

ELEVENTH PUBLIC HEARING OF THE NATIONAL COMMISSION ON TERRORIST
ATTACKS UPON THE UNITED STATES:
DAY ONE, MORNING SESSION

CHAIRMAN: THOMAS H. KEAN

VICE CHAIRMAN: LEE H. HAMILTON

SUBJECT: EMERGENCY
RESPONSE

WITNESSES:

STAFF STATEMENT NUMBER 13;

PANEL I:

ALAN REISS, FORMER DIRECTOR, WORLD TRADE DEPARTMENT, PORT
AUTHORITY OF NEW YORK AND NEW JERSEY;

JOSEPH MORRIS, FORMER CHIEF, PORT AUTHORITY OF NEW YORK AND NEW
JERSEY POLICE DEPARTMENT;

PANEL II:

BERNARD B. KERIK, FORMER COMMISSIONER, NEW YORK POLICE
DEPARTMENT;

THOMAS VON ESSEN, FORMER COMMISSIONER, FIRE DEPARTMENT OF NEW
YORK;

RICHARD SHEIRER, FORMER DIRECTOR, NEW YORK CITY OFFICE OF
EMERGENCY MANAGEMENT

LOCATION: New School University, New York City

TIME: 9:00 A.M. DATE: TUESDAY, MAY 18, 2004

MR. THOMAS H. KEAN: Good morning.

As chair of the National Commission on Terrorist
Attacks upon the United States, I hereby convene the eleventh
public hearing of this commission. Today and tomorrow we will
be examining how local, regional and federal authorities

responded to attacks against the United States on September 11th, 2001. We will focus on what confronted civilians and first-responders during the attacks, how they made decisions under adverse conditions, and what first-responders communicated to civilians and to each other. We will also explore the state of emergency preparedness and response today. What steps have been taken since 9/11 to improve our preparedness against terrorist attacks and other emergencies, and whether we should establish national standards of preparedness.

In the course of this two day hearing we will hear from people who directed agencies who were in the front lines of the 9/11 attacks both in New York and in Arlington, Virginia. We will also hear from some who will help the Commission to look at emergency response issues nationwide. We intend to use what we learn in the course of the next two days to guide us as we consider recommendations to make our country safer and more secure.

Today's session will run until nearly 4 p.m. with a lunch break for one hour. Tomorrow we will reconvene at 8 a.m. and adjourn around 12:45.

I'd like to mention just one administrative matter. I'd like to ask all those who are present to refrain from public expression during the hearing. We would ask you to refrain from applause, or for the matter, the opposite of applause.

This is the second hearing we'll be holding in this great city of New York and the third in the New York region. We held our very first hearing at the Alexander Hamilton Custom House, not far from here, and our seventh at Drew University in Madison, New Jersey. So it's fitting that we return to the city that bore the greatest impact of the 9/11 attacks. New York City and all its vitality symbolizes everything that is great about our United States of America. That's why the terrorists singled out this city for attack. New Yorkers endured a terrible catastrophe and New Yorkers prevailed, with the resilience and determination we have come to expect from those who make their homes and livelihoods in this great city and its surrounding regions.

Before we begin, I want to thank the New School University and our fellow commissioner, New York University president Bob Kerrey, for inviting us to hold this hearing at the New School University. The New School bore witness to the 9/11 attacks and felt the heavy impact of that day. The New

School provided solace and comfort, not only to its own students, faculty and staff, but to the wider community. Along with St. Vincent's Hospital, the New School ran a makeshift family information center from September 11th to 14th, 2001 where over 6,000 people came for help. This sense of service exhibited by the school during those very trying times was truly extraordinary. So on behalf of the Commission I want to say, thank you.

Today will be a very difficult day as we relive the loss and the terrible devastation. Some of what the staff will be presenting shortly will be graphic and vivid. Some may find it very difficult to watch. Our purpose in presenting this information is to obtain the perspective of those who responded to the attacks. We want to know how and why they made the decisions they made, and often in the absence of good information, and sometimes under the most adverse of conditions. We want to understand what happened that morning so that we can learn and that we as a nation can be better prepared. We honor the bravery and courage of civilians and the first-responders who saved so many lives that morning, and we honor all those who gave their own.

