

MEMORANDUM FOR THE RECORD

Event: Former New York City Mayor Rudolph Giuliani

Type of event: Interview

Date: Tuesday, April 20, 2004

Special Access Issues: none

Prepared by: Sam Caspersen

Team Number: 8B

Location: Offices of Giuliani Partners, LLC, 5 Times Square, New York, NY 10036

Participants - Non-Commission: Former NYY Mayor Rudolph Giuliani, Daniel Connolly, Managing Director of Giuliani Partners, LLC; NYC Chief Litigating Assistant Corporation Counsel Larry Kahn

Participants - Commission: John Lehman, Bob Kerrey, Dan Marcus, John Farmer, Sam Caspersen, George Delgrosso

This MFR is in the first person, but keep in mind that it is not a transcript, and the diction and sentence structure are mine – not the interviewee's, though of course the content is 100% accurate. When I actually am quoting the interviewee, I use quotation marks. I use brackets when adding in my thoughts, and use third person when doing so.

Sense of Terrorist Threat Upon Becoming Mayor:

“In my first few years, I thought there was a definite terrorist threat to the city.” And that we needed to get up to speed for it. This is one reason I wanted an OEM. By virtue of their size and our experience with emergencies in NYC, NYPD and FDNY could handle almost any emergency ad hoc. However, “what they really were behind on was handling biological/chemical attacks.” I thought we needed an umbrellas agency to train and push them. In New York, you don't need to drill all the time, because there are real emergencies so often. For example, there was the train incident in Penn Station yesterday. That was good training for a Madrid type of event, and I wanted an OEM to be able to review, and gather lessons learned.

It took two years to get OEM together. FDNY always felt like the stepchild and was very supportive of OEM. NYPD had resistance – not at commissioner's level, to Bratton's credit.

FDNY Commissioner Safir was very supportive of concept; with his background in Federal Marshals, he was very cognizant of terrorist threat.

We knew 99.5% of incidents OEM responded to would not be terrorist related, but we wanted also to be prepared for extraordinary events, e.g. biological terrorist attacks.

OEM location:

Wanted a place in lower Manhattan.

9/11 Classified Information

"That was probably the primary reason for it." If OEM had been located elsewhere, we would have gone there eventually. EOC would not have been used to actively manage operations of an incident. Would be used once an incident was stabilized and under somewhat under control.

"We never anticipated an emergency this big." EOC at 7 WTC would not have been big enough in any event.

JTTF:

Believe this was begun in late 1970s, and this was very important, more important than OEM; so I was very pleased this was in place when I became mayor. Even if some info classified above NYC detectives on JTTF, by virtue of sharing office, we got some info.

Thoughts on FBI sharing Terrorist Info:

"I have great respect for the FBI." "NYC has no right to complain, because we were better off than any other city." We already had JTTF, and got flow information no one else got. "But did we get the flow of info we wanted?" "No." "We would be told about a threat, but not about the underlying nature of the threat." John O'Neill would come see me and say, "We've picked up a threat against NYC." And then we would battle to get more info – what kind of attack? – what building? I wanted all of the same info FBI had, and we didn't get that until after 9/11.

Immediately after 9/11 we were made a complete partner.

Question re flow of info about Al' Qaeda threats from 1998-2001:

At the time I wasn't told it was Al Qaeda, but now that I look back at it, I think it was Al Qaeda. The FBI would communicate to NYPD and its commissioner, and if it was an immediate threat,

NYPD commissioner would come and advise me. And every once in a while, if FBI deemed a threat very serious, then John O'Neill.

For example, I would be advised that we have a specific threat against stock exchange; we have a specific threat against 26 Federal Plaza.

Eventually, I cut off access to key buildings.

When we arrested the guys planning subway bombing in Brooklyn, we found plans of bridges, tunnels, I believe. We didn't know for sure if they were Al Qaeda or Hamas [but clearly militant Islam.]

