such a disparity in the loss of life among first responders?

Something went wrong, but because of the great respect for the maelstrom of sadness that suddenly entered so many of our lives, no one was willing to ask what. And, also, 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 fire and police departments, and to hold my counsel would be equally wrong.

I believe that the age-old antagonism between the services has become institutionalized. 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. It intensified in 1988 when a helicopter went into the East River, killing one and injuring four. The firefighters were ordered by the police department to sit, fully equipped in scuba gear, on the sidelines. People were outraged, and Mayor Koch ordered an investigation by Deputy Mayor Stanley Brezenoff, whose report, which supported the firefighters, 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 good will." But, they were quickly forgotten. Another agreement was made in 1966, and ignored for the most part. Joint training agreements have been ignored.

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 danger, 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 re-entered 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 minute, 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.

With some lower level exceptions, firefighters and police officers did not work together. Police Department managers did not take control of the incident, nor did they report in to the incident commander at the WTC (although one Emergency Services Unit reported into Chief Burns in the South Tower), and so, allusive of Larry Silverstein's view of two separate incidents, there was at the scene two separate emergency operations run by the two most vital of all organizations, managing from two separate points of view.

There is much evidence of inadequate communications between the fire and police on 9-11.

The McKenzie Report cited many communications received by 911 operators (in some cases FDNY dispatchers were conferenced in) that were passed to the police department and never forwarded to the fire chiefs, information that might have been used to determine the viability of the building and the safety of personnel.

A NYPD helicopter pilot reported early, before the fall of the South Tower, that the North Tower was going to fall, but the fire chiefs did not hear of this. When the pilot saw that the South Tower was falling his announcement to police command was instant, and police command issued a forceful and robust order to evacuate the remaining building and to move all department vehicles to safety. Notwithstanding that this was a successful communication that resulted in the saving of many lives, the fire chiefs did not hear this order.

The command of the North Tower was covered with debris when the South Tower fell, and Chief Joseph Pfeifer, in complete darkness, gave the order, "All units in Tower One evacuate the building."

Just how many firefighters escaped in the twenty-nine minutes from Chief Pfeiffer's order 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 ESU

officers and a number of other firefighters who had successfully evacuated the building.

In all, fifteen firefighters for every New York City police officer were killed, and among lost police officers there were none of officer rank while there were twenty-three fire chiefs killed. This suggests that there were successful communications in the police agencies, for many police were in the buildings, as was their duty. But, the communications within the ranks of firefighters cannot be proven to be as successful, as evidenced by the number killed in Tower One.

Readiness is to be highly motivated, and fully understanding of mission and risk. But, to be prepared is to be properly trained in systems and procedures, and equipped adequate to the emergency. 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 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 to insure orderly command at emergencies. This emergency manner is codified by signed protocols - agreements of incident command between responding emergency organizations, either local or state or federal. Other police and fire departments in the nation do not have competitive and redundant services. And, just days ago, the police and fire departments of New York signed a new protocol, thirty-two months from September 11, 2001. Yet, protocols are not the answer, because we have had them before. Except for the Commissioners who have worked to solve the problem, the indifference of each department for the work of the other will remain.

Why? Because, there is a territorial imperative that separates the two departments, which is caused by their separate rescue units. The fire department has five rescue companies, and

the police department has 10 Emergency Services Units. These are magnificent companies, and each police officer and firefighter in these specialized units is a highly trained and refined individual in rescue procedures. But, the fire and police specialists are the same demographically, with much of the same training (though only the police are weapons trained), education, and motivations. His or her similarity in company identity and mission causes competition in the field, at emergencies, that is often divisive and sometimes harmful. It is this competition that will be found, historically, as the basis for the communications failure on September 11, 2001, and which continues to this day. "This is my job, and I can handle it," is the psychology going into most emergencies, and on 9-11 that psychology seemed to say, "We'll do our job and let them do theirs." There is no reason to believe given another catastrophic attack this will change, for the new protocol relies on the recognition of core competencies to determine command. But, with obvious exceptions like fire and bombs, each department believes its core resources can handle any emergency, and most especially in handling hazardous material events.

Fire Rescues and Police ESU's have important and heroic histories and many in their ranks have died saving people in New York. But, it is time to consider that, in the population's interest, these units be disbanded in their respective departments, and consolidated in a Rescue Emergency Services Department. To meet the special emergency demands of our times New York City, a focal point for terrorists, would benefit by the creation of a third force, staffed only by the elite individuals who have advanced from within the police and fire departments. Rescue companies and emergency services units are the life's blood in an emergency operation caused by terrorism or natural disorder, and it is memorable to see the expertise, precision, and vitality they bring to the mission of saving lives. Other cities in recent times are considering redundant emergency services in the police and fire departments to operate. This is a

mistake, and these police and fire departments should be alerted to the counter-productive competition inherent in duplicating services. And, they should not be allowed to be competitive if we are to be prepared as emergency professionals.