We will now hear from the staff, and I call on Dr. Philip Zelikow, the Commission's executive director, who will begin the first staff statement on emergency preparedness and response. He will be followed by John Farmer, Sam Caspersen and George Delgrosso.

MR. PHILIP ZELIKOW: Members of the Commission, with your help, your staff is prepared to report its preliminary findings regarding the emergency response in New York City on September 11, 2001. These initial findings may help frame some of the issues for this hearing and the development of your judgments and recommendations.

This report represents a summary of our work to date. We remain ready to revise our current understanding in light of new information as our work continues. We encourage those whose understanding differs from ours to come forward. Sam Caspersen, George Delgrosso, Jim Miller, Madeleine Blot, Cate Taylor, Joseph McBride, Emily Walker, and John Farmer conducted most of the investigative work reflected in this statement, and Allison Prince assisted with the audio-visual components.

Much of this work was conducted in conjunction with the National Institute of Standards and Technology, NIST, which is

studying the building performance issues. We are indebted to NIST for its cooperation. We have also received cooperation from the Port Authority of New York and New Jersey and from the City of New York. We have spoken with hundreds of people about the most painful moments of their lives.

We thank them for their willingness to help us. As we have relived their stories, and the records left by those who no longer can help us, we have joined in the mourning for all those who were lost that day.

On the morning of September 11, 2001, the last best hope for the community of people working in or visiting the World Trade Center rested not with national policymakers but with private firms and local public servants, especially the first-responders: fire, police, and emergency medical service professionals.

As we therefore focus on the choices they made on the morning of 9/11, we will not offer much commentary. We will offer more analysis and suggest some lessons that emerge for the future in Staff Statement No. 14, which we will present tomorrow. Today we concentrate just on presenting a reliable summary of what happened, to explain the day in its complexity without replicating its chaos.

We wish to advise the public that the details we will be presenting may be painful for you to see and hear. Please consider whether you wish to continue viewing.

MR. JOHN FARMER: Building Preparedness on 9/11. Emergency response is a product of preparedness. We begin with a brief discussion of measures taken to enhance safety and security at the World Trade Center after the 1993 bombing.

The World Trade Center complex was built for the Port Authority of New York and New Jersey. Construction began in 1967, and tenants began to occupy its space in 1970. The Twin Towers came to occupy a unique and symbolic place in the culture of New York City and America.

The Trade Center actually consisted of seven buildings, including one hotel, spread across 16 acres. The buildings were connected by an underground mall one level below the plaza area. The Twin Towers were the signature structures, containing 10.4 million square feet of office space. On any given work day up

to 50,000 office workers occupied the towers, and 40,000 visitors passed through the complex.

Both towers had 110 stories and were about 1,350 feet high. Both were square; each wall measured 208 feet in length. The outside of each tower was covered by a frame of 14-inch-wide steel columns; the centers of the steel columns were 40 inches apart. These exterior walls bore the majority of the weight of the building.

The interior core of the buildings was a hollow steel shaft, in which elevators and stairwells were grouped. Each tower contained three central stairwells, which ran essentially from top to bottom, and 99 elevators. Generally, elevators originating in the lobby ran to "Sky Lobbies" on upper floors, where further elevators carried passengers to the tops of the buildings.

Stairwells A and C ran from the 110th floor to the mezzanine level and Stairwell B ran from the 107th floor to level B6. All three stairwells ran essentially straight up and down, except for two deviations in Stairwells A and C where the staircase jutted out toward the perimeter of the building. These deviations were necessary because of the placement of heavy elevators and machine rooms. These areas were located between the 42nd and 48th floors and the 76th and 82nd floors in both towers.

On the upper and lower boundaries of these deviations were "transfer" hallways contained within the stairwell proper. Each hallway contained "smoke doors" to prevent smoke from rising from lower to upper portions of the building. Smoke doors were kept closed, but not locked. Other than these slight deviations in Stairwells A and C, the stairs ran straight up and down.