By the time I came into office, Landmark attacks and '93 bombing were merged together. A series of briefings which followed led me to believe that NYC was a target – particular concern for tunnels, bridges, subways. It was with respect to tunnels, bridges, subways, and other specific targets that I was advised.

My pre 9/11 understanding was that there was loose linkage between local cells and international support. It was hard to tell how autonomous these local cells were. Not as organized as organized crime, but more organized than some people think – was my pre-9/11 perception.

Sanctuary laws:

For protection of illegal immigrants if:

1. have children in school, won't report them
2. a victim of a crime, won't be reported, so that will cooperate
3. sick and in need of medical attention, won't be reported.

I didn't begin this, but I agreed with it and continued it. I knew that INS nationwide could deport 2,000 people a year. And there are maybe 400,000 illegal immigrants in NYC. From the point of view of mayor, the reality is that there are illegal immigrants, and they will stay. However, there is no policy beyond these three exceptions which would preclude NYC from turning over illegal immigrants to INS. But when we brought something to the attention to INS,

they would do nothing with this. We'd give INS names of illegals, and they would put them out on bail.

I think the right answer is that INS should concentrate its resources on bad illegal immigrants, and not focus on good illegal immigrants, but INS doesn't do this effectively.

Millennium:

"Probably the event during time I was mayor with most heightened terrorist threat." Some people suggested we cancel celebration, as it was "too obvious a threat; too obvious a target" – due to all the media present, which would get an attack very published.

Y2K:

City began planning for Y2K 1.5-2 years in advance. We spent \$350 million to duplicate, triplicate our systems in case anything went wrong (e.g., subways not working). OEM oversaw that project. Then Y2K came and went, with nothing happening, and then people were upset we had spent so much money. After 9/11, I realized how valuable it was to have back-up plans; OEM had stored materials all over city, not in same place – "an unintended consequence" of being well prepared. All of the Y2K planning greatly facilitated being able to re-constitute EOC first at police academy and then at Pier 92.

Lesson learned:

My opinion was that the next time they will attack us; it will be a different type of attack. So you need to have excellent backup capabilities and flexibility. Y2K was tremendously value adding re 9/11.

Rivalry Between NYPD and FDNY:

Growing up I had relatives in both, and they were constantly debating as to who was better. "It's a good thing and a bad thing." "It's like the Marines and the Army and the Navy." "There is a terrific benefit of a very strong competition." "You have to think of what kind of people do this work," "Who do you get to go into fires to save people?" "Extraordinary, motivated people" One of reasons I began OEM was to help FD and PD work better together, and as we were coming into a more difficult world – HAZMAT – which would require greater coordination,

cooperation. If you handled an emergency purely as a police incident, Public Health would be shut out. So OEM could contact me, and I could order Public Health to be incident manager.

Sarin Gas training exercise:

We had a simulated political rally, with thousands of faux civilians, and sarin gas attack. NYPD would be in charge until perpetrators caught/taken out. Then FDNY would take over rescue effort.

OEM director would say, "Crime scene over; now FDNY in charge." Because NYPD knew always in charge while still a crime scene.

Another key for mayor was to have a police commissioner and fire commissioner who got along and could work together.

Rivalry was a bigger issue in smaller incidents, e.g., car crash, than major incidents, when everyone knew they had a major job to do.

Don't see need for super director of public safety, with direct authority over FDNY and NYPD. With the strong history of these departments, I don't think it would be accepted/ work. I think you would get a lower quality police commissioner.

Thoughts on a government chief executive receiving info:

"Generally, the way I would get briefed was with the conclusion, not with narrative [underlying facts]. "Almost as if elected officials can't be trusted with sensitive info." [note he is referring to FBI and Federal personnel, not to NYPD or any other NYC personnel]

Every week I had one scheduled meeting with commissioner [NYPD], which had written report of items to discuss. Maybe 10-20% related to intelligence (some domestic disturbances) – just so much info, that as mayor, you need to rely on someone telling you what is more important and what is less important. I imagine that this is 10x true for President (expresses sympathy for President Bush being taken to task for not picking up on one detail in a briefing which in retrospect very import when President receives so many, many briefings).