Everything I witnessed on September 11, 2001, and the successive days spent at the World Trade Center site has left me, within this greatest sadness we have ever known, a more grateful and inspired person - grateful because I was able to help, in the meager way a retired firefighter knows how, and inspired because I was able to spend so much time next to men and women whose actions each day manifested all that is right about America.

"What makes them do it?" is a question I have been asked hundreds of times in the course of my travels. It is a natural question. Why do people give of themselves so utterly? Why do firefighters run into burning buildings knowing that the environment of a building on fire might be the most dangerous location in the world?

And, why do policemen and policewomen continue in a profession where they have to wrap a bullet shield around their bodies at the start of every tour? What a difficult profession it is for a person who is responsible for their children's future to begin every day thinking of a confrontation with a miscreant who means to kill them.

Three hundred and forty three firefighters, twenty-three police officers, and thirty-seven Port Authority Police officers were lost in trying to help the thousands to safety. They were ready to give their lives in the course of their duty - a readiness that comes with the job. But, were they prepared? Indeed, were the Police Department, the Fire Department, and the City management prepared to protect them?

You know the chronology of the day's events. You know the horror that came into the lives of so many families, because of the wanton acts of organized Islamists. That day is perhaps the most written about, analyzed, and referenced day in contemporary

history. Hardly a day goes by, now, nearing three years later, that we do not use the terms "nine-eleven" or "ground zero."

I have several good friends among the family of firefighters who feel that their loved ones were lost in an emergency situation they could have survived, that had they been prepared or protected they would have been able to save themselves.

This protection is constantly changing in technology and is ideally constant in leadership. In one example of the joining of technology and leadership, General Arnold of NORAD, testifying before this commission, spoke of General Eberhart requesting the help of the Navy, and of Vice Admiral Buckley responding to his request, on the morning of 9/11, by delivering an order to an aircraft carrier 4500 miles from New York, directing the Asia bound ship to turn around and head for surveillance duty on the country's west coast. Think of that, a successful communication to protect Americans, between two services, over a distance of 4500 miles, and we could not effect a communication from a police helicopter to a fire chief on the street 1000 feet away.

Some people will say that the culture of bravado in the fire department inspired firefighters to continue up into the buildings after receiving an order to evacuate, but this is nonsensical and at odds with fire department experience. I do not know, nor have I ever met, a fire officer who would subject his men to serious risk by countermanding an order to pull back. These are line officers trained in safety and responsibility, and who have an experienced-based and intuitive trust in their chief officers. They are professional, and they would protect their firefighters if given an order to evacuate.

There are no acceptable casualties in the fire service, and the fire service anticipated the need of protecting against the attack of weapons of mass destruction long before 2001. Our nation's foremost fire chiefs have consistently testified before congress on the need to equip and train firefighters for such contingencies, and, recognizing the counter-productive

competition between federal authorities, to call on the government to create a centralized authority to coordinate anti-terrorism efforts to protect the American people. There were, previous to the creation of the Homeland Security Agency, 47 federal agencies involved in some form in response to terrorism. Chief Alan Brunacini of Phoenix, John Ebersole of Chicago, and Ray Downey of New York all offered compelling warning to the congress that the nation must focus its resources on terrorism and train and equip fire departments to meet the challenges of terrorist events. On March 21, 1998, Chief Downey, who was killed on 9/11, testified before Congress just five years after serving as a rescuer in the first World Trade Center bombing: "...I see many shortfalls in the area of first responder capabilities, for dealing with and mitigating upon incidents of Weapons of Mass Destruction. The fear of chemical or biological terrorism is foremost in the minds of every firefighter..."

Yet, the Clinton administration did not act. The Bush administration did not act - until that fateful day.

We must learn from our own history. Every year from 1900 to 1906, the fire chief of San Francisco, Dennis Sullivan, stated unequivocally in that city's annual Municipal Reports that the city could burn down if a high pressure water system and deep well cisterns were not installed in the city, and on April 18th, 1906 an earthquake broke apart the city water system and the city burned for three days, killing more than 3000 people and displacing more than 200,000.

And, now, today, it is evident that the Homeland Security Agency has determined on a course of preventing terrorism before it happens, and most of the agency's resources are invested in terrorism prevention programs. Surely, these are resources well spent. But, I cannot be more forceful in stating to you that there is only one organization in our country that will respond in significant number in time enough to save lives in every emergency, and especially in response to a chemical or biological act of terror. It is the fire department, and the Homeland

Security Agency must begin to train and equip firefighters in a consequential continuum, for firefighters are not much better trained and equipped today than when Chief Downey spoke before Congress in 1998. In a very real sense, fire chiefs feel very much as Chief Dennis Sullivan did in 1906 - that people are not listening to them.

