

Benedict Sliney

Benedict Sliney was born on October 12, 1945, in Medford, Massachusetts. He joined the United States Air Force in August 1964, where he was trained as an air traffic controller. He served at various air bases including Lackland, Keesler and Otis in the United States and Pleiku in the then Republic of South Viet Nam.

He received an Honorable Discharge in August 1968. On May 14, 1966, while serving in the Air Force, he married Irene Lynch Ahern in Providence, Rhode Island. They have three children, Anne, Susan and John and two grandchildren, Nicole and Michaela and presently reside in Seaford, New York. He graduated from Hope High School in Providence, Rhode Island in 1963.

He began with the Federal Aviation Administration in 1969 following his discharge from the Air Force. He worked as an air traffic controller or supervisor at Quonset Radar Air Traffic Control Center, the New York Common IFR Room (predecessor to the New York Terminal Radar Approach Control), LaGuardia Air Traffic Control Tower, the Cape Terminal Radar Approach Control, New York Terminal Radar Approach Control which provides service to, among others, LaGuardia, Newark and Kennedy airports, and the Air Traffic Control Systems Command Center. Briefly I served as Airspace Branch Manager at the FAA Eastern Region headquarters.

He took advantage of the G.I. Bill and graduated from Dowling College with a Bachelor of Science in 1974 and then he graduated from St. John's University Law School in 1978. In 1982, he resigned from the FAA to practice law full time. He was admitted to, practiced in, and litigated before all the courts of New York State, and various Federal District and Circuit Courts. He practiced extensively before the NASD, NYSE, AMEX stock exchange forums. He retired from law practice in July 2000 and rejoined the FAA at the Command Center.

He is presently employed as an Operations Manager at the New York Terminal Radar Approach Control.

MEMORANDUM FOR THE RECORD

Event: Federal Aviation Administration (FAA) New York Terminal Radar Control (TRACON) (N90)

Type of event: Interview with Benedict Sliney

Date: Friday, May 21, 2004

Special Access Issues: None

Prepared by: Geoffrey Brown

Team Number: 8

Location: N90 facility, 1515 Stewart Ave., Westbury, NY

Participants - Non-Commission: Mary M. McCarthy, FAA Regional Counsel's Office

Participants - Commission: John Azzarello, Geoffrey Brown

Note: Please refer to the recorded interview for further details.

Background:

Between 1964 and 1968 Sliney was involved in Air Traffic Control (ATC) for the U.S. Air Force. In 1969 he was hired by the FAA, and worked until 1982. He was an ATC in several facilities, including the predecessor facility to N90, called the New York Common IFR Room, located at Kennedy Airport. He held the position of specialist in Kennedy, LaGuardia and Newark airports, including the supervisor position for TRACON airspace at all three airports. He was also a supervisor at the Otis RAPCON, now called Cape TRACON at Cape Cod, MA. He returned to the New York TRACON shortly after it opened in 1981. He resigned in 1982 after the strike due to his serving as representation of ATCs during the strike.

Sliney returned to the FAA in 1986, and worked at N90 for one year with Jack Tobin to establish its Traffic Management Unit. He worked briefly for the FAA in 1988. In 1990 he returned as an Operations Manager for TMU; but left shortly thereafter to concentrate on his legal career, and established a law practice.

In 2000 Sliney returned to the FAA at the Herndon Air Traffic Services Command Center (ATSCC, or Herndon CC), where he was a Traffic Management Specialist (NTMO). In the summer of 2001 was promoted to National Operations Manager (NOM), which is the position he held on September 11, 2001 (9/11), and is the position he was responsible for during the 9/11 attacks.

Following his time as NOM at Herndon CC, he became the Division Manager of Tactical Operations.

Sliney is currently the Air Traffic Facility Manager for N90.