Doors leading to the roof were kept locked. The Port Authority told us that this was because of structural and radiation hazards, and for security reasons. To access the roof in either towers required passing through three doors: one leading from the stairwell onto the 110th floor, and two leading from the floor onto the roof itself. There was no rooftop evacuation plan. The roof was a cluttered surface that would be a challenging helipad, even in good conditions, and in a fire smoke from the building would travel upward.

Unlike most of America, both New York City and the World Trade Center had been the target of terrorist attacks before 9/11. On February 26, 1993, a 1,500-pound bomb stashed in a rental van was detonated on a parking garage ramp beneath the Twin Towers. The explosion killed six people, injured 1,000 more, and exposed vulnerabilities in the World Trade Center's and the City's emergency preparedness.

The towers lost power and communications capability. Generators had to be shut down to assure safety. Elevators stopped. The public address system and emergency lighting systems failed. The unlit stairwells filled with smoke and were so dark as to be impassable. Rescue efforts by the Fire Department of New York were hampered by the inability of its radios to function in buildings as large as the Twin Towers. The 9-1-1 emergency call system was overwhelmed. The explosion occurred at 12:17 p.m.; the last person was evacuated nearly ten hours later in a helicopter rescue by the New York Police Department. To address the problems encountered during the response to the 1993 bombing, the Port Authority implemented \$100 million in physical, structural, and technological changes to the Trade Center. In addition, the Port Authority enhanced its fire safety plan. The Port Authority added battery-powered emergency lighting to the stairwells and back-up power to its alarm system. Other upgrades included glow-in-the-dark signs and markings. Upgrades to the elevator system included a redesign of each building's lobby command board to enable it to monitor all of the elevators.

To aid communications, the Port Authority installed a "repeater system" for use by the Fire Department of New York. The "repeater" used an antenna on the top of 5 World Trade Center to "repeat" and greatly amplify the wave strength of radio communications, so they could be heard more effectively by firefighters operating many floors apart. The Port Authority also sought to prepare civilians better for future emergencies. Deputy fire safety directors conducted bi-annual fire drills, with advance notice to tenants. During a fire drill, designated fire wardens were instructed to lead people, in their respective areas, to the center of the floor where they would use an emergency intercom phone to obtain specific information on how to proceed.

Civilians were taught basic procedures such as to evacuate by the stairs and to check doors for heat before proceeding. Civilians who evacuated in both 1993 and 2001 have told us that they were better prepared in 2001. Civilians were

not, however, directed into the stairwells during these drills. Civilians were not provided with information about the configuration of the stairwells and the existence of transfer hallways or smoke doors. Neither full nor even partial evacuation drills were held. Participation in the drills that were held, moreover, varied greatly from tenant to tenant.

Civilians were never instructed not to evacuate up. The standard fire drill instructions advised participants that in the event of an actual emergency, they would be directed to descend to at least two floors below the fire. Most civilians recall simply being taught to await instructions which would be provided at the time of an emergency. Civilians were not informed that rooftop evacuations were not part of the Port Authority's evacuation plan. They were not informed that access to the roof required a key. The Port Authority acknowledges that it had no protocol for rescuing people trapped above a fire in the Towers.

Preparedness of First Responders on 9/11. On 9/11, the principal first-responders were in the Fire Department of New York, the New York Police Department, the Port Authority Police Department, and the Mayor's Office of Emergency Management. The 40,000-officer New York Police Department consisted of three primary divisions: operations, intelligence, and administration. The Special Operations Division supervised units critical in responding to a major event. This division included the aviation unit, which provided helicopters for the purpose of survey and/or rescue, and the Emergency Service Units, or rescue teams, which carried out specialized missions.