You need to be told which threats are the important ones to concentrate on.

Did NYC anticipate the scenario of planes crashing into buildings?

I was taken through every imaginable terrorist attack NYC might face by OEM, and this was not one of them. We did a sarin gas drill at a Knicks game, suicide bombing, other drills and table top exercises, but nothing like what happened on 9/11.

9/11:

I was initially advised of twin engine flying into WTC. I immediately a plane couldn't get that accidentally off course on such a clear day. Maybe it was a crazy nut, or it was a terrorist. I knew from my experience that if mayor showed up at a scene, people would work better together and push a little higher. I would work with relevant commissioners as a team – that was our protocol. On car ride down, cell phones were working and then not working. There was tremendous interference, but in car we were able to reach police commissioner and some others, but couldn't reach White House, who we wanted to talk to re terrorist threat. I couldn't get through to Sheirer. We got down to St. Vincent's – a mile north or so. And at this point we could see top of tower, and saw magnitude of incident. Saw so many stretchers ready outside the hospital. We were on about Canal St., when second plane hit, and we got a phone call confirming a second plane hit. So now the theory of a crazy nut was out the window, and we knew it was a terrorist attack.

Contact with Washington:

Believe Kerick talked with someone in Defense Dept., because we wanted air support after second plane hit.

The fact that my cell phone was sporadic, led me to conclusion we needed hard lines.

We parked just north/east of 7 WTC. Kerick and my deputy mayor ran up to me immediately, and Joe told me that things so bad that jumpers coming down. I told Bernie we needed a place with hard lines, and that we also need to go to FDNY command post. Bernie pointed to 75

Barclay, and said this will be our command post. On the street I was told that either 7 or 10 planes unaccounted for, and told that Sears Tower is hit, that Mall of America hit.

Even if the EOC had been available, I would not have gone there for an hour or 1.5 hours. Would want to spend some time first at actual incident, at operations command posts – “once everything worked out on the street.” Bernie might have already known that 7 WTC already evacuated. [this is slightly unclear; OEM was not evacuated until 9:30 AM, and it’s only about 9:10 AM now.]

Joe said he knew where FDNY command post was, and we walked west on Barclay or Vesey – I think Barclay - and then came down West Street. During this period of time Kerick, my chief of staff, Denny Young, and several deputy mayors were with me, and that’s when I was told info re additional planes after someone had had a conversation with Andy Card. Then Kerick briefed me as to what NYPD was doing to enhance NYC security: bridges and tunnels closed, etc.

While walking down West Street, “you could realize how terrible it was.” We had to watch for debris and jumpers. I then saw my first jumper, which triggered in my mind that this was much worse than anything we had ever faced. I said, “Bernie, we are in un-chartered territory now,” and we’re going to have to plan as we go along. Kerrick said we would.

Just as we got to fire command post, saw more and more jumpers. A lot of people were getting injured on ground. I believe Ganci and co. were very concerned about protecting people outside from getting injured [by falling debris/humans]. I asked Ganci if we could do a helicopter rescue. Ganci told me he couldn’t rescue people above impact zone. He said we couldn’t do a helicopter rescue, because helicopters couldn’t get to the roof. He said that he had guys in 30s or 40s – I believe he meant in the north tower and climbing up towards impact zone. [Giuliani’s conversation with Ganci took place at approx. 9:15 AM, and there is no way any FDNY units had reached the 30something floor by then; most units likely were around the 10th floor.] He said his guys could rescue civilians below impact zone. “My guys could save everybody below fire.” If they [civilians] can get to stairwells, my guys can get them out.” I asked him what instructions to give to civilians outside, and he said get everyone heading north. From his vantage point, it appeared that to south and west was more dangerous; so I think this is why he