The NOM:

Traffic management regulates the national flow of traffic for the ATCs and TMUs at the various FAA Facilities, including the 21 Air Route Traffic Control Centers (ARTCC), the TRACONs, and the Towers. The NOM generally is responsible for oversight of all facility activities. At Herndon CC, the Supervisors and the NTMOs report directly to the NOM, and the NOM reports to the Facility Manager. There are several other components of the NAS (National Air Space) system that are available to the NOM at Herndon CC as well. Some of these components are the Central Altitude Reservation Function (CARF) unit, the Air Traffic Services Cell (ATSC), the units responsible for monitoring national weather patterns, equipment status, and airlines.

9/11:

Sliney was on the operations floor when at approximately 8:15/8:20 EDT he was preparing for a morning brief, which was scheduled for 8:30 EDT. Tom Paccione, one of his supervisors, reported to him that there was "a hijack in progress...at that point the aircraft on the TSD was 100 miles or so west of Boston". He told Paccione to keep him advised, left the floor and went to the meeting. Shortly after the meeting began, either Paccione or Mike Artis came to the meeting and told Sliney that there were "events unfolding" with the hijack. Sliney had already informed the other Herndon CC representatives at the meeting of the hijack, so informed them of the information he had just received (that there "was a report that someone may have been injured aboard the hijack"), and left the meeting for the operations floor.

Events "started to unfold rather rapidly after that". Linda Schuessler, the Herndon CC Facility Manager, came to the floor from the meeting, and told him to concentrate on the operational aspects while she organized the staff to assist him in any way they could. Ellen King went to Sliney's desk to handle his calls and any inquiries he might receive on those lines, and he went to the center of the operational floor (between the East and West areas, and just in front of the Severe Weather area). Supervisors and staff met with him "on an almost continuous basis for the next several hours." He called the personnel to this central position for status updates in rough ten minute increments.

Sliney recalls the next relevant piece of information he received was a report through one of his supervisors that "the Center [Boston ARTCC (ZBW)] had overheard a transmission in the blind that 'we have more planes'." In Sliney's experience, hijacks followed a usual course of events that included negotiations and an eventual resolution to the event. Sliney commented that the general attitude at the FAA was to "get out of the way" of the hijacked aircraft [Sliney is referring to the standard protocol for ATCs to vector aircraft out of the potential flight path of the hijack.]. Because of this attitude, the words that indicated there were "more potential hijacks" were alarming.

Sliney instructed a grease board be placed on the floor to keep track of suspicious aircraft. From Sliney's perspective suspicious aircraft would not only be covertly

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squawking the hijack code or using covert radio communications, but might also exhibit no radio communication (NORDO), a changed or turned off transponder, or significant course deviation. Suspicious aircraft were listed on this grease board, and tracked by the Herndon CC capabilities.

The military liaison, possible Colonel Czbaranek from the ATSC informed Sliney that CNN was reporting an aircraft had crashed into the World Trade Center (WTC) [American Airlines Flight 11 (AAL 11) impacted that north tower at 8:46:40 EDT (NTSB)]. The military liaison said "that definitely doesn't look like any small plane", as opposed to what was being reported on CNN. One of his supervisors heard from New York ARTCC (ZNY) communication with AAL 11 had been lost. Sliney "feared that that was the airliner" (AAL 11). Herndon CC received a request from ZNY to stop air traffic "to and thru" their airspace and Sliney approved this request.

It was not until after United Airlines Flight 175 (UAL 175) struck the south tower of the WTC [9:02:40 EDT (NTSB)] that Sliney realized that the hijackers were piloting the aircraft.

Commission staff represented to Sliney that at approximately 9:02 EDT Terry Biggio, ZBW Acting Facility Manger on 9/11, now Facility Manager, communicates to Herndon CC that the ZBW controller heard that there was a communication of "we have some planes". Biggio confirmed that there was a transmission from AAL 11 of this nature at approximately 9:05 EDT. Immediately upon hearing this report, Sliney and the Herndon CC stopped air traffic "to and thru" ZBW and LAX Airport. After this, Washington ARTCC (ZDC) traffic was stopped. Following the crash of UAL 175, and the aforementioned actions, Sliney gave the authorization for a National Ground Stop.