The NYPD had standard operating procedures for the dispatch of officers to an incident. Gradations in response were called "mobilization" levels and went from 1, the lowest, to 4, the highest. Level 3 and Level 4 mobilizations could not be ordered by someone below the rank of captain. The NYPD ran the City's 9-1-1 emergency call center. 9-1-1 operators were civilians trained in the rudiments of emergency response. Fire emergencies were transferred to the FDNY dispatch center.

The 11,000-member Fire Department of New York was headed by a Fire Commissioner, who, unlike the Police Commissioner, lacked operational authority. Operations were controlled by the Chief of Department. Basic operating units included ladder companies, to conduct standard rescue operations, and engine companies, to put out fires. The Department's Specialized Operations Command contained

specialized units, including five rescue companies, to perform specialized and highly risky rescue operations, and one HAZMAT team.

The logistics of fire operations were coordinated by Fire Dispatch Operations division. 9-1-1 calls concerning fire emergencies were transferred to this division.

Alarm levels escalated from first, the lowest, to fifth, the highest, with a pre-established number of units associated with each. Prior to 9/11, it was common FDNY practice for units to arrive with extra personnel, and for off-duty firefighters to respond to major incidents.

The years leading up to 9/11 were successful ones for the FDNY. In 2000, fewer people died from fires in New York City, 107, than in any year since 1946. Firefighter deaths, 22 during the 1990s, compared favorably with the best periods in FDNY history. The FDNY had fought 153,000 fires in 1976; in 1999, that number had been reduced to 60,000.

In July 2001, Mayor Giuliani signed a directive entitled "Direction and Control of Emergencies in the City of New York." Its purpose was "to ensure the optimum use of agency resources while, eliminating potential conflict among responding agencies which may have areas of overlapping expertise and responsibility." The directive designated, for different types of emergencies, an appropriate agency as the "Incident Commander." The Incident Commander would be, quote, "responsible for the management of the City's response to the emergency," close quote. The role of the Mayor's Office of Emergency Management was supportive, to "coordinate the participation of all city agencies in resolving the event," and to "assist the Incident Commander in his/her efforts in the development and implementation of the strategy for resolving the event."

The Mayor's creation of the Office of Emergency Management and the issuance of his Incident Command Directive were attempts to address the long-standing rivalry between the NYPD and the FDNY. This rivalry has been acknowledged by every witness we have asked about it. Some characterized the more extreme manifestations of the rivalry--fistfights at the scenes of emergencies, for instance--as the actions of "a few knuckleheads." Some described the rivalry as the result of healthy organizational pride and competition. Others told us that the problem has escalated over time and has hampered the ability of the City to respond well in emergency situations.

The NYPD and the FDNY were two of the preeminent emergency response organizations in the United States. But each considered itself operationally autonomous. Each was accustomed to responding independently to emergencies. By September 11th neither had demonstrated the readiness to respond to an "Incident Commander" if that commander was an official outside of their Department. The Mayor's Office of Emergency Management had not overcome this problem.

As we turn to the events of September 11th, we will try to describe what happened in the following one hundred minutes: First, the 17 minutes from the crash of hijacked American Airlines Flight 11 into World Trade Center 1, the North Tower, at 8:46 a.m. until the South Tower was hit. Second, the 56 minutes from the crash of hijacked United Airlines Flight 175 into World Trade Center 2, the South Tower, at 9:03 a.m., until the collapse of the South Tower. Finally, the 27 minutes from the collapse of the South Tower at 9:59 a.m. until the collapse of the North Tower at 10:26 a.m.

From 8:46 until 9:03 a.m. At 8:46, the hijacked American Airlines Flight 11 flew into the upper portion of the North Tower.

(VIDEO PLAYS OF ATTACK ON NORTH TOWER)

MR. FARMER: The plane cut through floors 93 to 94 to 98 to 99 of the building. All three of the building's stairwells became impassable from the 92nd floor up. Hundreds of civilians were killed instantly by the impact. Hundreds more remained alive, but trapped. A jet fuel fireball erupted upon impact and shot down at least one bank of elevators. The fireball exploded onto numerous lower floors, including the 77th, 50th, 22nd, West Street lobby level, and the B4 level, four stories below ground. The burning jet fuel immediately created thick, black smoke which enveloped the upper floors and roof of the North Tower. The roof of the South Tower was also engulfed in smoke because of prevailing light winds from the north.

