

9/11 Commission files

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Extract from the Team 8 folder

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From: Dana Hyde
Sent: Tuesday, March 02, 2004 12:02 PM
To: Front Office
Cc: John Farmer
Subject: Status of WH "Day of" Investigation

All -

Over the weekend, John and I took stock of where we stand with respect to our investigation of the White House response to the attacks of 9/11. Outlined below are our thoughts and suggested amendments to EOP Interview Request No. 3.

As you will recall, on December 31, 2003, the Commission submitted EOP Request No. 3, which sought "meetings" with 16 persons who on 9/11 were located in either the Situation Room, the PEOC, or aboard Air Force One and who were involved in responding to the hijackings. The fulfillment of this request, coupled with Team 8's "tag-on" questions to Team 3 witnesses, would have resulted in the questioning of approximately 25% of the total individuals in the PEOC and Sit Room that day (that number is based on lists available at NEOB that show 44 people in the Situation Room and 40 people in the PEOC on 9/11). In addition, our initial plan called for interviews with 8 Secret Service agents, 3 of whom were with either the President or VP on 9/11.

As of today (March 2), 5 of the 16 EOP "meetings" have been conducted. The Secret Service interviews were placed on "hold" for two weeks by the White House; last Friday, we learned that 5 of the 8 interviews can go forward subject to the same restrictions placed on WH employees (i.e., pre-meetings, participation of WH Counsel's Office, and I assume no recording); interviews of the 3 USSS agents in proximity to the President (Eddie Marenzel) and VP (Truscott and Zotto) are still on hold. The White House also placed a hold on review of the USSS tapes from 9/11.

Over the weekend we reflected on two factors: first, the press of time, and second the disappointing results of the interviews conducted thus far.

With respect to time, Team 8A's monograph is due at the beginning of May, and, as we understand it, our hearing has been tentatively set for the beginning of June. Our goal is to complete fact-finding by April 1st (with 8 weeks for synthesis, writing, and hearing preparation) but that could slip to mid-April. So at most, we have 6 more weeks for fact-finding.

Second, very little new information -- that is, information above and beyond the details contained in Woodward, Evan Thomas, etc. -- has been gained in the 5 White House "meetings" conducted thus far (Barnes, Irwin, Loewer, Hargis, and Frank Miller). To a person, no one has any recollection of the circumstances and details surrounding the authorization to shoot down commercial aircraft. That includes Michael Irwin, who is captured on the Air Threat Conference Call tape passing such authorization to the NMCC. Similarly, Frank Miller -- whom Dick Clarke, Roger Cressey, and others identified as the person charged with "working the ROE issue" -- stated on Friday that he has no recollection of any involvement in that issue. The White House principals interviewed on this topic -- Dr. Rice and Mr. Hadley -- also provided no detail beyond that captured by the Air Threat Conference Call (Hadley) or reported to the press (Rice).

The same absence of recollection holds true with respect to other topics of interest, such as the Andrews scramble and the reported threat to Air Force One. And while some basic questions regarding the physical layout of the PEOC and its communication systems on 9/11 have been answered, key points such as the means and extent of connectivity between the PEOC and Situation Room that morning remain garbled. Indeed, the only point that was uniformly affirmed in the Hargis, Barnes, Irwin, and Miller "meetings" is the unreliability of the documents (i.e., logs) that have been provided to the Commission from the Situation Room and PEOC. *Sua sponte* Frank Miller provided us with an example of an erroneous Sit Room log entry, while Rob Hargis and Michael Irwin talked extensively about how unreliable the logs were from that day.

In short, we fear that the remaining interviews will be no more fruitful than those conducted thus far. Our sense is

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that the White House will take the position that it is not possible to reconstruct – with any degree of accuracy or reliability – what went on that morning in the Situation Room and PEOC. While we disagree, a detailed reconstruction would require more time, resources and an approach different than that which is currently being pursued. Admittedly, this is difficult fact-finding given the passage and time and the chaotic nature of the day; at the same time, tougher nuts have been cracked in the past.