Sliney commented that ATC Zero implies to him that a facility cannot operationally provide air traffic control, whereas stopping air traffic "to and through" is the term he associates with what occurred.

Sliney explained that the teleconference that was ongoing from Herndon CC on 9/11 was at the Severe Weather area. This teleconference was the point of contact with "all the effected FAA facilities on the east coast...and anyone who had interest in the events", and was manned, to Sliney's recollection, by Paccione and Jimmy Johnston. Sliney does not know if any non-FAA entities were present on this teleconference. Sliney was aware that John White was monitoring a teleconference, referred to as the FAA Tactical Net, which connected various entities including Herndon CC and the Washington Operations Center (WOC) and FAA Headquarters in Washington, D.C., which was operated in part by Jeff Griffith.

Between the crash of UAL 175 and the impact of American Airlines Flight 77 (AAL 77) into the Pentagon at 9:37:45 EDT (NTSB), and after Sliney issued the National Ground Stop, he was in the process of deciding whether or not he had the authority to issue an order for all aircraft in the NAS to land regardless of destination. Sliney decided

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he had the authority to do so under his responsibility for the safe air use of the NAS. He issued this order immediately following reports that the Pentagon had been struck.

According to Sliney's personnel reconstruction of the actions taken at Herndon CC on 9/11, at 9:18 EDT Herndon CC notified "all centers to be on alert for all radar drops or indications of course and altitude deviations and indications of any suspicious activity whatsoever." Sliney explained to Commission staff that this is his best recollection of events pieced together from the materials available to him at Herndon CC, minus the notes taken by [REDACTED] Sliney believes this process was already in progress by 9:31 EDT, a time Commission staff has evidence through the Herndon CC Position 14 (New York position) recording of a canvassing all centers to report suspicious aircraft behavior. [Commission staff has neither data supporting nor disproving Sliney's assertion that there was a canvassing for information regarding suspicious aircraft at 9:18 EDT.]

AAL 11 mistaken reports:

Sliney recalled he received a report from American Airlines Co., which he doubted, that AAL 11 had landed safely. He did not hear any other evidence of this, and did not recall any reports indicating that AAL 11 was airborne and headed southbound towards Washington, D.C. after its impact. Upon further questioning in conjunction with recorded evidence of the aforementioned mistaken report, Sliney still had no recollection of this report.

Sliney does recall that there was a mistaken report after 10:00 EDT that a Sikorski helicopter was the first aircraft to impact the WTC. [See Commission staff interview with Tom White for further details. To summarize, White believes his recollection of reporting that a Sikorski helicopter was the first impact into the WTC coincides with the recording of him passing this information at 10:15 EDT. Commission staff has heard from numerous Herndon CC employees, including Sliney, that they recall receiving this report much earlier than 10:00 EDT.]

Notice to secure cockpits:

Sliney was not aware that ZBW, under Terry Biggio's leadership, instructed his ATCs to notify aircraft in their airspace to secure their cockpits. Sliney did not recall Biggio's request to do this nation-wide through the Herndon CC communications capabilities, but does recall a discussion to use AirInc to alert aircraft to heighten cockpit security. Sliney and the Herndon CC supervisors were concerned that a broadcast "in the clear it might spur" other hijackers to take immediate action. Sliney told Commission staff that he would not have had a hesitation or "inhibition" to contact the airlines and advise cockpit security. Sliney was also concerned that the terrorists may have been monitoring the FAA frequencies from the ground, and thus communication over the airways could alert those potential threats. Sliney noted that though he did not give an order to secure cockpits, if the suggestion had reached him he would not have been

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inhibited by a notion that it was overstepping the responsibilities of Herndon CC, and treading on the rights of the air carrier companies.