Within minutes, New York City's 9-1-1 system was flooded with eyewitness accounts of the event. Most callers correctly identified the target of the attack. Some identified the plane as a commercial airliner. The first response came from private firms and individuals, the people and companies in the building. Everything that would happen to them during the

next few minutes would turn on their circumstances and their preparedness, assisted by building personnel on site.

Because all of the building's stairwells were destroyed in the impact zone, the hundreds of survivors trapped on or above the 92nd floor gathered in large and small groups, primarily between the 103rd and 106th floors. A large group was reported on the 92nd floor, technically below the impact, but trapped by debris. Civilians were also reported trapped below the impact zone, mostly on floors in the eighties, though also on at least the 47th and 22nd floors, as well as in a number of elevators. Because of damage to the building's systems, civilians did not receive instructions on how to proceed over the public address system. Many were unable to use the emergency intercom phones as instructed in fire drills. Many called 9-1-1.

9-1-1 operators and FDNY dispatchers had no information about either the location or magnitude of the impact zone and were, therefore, unable to provide information as fundamental as whether callers were above or below the fire. 9-1-1 operators were also not given any information about the feasibility of rooftop rescues. In most instances, 9-1-1 operators and FDNY dispatchers, to whom the 9-1-1 calls were transferred, therefore relied on standard operating procedure for high-rise fires. Those procedures are to advise civilians to stay low, remain where they are, and wait for emergency personnel to reach them. This advice was given to callers from the North Tower for locations both above and below the impact.

The protocol of advising against evacuation, of telling people to stay where they were, was one of the lessons learned from the 1993 bombing. Fire chiefs told us that the evacuation of tens of thousands of people from skyscrapers can create many new problems, especially for disabled individuals or those in poor health. Many of the injuries after the 1993 bombing occurred during the evacuation. Evacuees also may complicate the movements and work of firefighters and other emergency workers.

Although the default guidance to stay in place may seem understandable in cases of conventional high-rise fires, all the emergency officials that morning quickly judged that the North Tower should be evacuated. The acting fire safety director in the North Tower immediately ordered everyone to evacuate that building, but the public address system was damaged and no one apparently heard the announcement. Hence, one of the few ways to communicate to people in the building was through calls to

the 9-1-1 or other emergency operators. We found no protocol for communicating updated evacuation guidance to the 9-1-1 operators who were receiving calls for help. Improvising as they learned information from callers, some operators advised callers that they could break windows. Some operators were advising callers to evacuate, if they could.

Below the impact zone in the North Tower, those civilians who could began evacuating down the stairs almost immediately.

(VIDEO BEGINS)

MS. CLAIRE MCINTYRE (Manager, Administrative Services, American Bureau of Shipping): After going out into the hallway and yelling down that everyone get out, I went back into my office to get my pocketbook, and also I grabbed the flashlight and my whistle. The flashlight was useful for the first couple of flights going down because it was completely dark, and there was water flowing down, so it was dangerous too, and there was some debris, even on the landings. The air quality wasn't too bad. There was some smoke--light--it was never heavy smoke, where you couldn't breathe. And the lights in the stairwells worked all the way down except for the first two or three flights.

(VIDEO ENDS)

MR. FARMER: Civilians who called the Port Authority police desk at 5 World Trade Center were advised to leave if they could. Most civilians began evacuating without waiting to obtain instructions over the intercom system. Some had trouble reaching the exits because of damage caused by the impact. While evacuating, they were confused by deviations in the increasingly crowded stairwells and impeded by doors which were locked or jammed as a result of the impact. Despite these obstacles, the evacuation was relatively calm and orderly.

(VIDEO BEGINS)

MS. MCINTYRE: We never really heard any announcements or received any information all the way down. It got more and more congested as we went further down. For some reason we had to go down a long hallway and then when we got to the end of it, it was a locked door. So, we couldn't go any further; so we went back and went back up to 78 because we knew that that was a Sky Lobby.

