

MEMORANDUM FOR THE RECORD

Event: John Flaherty, Chief of Staff for Secretary of Transportation Norman Mineta

Type: Interview

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Team: 8

Participants (non-Commission): Lindy Knapp and John Flaherty

Participants (Commission): John Farmer, Dana Hyde, and Lisa Sullivan

Location: Department of Transportation, Office of the Chief of Staff

Intelligence received prior to 9-11

Prior to 9-11, Secretary Mineta was briefed by Admiral Jim Underwood and a CIA liaison staffer on intelligence. Occasionally, the Secretary showed Flaherty something of interest. Flaherty does not know if Secretary Mineta received the SEIB (Senior Executive Intelligence Brief), or if he read it, or if he read it every time he received it. The CIA employee might have provided it, if it was shown. Flaherty started seeing it in hardcopy a few months after 9-11. Now, he sees it every day.

The only reference he had to a spike in the threat level during the summer of '01 was in regards to whether or not he should authorize foreign travel for DOT staff that wanted to travel abroad. He and the Assistant Secretary for International Affairs were allowed to grant travel authorizations. The trip in question was planned by the FAA security division headed by General Michael Canavan. Flaherty did not authorize the trip because he did not have enough information on the trip's objective or its itinerary.

Briefing on FAA Security by General Canavan

Around late June, Canavan gave him a presentation on who he was, and what his group did. In the briefing, he referenced Al Qaeda and other terrorist groups. Flaherty believes it was a presentation Canavan had given to the Secretary a few weeks earlier. The briefing showed Flaherty that FAA security was looking at terrorist groups, at aviation threats, including man pads. It was a flip-chart; it included Al Qaeda and other terrorist groups; there were no further details given. He said the report told him, "Hijackings are making a comeback." This was one page of a longer brief (when asked, he acknowledged

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this could be what is referred to as the Pat McDonald Road Show on intelligence related to aviation that was presented to security and airport officials during that summer).

Canavan said the purpose of the trip was to meet with airport security personnel at foreign airports and review their procedures. The trip wasn't related to terrorism. Flaherty ultimately authorized the trip.

During the briefing, were you made aware of the NSC counterterrorism group?

Flaherty said he was not.

DOT Awareness of Threats to Transportation

Was the DOT security office participating in any NSC working groups?

No, he does not think so.

If anyone were to participate in something like that it would have been Admiral Underwood's office (DOT Security Director), and it wasn't brought to his attention as Chief of Staff. The Secretary was meeting separately with Admiral Underwood, so it would not be fair to say that because he was unaware of DOT Security participation in briefings/groups at the NSC devoted to terrorism, that it did not occur or that the Secretary was unaware of it as well.

He has no knowledge of a July 5th meeting at the White House to talk about threats.

He was not aware of Usama Bin Laden taking actions in preparation for hijackings.

His interactions with the White House were typically through Cabinet Affairs, White House Chief of Staff, the Chief Counsel's Office, and Legislative Affairs.

He had no direct contact with the NSC.

Flaherty said the Chief of Staff receives incident notifications on a pager. The notifications are typically about crashes, suspicious packages found at airports, or anything having to do with the other modes of transportation. He can't recall if he heard about specific threats to maritime transportation prior to 9-11.

He does remember receiving information (before 9-11) about an FAA security test kit (explosives detection) found at a location near the World Trade Center. (Marcus Arroyo also remembered this incident).

On 9-11

He and the Deputy Chief of Staff had an 8:30 AM staff meeting. The Secretary was scheduled for an early meeting with the Belgium transport official. Flaherty's meeting

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with the Deputy took place in Flaherty's office. At around 8:50 AM, Geenie Norris came in and said CNN just reported that an aircraft struck the World Trade Center. Flaherty told the Commission that his dad was an airline executive when he was growing up and he immediately thought of the airplane that crashed into the Empire State Building in 1946. It was not known what kind of aircraft it was, or where it hit. At no time after the first hit did he think, "Oh, they told us this is going to happen." He adjourned the meeting.