Military scramble:

Commission staff reviewed a conversation from ZNY's [redacted] with Herndon CC's [redacted] in which he requested to get interceptors airborne. Sliney does not remember any specific request from any facility or from headquarters to coordinate military interceptors. He believes he was informed that fighters from Otis ANGB had been scrambled [A flight of F-15s were scrambled at approximately 8:46 EDT, and airborne at approximately 8:52 EDT in response to the hijacking] and, in his recollection, he was told that there were airborne interceptors at some point after the impact of UAL 175. He believes he received the information that the president was lifting off from Florida shortly after he received the information that military aircraft had been scrambled. Sliney noted to Commission staff that he does not recall receiving any request to facilitate fighter intercept of a hijacked aircraft, but does recall "being informed" that interceptors had taken off from Otis ANGB. He recalls thinking: "well, what are they going to do?" He believes he may even have received this information after the impact of AAL 77. Upon further questioning, Sliney again stated definitively that he did not receive a request to authorize a request to the military for assistance.

Sliney had the understanding on 9/11 "and today" that the request for military assistance "emanates from the effected Center...directly to the military." Even at the time of the interview Sliney does not believe Herndon CC has a role as a go-between with the military and the Centers. He does not know if FAA Headquarters has a current role in interceptor requests or if it had a role on 9/11. He "would assume...that headquarters would have a channel or line of communication that would enable that [a request to the military]." Sliney did not speak with a hijack coordinator or with anyone from FAA Civil Aviation Security (ACS) on 9/11. Nor does Sliney have any knowledge of any communications by his personnel with the National Military Command Center (NMCC) on 9/11.

UAL 93 and military notification:

Commission staff represented to Sliney that the notification to Herndon CC's Cleveland Position from Cleveland ARTCC that UAL 93 was hijacked occurred rapidly, and that FAA Headquarters received the information by 9:40 EDT. Commission staff further represented to Sliney its evidence that NEADS (Northeastern Air Defense Sector, the NORAD sector operationally responsible for the military response to the 9/11 attacks) did not receive notice that UAL 93 was hijacked until 10:07 EDT, roughly four minutes after the flight was hijacked. Sliney was not aware if those personnel at Herndon CC received any direction from FAA Headquarters to address the above timetable regarding military notification on UAL 93, or on any of the other hijacked aircraft.

Herndon CC and hijacks:

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Sliney commented that the ability for the NOM at Herndon CC to affect the entire NAS with single decisions was vital to the ability of the FAA to respond to the hijacks with the only effective action that could be taken by air traffic control: namely, the grounding of all aircraft. He commented that Herndon CC and the Herndon CC NOM position should have been written into the FAA hijack protocols, for many reasons, including the ability of Herndon CC to vet information and facilitate communication.

Recommendations:

Sliney believes the biggest deficit was the lack of notice that such an event was possible, and that if he had such information he would have ordered all aircraft to land regardless of destination at the first report of a hijacking. He commented that now the alert is extremely heightened, and the FAA errs on the side of caution.

Sliney believes that the missing link in the DEN line is that there is not appropriate command and control. Sliney does not believe the protocols are clear as to what should occur once a suspicious aircraft is reported. It is his understanding that operational coordination does not occur on the DEN line, which is not a secure communication medium.

Record of the Herndon CC actions on 9/11:

As part of the duties for staff that morning, Schuessler assigned [redacted] [redacted] to follow him and take on-going notes on his activities that morning: "to record everything I did and said...I have asked to see those notes but apparently they are not available, or at least they have not been made available to me...Ellen King told me they were not to be found." Ellen King was instructed to collect all data related to 9/11 by Schuessler. Schuessler referenced Sliney's inquiry to King, who told him they could not be found. Sliney then asked [redacted] where her notes went, and [redacted] informed him she gave them to King. Upon further questioning regarding these notes, Sliney stated to Commission staff: "I thought it was curious...look, I practiced law for twenty-odd years...where are the notes? And I couldn't get a straight answer to be honest about it. I said, 'well, why can't I see the notes?' It may have had something to do with the fact that my recollection of what transpired was not secretary Menetta's recollection of what had transpired. It may have been the fact that my recollection of what transpired was not the same as Administrator Garvey's recollection of what had transpired in terms of their involvement in the decision making process with respect to the National Ground Stop and the order to land. I was asked at one point by a nameless face 'why couldn't I just go along with it?'" Sliney agreed with another Herndon CC assertion that Herndon CC personnel were asked to inaccurately represent the ground stop to match the story that Secretary Menetta ordered the ground stop: "I was asked to go along with a fiction." Sliney agreed with another Herndon CC personnel's assertion that upon analysis Herndon CC's "good story" of the day of 9/11 (Ground Stop and order to land all aircraft regardless of destination) became FAA Headquarter's "bad story", and that is why Herndon CC personnel were told to stop working on their reconstruction of the events of 9/11. Sliney commented that an analysis of the actions of Herndon CC on 9/11 validates

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the importance of its creation, but instead what was presented could have been to serve "political vanity".

Sliney recalled that many of the Supervisors and Specialists on 9/11 at Herndon CC took meticulous notes of their actions per the instruction of both Schuessler and Sliney. He does not know the ultimate fate of these notes.

Commission staff represented to Sliney that the efforts at Herndon CC to recreate an accurate depiction of the chronology of events on 9/11 were stopped by FAA Headquarters shortly into the beginning of this effort. Sliney commented that there were "differences mostly not in the events themselves but differences as I recollect in the timing of events."

**Written testimony of Benedict Sliney
to the National Commission on
Terrorist Attacks Upon the United States**

On September 11, 2001, I was the National Operations Manager on duty at the Air Traffic Control Systems Command Center. The Command Center is charged with managing the National Airspace System to insure that demand upon the system is consonant with system capacity as that capacity is affected by constraints to the system. Weather, excessive demand and equipment are the usual constraints that affect system capacity. Although Command Center possesses command authority, we preferably use consensus through collaboration between the affected entities to resolve the competing interests for the use of the National Airspace System. The Command Center has extensive telecommunications capability. During his or her assigned shift, the National Operations Manager has the overall responsibility to ensure that the National Airspace System functions safely and efficiently.

At approximately 8:28 a.m. on September 11, 2001, I was informed by one of the supervisors on duty, that there existed the possibility that American Airlines flight 11, Boston to Los Angeles, had been hijacked. Shortly after 8:30 a.m., I was further informed that the potential hijacking had been escalated by a report of violence to one of the crew members of the aircraft. A second possible hijack was then reported as United Airlines flight 175, Boston to Los Angeles, was not responding to Boston Center. A report was received that a radio transmission, not attributed to a particular aircraft, on a Boston Center radio frequency was heard to the effect that "...we have more planes." American Airlines flight 77, Washington Dulles to Los Angeles, was reported as a possible hijack. The whereabouts of American Airlines flight 11 became uncertain and as that issue was expanding we received the report of an aircraft crash into the North tower of the World Trade Center. The source of this information was reported as CNN. It was not immediately confirmed that American Airlines flight 11 had crashed into the North tower, although the initial report that a "small aircraft" had crashed appeared dubious due to the televised pictures indicating something greater was responsible for the considerable amount of smoke and fire depicted. United Airlines flight 93, Newark to San Francisco, was also reported as a possible hijack. As these events unfolded we established and kept open telecommunications links between all affected facilities and regions which, as the day progressed grew in scope to include other agencies and facilities. That teleconference essentially continues today.