(VIDEO ENDS)

MR. FARMER: Within ten minutes of impact, smoke was beginning to rise to the upper floors in debilitating volumes, and isolated fires were reported, although there were some pockets of refuge. Faced with insufferable heat, smoke, and fire, and no prospect for relief, some jumped or fell from the building.

Many civilians in the South Tower were unaware initially of what happened in the other tower:

(VIDEO BEGINS)

MR. BRIAN CLARK (President, Euro Brokers Relief Fund): I heard a loud boom. The lights in my office buzzed and I glanced up at them, and then my peripheral vision, behind me, caught something and I spun in my chair, and just two yards from me outside the glass, 84 floors in the air, was swirling flames. I assumed that there had been an explosion upstairs.

MR. RICHARD FERN (Vice President, Facilities, Euro Brokers): When I was entering the trading floor, I noticed all of the brokers clamoring on the building side where One World Trade Center is. And they were just screaming that a bomb went off.

(VIDEO ENDS)

MR. FARMER: Many people in the South Tower decided to leave. Some were advised to do so by fire wardens. In addition, some entire companies, including Morgan Stanley, which occupied over 20 floors of the South Tower, were evacuated by company security officials. The evacuation standard operating procedures did not provide a specific protocol for when to evacuate one tower in the event of a major explosion in the other. At 8:49 a.m. the deputy fire safety director in the North Tower spoke with his counterpart in the South Tower. They agreed to wait for the FDNY to arrive before determining whether to evacuate the South Tower. According to one fire chief, it was unimaginable, "beyond our consciousness," that another plane might hit the adjacent tower.

In the meantime, an announcement came over the public address system in the South Tower urging people to stay in place:

(VIDEO BEGINS)

MR. CLARK: Strobe lights flashed, the siren gave its little "whoop whoop." And I heard a familiar voice say, "Your attention please, ladies and gentlemen, Building 2 is secure. There is no need to evacuate Building 2. If you are in the midst of evacuation, you may use the re-entry doors and the elevators to return to your office. Repeat, Building 2 is secure." And the announcement was repeated.

(VIDEO ENDS)

MR. FARMER: Indeed, evacuees in the Sky Lobbies and the main lobby were advised by building personnel to return to their offices. The Port Authority told us that the advice may have been prompted by the safety hazard posed by falling debris and victims outside the building. Similar advice was given by security officials in the Sky Lobby of the South Tower. We do not know the reason for this advice, in part because the on-duty deputy fire safety director in charge of the South Tower perished in the tower's collapse.

As a result of the announcement, many civilians in the South Tower remained on their floors. Others reversed their evacuation and went back up:

(VIDEO BEGINS)

MR. FERN: After the first announcement, for the Port Authority or the PA system not to evacuate the floor, I guess I kinda felt comfortable to stay on the floor.

MR. CLARK: At three minutes after 9:00, at the time of impact, I was talking to a gentleman who said he had gone down half a dozen or ten floors and had come back up because of that announcement.

MR. STANLEY PRAIMNATH (Assistant Vice President, Administration, Mizvho Corporation Bank): As we were about to exit the building through the turnstile first, the security guard looks at me and says, "Where are you guys going?" I said, "Well, I am going home." "Why?" "I saw fireballs coming down." "No, your building is safe and secure. Go back to your office."

(VIDEO ENDS)

MR. FARMER: The Port Authority Police desk in 5 World Trade Center gave conflicting advice to people in the South Tower about whether to evacuate.

We have been fortunate, in learning about the FDNY's emergency response, to have had the cooperation of two of the principal commanders in the North Tower on 9/11, Joseph Pfeifer and Peter Hayden. The chiefs were filmed throughout the morning by Jules Naudet, a French filmmaker preparing a documentary about firefighters. We have reviewed Naudet's unedited footage and also filmed Chiefs Pfeifer and Hayden as they viewed the footage, commenting on events as they relived them.