The bottom line is that the time constraints and process that have been imposed (i.e., (1) limited document requests that exclude email or telephone records; (2) pre-meetings with agency representatives to discuss our topics/questions in advance; (3) the presence and participation of White House Counsel's Office in the "meetings"; (4) limited time for "meetings"; (5) a limited number of witnesses all of whom must be justified in advance (no "fishing expeditions"); and (6) limited ability to confront witnesses in any manner perceived as "hostile") is not conducive to a full exposition of what went on at the White House that day. Our primary concern is that the expectation of what the Commission is pursuing in this area – that is, a plenary investigation of the decision-making and emergency response at the White House on 9/11 – exceeds what is actually being accomplished in the current structure. If the expectation of what should be pursued is decidedly less, then we are probably on the right track.

So where do we go from here? Outlined below are proposed amendments to EOP Request No. 3 that reflect the view that White House interviews are of little fact-finding value, at least as currently structured. One recommendation would be to expend capital and resources on obtaining written and electronic resources from the day, such as emails, phone logs, and pager records (the White House utilizes a text paging system that allows for detailed messaging to be conveyed via pager). A second recommendation would be to aggressively pursue access to the USSS tapes, which may or may not contain useful information. Surely we don't want to overstate the definitiveness of our investigation. We hope to either push harder over the final months, as outlined above, or start adopting more modest expectations.

We look forward to your comments and views. Dana and John (Farmer)

Proposed Deletions to EOP Request No. 3

(1) **Dwayne Carmen (WHMO):** He may have been involved in Andrews scramble but we will probably know enough about the sequence of events leading up to that scramble to write it without interviewing him; decision subject to change after USSS interviews.

(2) **Tony Crawford (NSC):** Has notes from the day but they don't begin until around 1100.

(3) **Hector Irastorza (WH):** Present in the Situation Room and should be knowledgeable about evacuation procedures prior to 9-11; dropped in the interest of time.

(4) **Harriet Miers (WH):** Loewer stated that Miers was sitting on the communications deck of AF1 that day and was instructed by Loewer to write down everything she heard. Accordingly, we expect to rely on her notes from the day. However, the WH has expressed concern about this interview and at this point it seems sufficient to have the notes speak for themselves.

(5) **Keeper of Watch Log on 9/11:** Not as significant as the two other logs listed below

(6) **Lt. Rancher:** Mistake from the Air Threat Conference Call transcript.

Interviews Pending from EOP Request No. 3; Should Proceed

(1) **Scott Heyer (Sit Room Comms Officer):** May be able to shed light on who were the participants in the Dick Clarke SVTS and the times the various agencies were included; scheduling in the works.

(2) **Mathew Waxman (NSC):** Fairly detailed notes from early in the day; worth speaking to about his notes.

(3) **Keeper of Shelter Log – name(s) unknown:** The PEOC shelter log places the VP in the shelter at 0958 and Mineta in the shelter at 1007. In terms of the timeline, it is important to understand how reliable (if at all) these times are.

(4) **Keeper of WHMO Log – Dave Boone:** The WH recently produced a handwritten version of the WHMO log and identified Boone as the keeper of it; the log was a special project he took on that morning – i.e., the WHMO log is not a document which is normally kept – and other than the Air Threat Conference Call is the primary record we have from the morning.

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(5) **Tom Greenwood:** May shed some light on coordination and interaction with DoD/FAA; assisted Miller that day.

New Requests

(1) **John Bellinger (NSC):** The White House recently produced his "day of" notes which reflect at least some involvement in the ROE issue.

(2) **VP Military Aide (I believe his last name is Cochran):** The person at the Vice President's side in the PEOC who should have been intimately involved in the military communications chain is his military aide.

Follow Up Documents

(1) **Air Force One Phone Logs:** Deborah Loewer stated that there should be logs from the communications deck that morning; such logs were not specifically covered in our request. Having said that, the White House just produced another log not sought in our request – the White House Communications Agency (WACA) Royal Crown log – which is the classified side of the WH switchboard.