Initially and at the request of New York Center we issued a limited (first tier) ground stop for all traffic landing within or transitioning the New York Center airspace boundaries. Shortly thereafter this that ground stop was expanded to include all such traffic nationwide. A similar ground stop was issued for the Boston Center. Based upon the common destination of the hijacked aircraft, Los Angeles, all traffic for that destination was ground stopped. Due to the status of United Airlines flight 93, all traffic for Washington Dulles, Baltimore and Reagan National was ground stopped.

Following the confirmation that United Airlines flight 175 had crashed into the South tower of the World Trade Center, a nationwide ground stop was issued, the scope of which included all aircraft regardless of destination. A ground stop order prohibits any aircraft within its defined scope from taking off.

Following the reports of more than one possible hijack, we began to accumulate and share, with FAA center facilities, headquarters and other elements of the National Airspace System, all information concerning any aircraft not under positive control and with established communications. All Centers were notified to be alert to and report any radar drops or any course or altitude deviations, or any other suspicious activity in light of the developing events.

After it was reported that American Airlines flight 77 had crashed into the Pentagon, an order was issued directing all aircraft in the National Airspace System to be landed as soon as possible at the nearest airport without regard to planned destination. Additionally, all international flights were prohibited from landing in the United States. While those orders were being effected, it was reported that United Airlines flight 93 had crashed in Pennsylvania.

At approximately 12:15 p.m., the national airspace system was deemed to be clear of all commercial and general aviation aircraft. Only military and medical emergency lights were airborne.

From the onset of these events and as they developed, communication channels were opened and maintained with all FAA center facilities, headquarters, any other FAA facility with relevant information or activity, various other governmental agencies, including, upon information and belief, NORAD and with various segments of the airline community.



Thomas H. Kean
CHAIR

May 27, 2004

Lee H. Hamilton
VICE CHAIR

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Operations Manager
New York TRACON
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Dear Mr. Sliney:

Bob Kerrey

The National Commission on Terrorist Attacks Upon the United States will hold a public hearing on June 17, 2004, in Washington, DC on the topic of *National Crisis Management*. You are invited to testify at these proceedings at 9:15 – 11:00 a.m. on Thursday, June 17.

John F. Lehman

Timothy J. Roemer

James R. Thompson

This session will be the seventh and last hearing in the Commission's 2004 investigative hearing schedule, which will collectively advance the Commission's efforts to produce an authoritative account of the facts of circumstances surrounding the September 11, 2001, terrorist attacks. At this hearing, the Commission's objective is to present the definitive account of our nation's response to the terrorist attacks on 9/11. Aspects of the hearing will specifically address the response of the military, the Federal Aviation Administration (FAA), and senior levels of the Executive branch.

Philip D. Zelikow
EXECUTIVE DIRECTOR

We look forward to your testimony on the following topics:

- The specific role played by the Air Traffic Control Systems Command Center (ATCSCC) on 9/11 in the immediate response to the hijackings, placed in the general context of the ATCSCC's function within FAA organizational structure;
- A description of your responsibilities and actions taken as the National Operations Manager on the floor of the ATCSCC on the morning of 9/11;
- Your understanding of coordination and communications that took place between the ATCSCC, other FAA entities, and military entities in response to the hijackings.

Given time constraints, you will not be asked to give introductory oral testimony, as others on your panel have been asked to give a brief opening statement. However, we ask that you submit a comprehensive written

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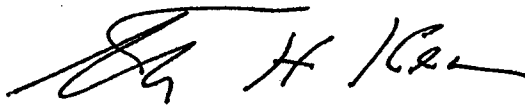
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testimony and provide your statement via e-mail to Lisa Sullivan at lsullivan@9-11commission.gov by 9:00 a.m. on June 9, 2004. Your full statement will be made part of the record and carefully studied by the Commission. All witnesses at this Commission hearing will be asked to testify under oath.

Please contact John Azzarello at (212) 264-1588 with any questions you may have. We look forward to your participation in this important public forum.

With best regards,



Thomas H. Kean
Chair



Lee H. Hamilton
Vice Chair

cc: Dan Levin, U.S. Department of Justice