COMMISSION SENSITIVE
UNCLASSIFIED

said he wanted everyone heading north. Also, I think he was considering a 12-13 hour rescue operation and wanted the area to clear. "Tell them to get out the area." And I believe he told Kerrick to have his people get everyone north." Ray Downey [FDNY chief considered top building collapse expert, and in charge of FDNY elite rescue teams] was close enough to hear the conversation, but was not participating. He had some of his rescue guys with him, and they were looking at some type of map. Bill Feehan [deputy commissioner and former FDNY chief of department was there], participating actively. Nigro [number 2 chief behind Ganci in FDNY, but 9/11 Personal Privacy] was there as well, but I don't think Nigro participated in the conversation; Ganci and Feehan were the ones answering the questions. Ganci said I can't save everyone above fire, but maybe if some can get to stairwells. It may have been Feehan who said no to helicopters. I do think Ganci told me he was going to move command post further north. The stuff which was falling was falling very close to Ganci's command post.

My interpretation was that Ganci was saying don't push me to put my guys in too much risk. Feehan, I believe, was telling Kerick to have NYPD clear the area of all civilians. "It seemed to me that Ganci was running a fire the way he always did."

The entire conversation was no longer than 5 minutes, and then we left command post and headed back north, retracing our steps, and went into 75 Barclay, which was now set-up as an NYPD command post, with hard lines.

I was not imagining at that time that the towers could fully collapse, and no one brought this idea to me.

FDNY was going to handle the rescue, with some assistance from ESU and cops in streets in immediate vicinity. But NYPD had to focus on entire city. I was almost certain they would attack else where in city.

I got on phone with white house and spoke with Chris Hendrick. I had been advised of 7-11o planes out there, and of Pentagon, Mall of America, Sears tower hit. I wanted some

confirmation, and I wanted air cover. Chris told me they had sent down jets for air cover 12-15 minutes ago, and you should see them in any minute. I asked him if Pentagon hit. He responded, "Confirmed." He then said White House evacuated, and vice president will call you back. The picture in my mind that there was a fear [by Hendrick] of the White House being hit. He did tell me that the Pentagon and WTC were only three hits. So we had real concern of additional hits. Joseph Dunne [NYPD deputy commissioner] is with us, as is Esposito [NYPD Chief of Department]. It seemed to me that they were organizing the response in the rest of the city, preparing for additional attacks. Someone said that the next attack would not be by air, but by suicide bombers. "If what you could glean from intel was bridges and tunnels, the other worry was suicide bombings/bombings." Then the VP calls. I am on phone with his assistant, waiting for VP to get on the line, then I heard a click on the phone, the desk started to shake, then someone said, "The tower has come down; get under the desk!" I think that was Esposito. This just didn't register to me. I was wondering why everyone was getting under the desks. Then the debris starts coming. It became almost totally dark, but you could see objects flying through the streets. Immediately everyone got up, got together, and Kerik, Dunne and I concluded we had to get out of building. [see book for details.]

Janitor leads down and to back exit into lobby of 100 Church. We determine to head north; we had concern that if we stayed inside it could be more dangerous. We transmitted briefly to New York One that people should head north out of lower Manhattan. City Hall and 1 PP had been evacuated. I dismiss Metrotech or Bronx. I determined we should stay in Manhattan.

At this point I had no idea south tower fully collapsed. I think at this time I thought there must have been some type of partial collapse.

I suggested firehouse on Duane, but the concern was proximity to high target of 26 Federal Plaza. We are heading north and walk briefly into hotel, but realize that hotel was all glass; so that makes the decision on the police academy. But first we re-grouped at the fire academy. Before that the north tower collapsed, and looking down Church I had a sense of how complete the collapse was. On walk north, I was very impressed with how calm civilians heading north were – very different about the panic of civilians we simulated in our drills.

We got to firehouse on 6th and Houston. [see book] We held first real press conference there, imparting info about heading north out of lower Manhattan, and what we knew had happened. Just prior to press conference, I spoke to Pataki, who asked me if I wanted National Guard. I had never wanted National Guard before, but agreed to send them to Randall's Island and determine a later time how to use them. I told governor we were going to police academy. He was going to meet me there, and we reached consensus that we would act as a team, and if city needed help from state or other localities, Pataki would handle.