Flaherty interrupted the Secretary in his meeting with the Belgium official and the Secretary of Transportation and Madame Administrator excused themselves. Outside of the door, he said, "This is what we have: An aircraft has hit the World Trade Center. We don't know what kind, we don't know how bad it is." Flaherty said that Administrator Garvey immediately said, "Oh my lord," and went straight to the telephone to call back to the FAA Operations Center. He told them they were trying to get details. Mineta returned to the conference room and Garvey stayed outside.

Deputy Chief of Staff Vince Taylor was coming in saying, "someone said it was a commercial airliner." Someone else said it was a jet. In the period of 3-4 minutes, they had enough information to confidently say that it was a jet.

Flaherty asked the Secretary to step back out and as he was updating him, they saw the second plane hit the second tower on the television. Mineta said, "Whoa, whoa, whoa. What was that?" Flaherty initially thought the network was replaying the first incident. He came to realize quickly it was a second plane. Mineta went back into the conference room to conclude the meeting. Garvey told Flaherty she had learned from American Airlines that they received a call from one of their flight attendants reporting a hijacking. She reported this information to him right after the second strike.

Mineta talked to Goodwin, the President of United Airlines. Goodwin reported that one of their flight attendants said something about the crew being killed or attacked (Flaherty thinks this was the initial report from United). So he, the Secretary, and the Administrator weren't sure if it was American or United; and they weren't sure if they were getting accurate information.

Mineta called the Delta CEO, and then Garvey, before she left mentioned something about transponders or about not being able to track airplanes. She left for the FAA.

The DOT Crisis Management Center was not set up until much later. We were getting information from the Washington Operations Center "the WOC".

Geenie Norris called the White House Chief of Staff to see if Mineta was to go over there. A short while later, the Secretary of Cabinet Affairs Albert Hawkins called to see if the Secretary would go over there. Flaherty told security to get him over there. He was continuing to update him as he was leaving the DOT building with security. They were trying to find out how many planes were still up there. Mineta went with no staff. He called Flaherty once from the car; and he called him once again from the White House.

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He had a little bit of trouble getting in. First, he went to the situation room, and then he went to the PEOC. He said he was down with the Vice President.

Commission staff told Flaherty that we know that the Vice President was in the PEOC before Mineta. Logs kept on that day put Mineta there a little after 10:00 AM, yet Secretary Mineta has testified that he was there much earlier than that.

Flaherty said that he knows Mineta was in the situation room for only two or three minutes. Mineta had thought it was necessary to go there first. He talked to Clarke there. Clarke thought he needed to get to the PEOC. Mineta had no idea what that was. A Secret Service agent that was present took him there

Back at the DOT, Flaherty learned from Chet Lunner that there was an explosion at the Pentagon. Flaherty didn't know of a plane heading toward Washington. The Secretary was talking to Flaherty and Monte Belger on the other phone. He Flaherty could hear the Secretary's conversation with Belger on the other phone. Mineta said, "Monte, where is it now?" referring to an airplane (unclear if this was AAL 77 or could have been referring to UAL 93).

Flaherty told his deputy, Vince Taylor, to get on the phone with the WOC. Subsequently, he sent him over to the WOC.

Flaherty said that Presidents of airline companies didn't know if the hijacked planes were theirs that day. He remembers overhearing one President of a major airline saying to the Secretary, "I don't know if its one of ours, Norm." Flaherty remembers hearing from the FAA that they couldn't track airplanes. They were struggling to determine which aircrafts hit which buildings.

After learning of the explosion at the White House, he heard two other explosions from his office at the DOT. He turned to Vince and said, "Find out where those landed." He immediately thought they were two more plane crashes. He quickly learned that they weren't explosions, but the sonic booms of the fighters over head.

He asked for an interagency meeting from Hawkins at 10 AM. We were still talking about aircrafts and tracking aircrafts there. They were talking about evacuating New York and the building and dealing with that. The decision was made to evacuate FAA. He stood up the CMC after the Pentagon was hit.