The FDNY response began immediately after the crash.

(VIDEO BEGINS)

CHIEF JOSEPH PFEIFER (Deputy Assistant Chief, FDNY): Right from the beginning, before we even arrived at the Trade Center, what you see is the beginning of an Incident Command System where things are placed in order, and command is taken immediately.

(VIDEO SHOT BY JULES NAUDET ON 9/11 PLAYS)

(CHIEF PFEIFER (On Naudet video): We have a number of floors on fire, it looks like the plane was aiming towards the building. Transmit a Third Alarm. We will have a staging area at Vesey and West Street. Have the Third Alarm assignment go into that area, Second Alarm assignment report to the building."

CHIEF PFEIFER: So from the bullet point, where the plane hit the building, we started our Incident Command System.

(VIDEO ENDS)

MR. FARMER: Chief Pfeifer and four companies arrived at about 8:52 a.m. As they entered the lobby, they immediately encountered badly burned civilians who had been caught in the path of the fireball. The initial FDNY incident commanders were briefed on building systems by building personnel:

(VIDEO BEGINS)

CHIEF PETER HAYDEN (Assistant Chief, FDNY): When I entered the lobby here, Joe had already assumed command, and I came in and I was receiving a briefing from Chief Pfeifer here.

He was giving me a status of what was the building's system. He was informing me that the elevators were not working at the time and that they had the report from the Fire Safety Director that the plane had crashed in around the 78th floor and Joe had started units up and had them report to the 78th floor.

Here we're convening with the Fire Safety Director and the Port Authority personnel. Our main concern at this time was evacuation of the building. And we wanted to get everyone out of the building.

MR. FARMER: Units began mobilizing in the increasingly crowded lobby.

CHIEF PFEIFER: You have to understand that in the Trade Center that we had ninety-nine elevators in each of the towers, and those had to be checked to see if they were operating. Without elevators, it meant that the firefighters, carrying a hundred pounds of equipment, would have to climb some ninety floors just to get to where we could start a rescue operation for people trapped above the damaged area.

CHIEF HAYDEN: These are units coming in and they're awaiting assignment and, as I said, we're trying to get elevators working. We are conferring with the Port Authority personnel there--and this took a period of time for them to come back to and confirm to us that we had no elevators operating. Once we realized that we didn't have elevators operating, we began giving instruction to members to start ascending the stairs by way of the B Stairwell.

It was challenging for the chiefs to keep track of arriving units. They were frustrated by the absence of working building systems and elevators.

MR. HAYDEN: My aide had arrived and he was setting up the Command Board--as you can see him in the background--he was setting up the Board, which accounts for the units as they come in. Once they are given an assignment they are entered in on the Command Board and that's the way we keep track of the individuals.

I am walking down off to the right here--now waving my radio trying to get the Port Authority personnel and the chief fire to come with me off a little bit to have a private discussion regarding the building systems and particularly the

elevators. That was a primary concern of ours at the time, that we didn't have the elevators available to us.

You can see the damage that the planes caused. You can see the tiles on the floor there. Right now we are seeing more units come in.

(VIDEO ENDS)

MR. FARMER: Shortly before 9:00 a.m., FDNY chiefs advised building personnel and a Port Authority Police Department officer to evacuate the adjacent South Tower. Impressed by the magnitude of the catastrophe, fire chiefs had decided to clear the whole complex, including the South Tower.

By 9:00 a.m., many senior FDNY leaders, including seven of the eleven most highly ranked chiefs in the department, had begun responding from headquarters in Brooklyn. The Chief of Department and the Chief of Operations called a 5th alarm, which would bring additional engine and ladder companies; they also called two more FDNY Rescue teams. The Chief of Department arrived at approximately 9:00 a.m. He established an overall Incident Command Post on the median of the West Side Highway.

Emergency Medical Service personnel were directed to one of four triage areas around the perimeter of the Trade Center. In addition, many private hospital ambulances were rushing to the Trade Center complex. In the North Tower lobby, the chiefs quickly made the decision that the fire in the North Tower could not be fought.