But, there are additional considerations that should be brought before you today, besides training and equipment. System reforms must be made.

Our first responders are at a commendable level of readiness, and could not be more committed to their professions, and their desire to provide service in times of emergency. But, all rescue workers must be aware of the chain of command, an understanding codified by signed protocols. Although I have stated that protocols in New York, the nation's most likely target, will not be effective, it is nonetheless telling that these protocols have not been yet signed.

Systems supporting the mission of firefighting must change if we are to benefit fully by the motivated personnel and available equipment in fire departments. I would point out that the nation's fire service community feels it is the poor nephew in the family of the Department of Homeland Security, The United States Fire Administration almost hidden in the lower ranks of the Federal Emergency Management Administration. They have little or no voice within the administration of DHS. We must begin to pay heed to the call of our fire chiefs, and create an Office of Fire Emergency whose head would report directly to Secretary Ridge.

The DHS has determined to build training buildings at high cost to the taxpayers when they could easily be using the fire academies that exist in every state, a way to integrate more fully the needs of Homeland Security with the vital services provided by fire departments.

I would now like to ask you to distinguish between the terms readiness and preparedness as they apply to our civilian

population - those who use our transportation system, travel across our bridges, through our tunnels, or who work in our multi-use buildings each day.

Workers in America for the most part are neither ready nor prepared to meet a terrorist action. We are reluctant to ask children to hide under desks, as I was asked to do when a schoolboy. We tell our citizens that the terrorists win if we are fearful, and so we are reluctant to expose them to training realities that might make them think of fearful possibilities. Yet, there are prudent actions and equipment that can reduce the harm in chemical, biological or other attack, and security heads of our major corporations know what they are. There is more to security than fire drills. Corporate chairpersons must find a way to pay for the equipment and training that are recommended by the heads of their corporate security departments. A corporate chairperson should get to know and respect his security executives as well as he does the vice-president of sales and marketing. In other words, equalize the priorities in the way corporations think about the future, for every dollar spent for information sharing, readiness training, and equipment will save lives, and help insure the future stability of the corporation. If we are to protect our workers and save lives, a policy and a codified regulation should be instituted by the Homeland Security Agency to mandate education and training in emergency preparedness. Corporate Chairpersons and members of a Corporation's Executive Management Committee, and also the Board of Directors of a Corporation, must be held personally liable for this training and education, in much the same way they are held liable for malfeasance in management. Respected political analysts project that we will have terrorist confrontations for the next fifty years, and we must today begin to protect our workers from terrorist activities as we protect the health of workers in the workplace.

We must never forget the thousands who died on September 11th. We all mourned profoundly, and we continue to mourn. Our

congressional leadership must remember how our firefighters, police officers, construction workers, and millions of big-hearted civilians acted on 9/11, and the months following. Congresspersons must be unselfish in recognizing priorities for counter-terrorism funding. They should begin to fund fire departments and police departments directly, and not through their states. The women and men of our congress, like first responders, must be focused on the common good, and be without competition.

We must also never forget that terrorism and the threat of terrorism will continue to be constants in our social fabric for decades to come. And, so, we must take the proposals offered by this commission's report to heart, study them, and make them a more consequential part of our social fabric than the cloak of terrorism can ever be.

The world has become a much more dangerous place since we have last looked, through a United States Commission, at our national emergency preparedness, and we must begin today to think about the first responders of tomorrow. It is vital that we recognize that their ranks must be kept full and prepared. The nation should seek to provide additional benefits for all first responders if we are to maintain a high level of professionalism in protecting future Americans. Most firefighters, police officers, nurses and EMTs are embarrassingly underpaid. It is in our nation's interest to support our first responders, and we can do that, for instance, by creating government sponsored education, health, and mortgage support programs that would act as incentives for our first responders to risk their lives for the security of the homeland.

We have been inspired by the courage and the self-denying duty of all Americans that contributed to easing the burden and the pain of the murderous attack on our soil. Now, it is time to be inspired by our political leaders as they recognize that more must be done. The record since 9/11 is wanting. The firefighters of America are right to be alarmed by a fire service unprepared

to effectively reduce life-loss in an act of terrorism, and by a populace that has not been informed, trained or equipped to act safely in emergency situations.

Do we have leaders who can remember that the effect of the present on the future is the definition of history, and that our own history of counter-terrorism preparedness must never be repeated?