The decision to use police academy was made while 1 PP [police headquarters, which in lower Manhattan] was evacuated, but once decision made, it was better; hard lines were working better; it was a good space, and once governor met us, we needed a lot more space than 1 PP could offer. So OEM set up EOC at police academy. However, by that afternoon Richard Sheirer said we would need a lot more space – he's probably thinking of FEMA – he said he had the perfect place – Pier 92, which was operational by Friday and fully operational by Saturday. "It lifted your spirits." OEM was invaluable in dealing with families. They had learned lessons from dealing with families after flight 800 disaster and had expertise with family centers. The governor and I thought best place to do family center was armory on 23rd street. But we came up with a more upbeat place, because armory was so depressing; not a good place to console people. So we come up with pier just above pier 92 for family center.

FDNY Radio Communications on 9/11:

FD decided that it would have to switch from analog to digital and ordered them from Motorola. So Tom took them out of service. Speak with Richie re whether digital would have worked better.

FDNY Evacuation Order to leave north tower:

I think FDNY interpreted evacuation order – not just going to abandon civilians, and run down the stairs. Imagine what the story would have been if FDNY had gotten evacuation order, and just dropped injured civilians. The terrorists wanted to break our spirits, and the heroism shown that day by first responders showed that they didn't.

WTC Repeater:

No knowledge

FDNY Command and Control on 9/11:

Not a major problem, based on premise that buildings wouldn't fully collapse

OEM on and after 9/11:

"I don't think there is anyway the city could have gotten through day of 9/11, and especially coming weeks, as well without OEM." I don't think without an OEM that we could have gotten the Pier 92 post up and running so well so quickly.

By afternoon of 9/11, it was clear that the rescue/recovery would be very difficult and dangerous. I would have predicted 4-5 deaths in recovery operation, but in fact we had 0. OEM managed it all, and we ended up with a rescue effort better than anyone could expect."

OEM had a bio-terrorism task force. We got together on Sept. 14 and had a secret 2.5 hour briefing. We talked about if there was an outbreak, just dump them all on Randall's Island, but how to guard it, how to get them there? We had doomsday plans.

WTC Repeater:

No knowledge

Working with FEMA and Joe Albaugh:

Joe Albaugh had spoken with Sheirer earlier that day, and said FEMA wanted to come join and work with OEM and NYC, but certainly didn't think they would take over – exactly the right tone to take.

This event was of such magnitude that it humbled us all; there was no time for petty rivalries.

Days after 9/11:

In days after 9/11, we would have three meetings a day, morning, midday, evening. Then it went down to two meetings a day. Things came to me when a decision needed to be made. FEMA helped greatly with morgue set-up and mapping equipment. They also coordinated with military

re defense of NYC with gun ships. USAR teams were deployed out of the Javits Center. Of course USAR lost its leader in Ray Downey.

Relationship with PA:

Pre 9/11 – keep in mind that WTC really were not in city of New York. I had friction with PA re quality of airports, which I thought substandard. Also, there was friction because FDNY and NYPD didn't have jurisdiction in incidents at airports. However, there was a good relationship on working level with PD and FD with respect to WTC, but that was not the case for airports.

On day of 9/11 I didn't speak to anyone from PA. I normally would have spoken to Neil, but he was dead. It probably took 2-3 days for PA to re-group.

However, on 9/11 and in aftermath, differences put aside, and PA personnel were very helpful to FD and PD.

9/11's Impact on FBI sharing info:

Without 9/11, I never would have been able to send an advisor to FBI briefings. I would get the conclusion of a threat, but not all the facts on which conclusion based. This was bad, because NYPD knows the city and its streets so much better than FBI might be able to better interpret raw data and better understand what the exact target might be.

9/11 changed this totally. There was one post 9/11 instance in which we were just told to go on higher alert, but nothing more specific. So I called Tom Ridge, and said we needed something more specific. He said he would work on it, and get back to me. The FBI called and said that the info was too dangerous, and we could leak it. I told him that the FBI leaks as well [as does NYPD]. This led to a phone call to police commissioner, who then was briefed.