Sometimes he had a continuous line open with the Secretary. Sometimes they had to terminate the call. Mineta was getting his situational awareness from another source.

Flaherty went to the WOC at around 10:55 AM. When he went over the WOC, it was to participate in a SVTS (Secure Voice and Teleconference System) call. Jeff Griffiths from the FAA was there. Vince Taylor was already over there. Geenie Norris was also in there in the second row. They may have been setting it up at the time. Four aircraft were

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unaccounted for at that point. He doesn't know if they were the planes that turned out to be hijacked that day.

UAL and AAL were confirming 11, 175, 77. There was a Delta that was missing.

There was some discussion of a plane that went down in Kentucky or Ohio and he didn't hear about that until much later. He remembers that Richard Armitage was on the SVTS. The Administrator came in much later. He doesn't remember who else was on it or who was leading it.

Flaherty reported the information he got from the WOC about the four flights. They were trying to winnow down the number of suspicious aircrafts.

Doesn't recall the conversation at the SVTS. He doesn't remember if Monte Belger was in there. Griffiths was the lead FAA guy in there. There was no conversation with Flaherty about military response. He did not remember hearing anything about scrambling fighter jets. HE did not talk to anyone from the military that day.

Mineta's order to land all airplanes

The Secretary told you he is going to bring the planes down from the PEOC. Flaherty confirmed this. He said, "John, I am going to order the planes down." Then he heard Mineta say on the other phone, "Monte, bring them down, bring them all down."

Later, they realized that the Command Center had made the decision to stop travel. Flaherty agreed that many people/entities could have reached that decision on their own at approximately the same time.

Flaherty didn't keep notes from the day.

Commission staff asked if there was a time line constructed?

No, there wasn't a timeline for DOT. Geenie Norris took notes down on time. "They were contradictory and in dribs and drabs" he said.

1. Commission staff asked Flaherty to comment on Administrator Garvey's testimony to the Commission that: "the CAPS system was used for checked bags only; to check for explosives."

Flaherty couldn't comment because any briefing he received on CAPS-1 was received after 9-11.

2. Commission staff asked Flaherty to describe the residual security role of DOT.

Flaherty said their role was threefold:

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- The institutional: Prior to 9-11, DOT was responsible for safety and security. They went hand in glove when dealing with stake holders. The stakeholders were often resistance to safety regulation and security measures because of the added costs. Stake holder relations allowed information to be brought in faster because they were there. Residually, we are still responsible for the safety. We know how to approach them, we know their reactions, DOT is accustomed to dealing with their resistance because DOT has long established relationships with the stakeholders.

- The statutory: DOT still has stat responsible for securing certain elements such as for hazardous materials and pipelines

- The integrated section: Flaherty has been brought into this integrated system to defend against threats. He participates in CSG meetings on Monday; as does the Secretary and the Deputy. High quality intelligence people that were with FAA are now with the DOT security piece (S-60) rather than going to TSA.

DHS (TSA) hasn't arrived at the point where relations with stakeholders are as mature and therefore DOT is still the first to get information on such events at the Challenger or the blackout in NY. DOT deals a lot with DHS for the holiday threat, as well as involved in the combating the current threat since 9-11.

Today, 40-percent of his time is spent on security issues.

Post 9-11, the Department brings critical information into the system to respond because they have the contacts, because they know the people. They will get the information first. DHS hasn't succeeded, hasn't established the relationships to get the information. Subsequently, the DOT is often asked to step in operationally to respond to events such as the Challenger disaster or the blackout in NY.

Flaherty thinks that DHS may require structural changes before they get to the point where they can establish such relationships. He has nothing to offer by way of suggestions because he does not work for DHS.

When talking about TSA, Mineta would say it is a security and a customer service agency. You have to be both. "You can't forget about security, but you have to present it as customer service." DHS, in the immediacy of their mission, haven't met the second challenge. In constructing security relationships, information and cooperation is critical.

When you rely on stakeholders to provide for their own security, building relationships is crucial.