“If FBI breaks down barriers and trusts major police departments, they will have a quantum leap in quality, without much sacrifice with respect to leaks.

After 9/11 we brought in people to brief us on Al Quadea, e.g., we had in Bodansky, who had written book on Bin Laden. But we had nothing like this pre 9/11, which was a mistake, because if experts share a lot of info, better chance of someone making heads and tails of situation.

“I wonder if we should take risk of leaking to share information more.”

A 9/11 magnitude event in Miami:

You would have 30 police departments responding. For this reason I am very worried about how cities other than NYC could respond to a major terrorist attack. What I took away from Bodansky briefing is that Al Quadea does the unexpected and shocking – now what they did last time.

Radio communications at major emergencies:

I believe the major problem was that in an emergency of that magnitude is that if everyone is trying to talk at once. “Need dedicated bandwidth only for first responders during an emergency.

2003 Blackout:

Communications were even worse than on 9/11. On 9/11 Nextel’s and hard lines worked well (well hard lines worked until tower went down) and cell phones worked maybe 33%-50% of the time. None of these worked in black-out.

Going forward:

“My real fear is biological/chemical attacks. NYC needs a tremendous amount of help there under

Recommendations:

The only thing to protect you against terrorism is to find out about plot in advance. The best emergency response plan might mitigate death, but won’t stop it. The FBI and CIA must share with each other, and with localities, and city must have good intelligence capabilities itself

Assuming a city doesn’t get the intelligence, a city must have as good of communications as possible – a dedicated first responder channel.

Anthrax in October 2001:

“We were at our breaking point, and federal government was beyond it.” It was taking a week to do tests, and if we could have had that info in a day, we could better allocate resources. “Our bio/chemical capacities need to increase dramatically.” We need more mobile testing labs. I don’t think anyone realizes how close we were to break-down with 60 positives nation wide.

Compstat as resource in war on terror:

Bernie knows more than I, but it would be a good model to use. Talk to current NYPD re current terrorism Compstatd. “I think it would be an excellent idea to have” to have a terrorism Compstatd.

Can FBI do the job for terrorism intelligence?”

“I think it can, and I think it’s a better answer to try to do it that way.” It is a tremendously talented agency; “it is the premier agency.” There is a tremendous pride to in being an FBI agent, which is great; “at the same time, they have to learn how to share.” If FBI director can his agency to share with CIA and share with police departments, can get them to realize that it is in their interest to do so (because capacities are limited outside unites states – where CIA and NSA have better info - , and on streets in cities – where local police departments can do a better job).

Legal barriers/career concerns impact:

Legal barriers support the friction between intel sharing. In addition to agencies wanting to hide the ball and not share info, is fear of legal barriers and worries of careers. Even if Patriot Act is now here, people were so conditioned by pre-Patriot Act intel barriers.

And FBI director also must be sure that agents in counter-terrorism are not frowned upon if there work doesn’t translate into criminal convictions.

Homeland Security:

A good thing. First, we need all boarder agencies in one house – with at least hope they can share info. Again, we need to focus on bad immigrants – “the 10% who are a problem.” I think homeland security gives you a hope of doing that. Second, how can homeland security

coordinate localities to be prepared for terrorism – this is very, very, very difficult. Some mayors and governors are more pro-active than others. “Homeland security can push, but initiative must come from mayors and governors.

National preparedness today:

Before 9/11 was very difficult to get people to focus on terrorism – pre 9/11, “we were living in a false world . . . we maintained this idea that a big, terrible thing could not happen here.” Now you get tremendous attention, tremendous focus. But still there is some complacency.

With a few notable exceptions, there hasn’t been enough of a response in private sector. There should be a lot more planning, and business should do some of that. “I don’t know of a lot of private businesses take it seriously enough.” For example, Las Vegas is not nearly well enough prepared.