(VIDEO BEGINS)

CHIEF HAYDEN: Well, we realized that, because of the impact of the plane, that there was some structural damage to the building, and most likely that the fire suppression systems within the building were probably damaged and possibly inoperable. We made that conclusion. We knew that at the height of the day there was as many as fifty thousand people in this building. We had a large volume of fire on the upper floors. Each floor was approximately an acre in size.

Several floors of fire would have been beyond the fire extinguishing capability of the forces that we had on hand. So we determined, very early on, that this was going to be strictly a rescue mission. We were going to evacuate the building, get everybody out, and then we were going to get out.

(VIDEO ENDS)

MR. FARMER: The chiefs decided to concentrate on evacuating civilians from the North Tower, although they held various views about whether anyone at or above the impact zone could be saved. As of 9:00 a.m., if only those units dispatched had responded, and if those dispatched units were not "riding heavy" with extra men, 235 firefighters would be at the scene or en route. The vast majority of these would be expected to enter the North Tower.

(VIDEO BEGINS)

CHIEF HAYDEN: This is Rescue One entering the lobby now. And at this time we were starting to get a number of distress calls coming in, particularly from the 9-1-1 and from the Port Authority personnel of people in distress on various floors. As we got the information coming in, we would give the assignments out to the companies. If we had a report of people trapped in elevators, we would send a company up to that specific floor. If we had reports--at one point in time, of people in wheelchairs and we gave out assignments to the companies to go up and get the people out of whatever particular floor they were calling from.

These were difficult assignments. I had a strong inner sense, throughout this entire operation, that we were going to lose people this day.

CHIEF PFEIFER: What we did know was that thousands of people, tens of thousands of people, were in their greatest moment of need and the firefighters came in and they received orders from our Command staff, and they turned around and they picked up their hose, and they picked up their tools, and they went up the stairs.

And what you see here is--this footage is actually my brother going upstairs. As so many other firefighters, that was the last time we saw them.

(VIDEO ENDS)

MR. FARMER: The NYPD response also began seconds after the crash. At 8:47 a.m. the NYPD ordered a Level 3 Mobilization. An initial mobilization point for patrol officers was established on the west side of the intersection of West and

Liberty Streets. NYPD rescue teams were directed to mobilize at the intersection of Church and Vesey Streets. The first of these officers arrived at Church and Vesey at 8:56 a.m. At 8:50 a.m., the aviation unit of the NYPD dispatched two helicopters to the Trade Center to report on conditions and assess the feasibility of a rooftop landing or special rescue operations. Within ten minutes of the crash, NYPD and Port Authority Police personnel were assisting with the evacuation of civilians. At 8:58 a.m., a helicopter pilot reported on rooftop conditions:

(VIDEO BEGINS)

OFFICER JAMES CICCONE (Police Officer, NYPD Aviation Unit): On the morning of September 11th, as I arrived at World Trade Tower 1, I was accessing the damage on the north side of the building and the rooftop area for the possibility of rooftop extraction from one of our heavier lift helicopters. And at that point, a few passes, and slow passes, we made a determination that we didn't see anybody up on the roof, but more so, we had problems with the heat and the smoke from the building. The heat actually made it difficult for us to hold the helicopter because it would interfere with the rotor system.

(VIDEO ENDS)

MR. FARMER: At 8:58 a.m., while en route, the Chief of the NYPD raised the department's mobilization to Level 4, its highest level, which would result in the dispatch of approximately 30 lieutenants, 100 sergeants and 800 police officers, in addition to rescue teams, which were already at the scene. The Chief of Department arrived at Church and Vesey at 9:00 a.m. At 9:01 a.m., the NYPD patrol mobilization point at West and Liberty was moved to West and Vesey, in order to handle the greater number of patrol officers who would be responding to the Level 4 mobilization. These officers would be stationed around the perimeter of the complex to assist with evacuation and crowd control.

Around the city, the NYPD cleared routes along major thoroughfares for emergency vehicles responding to the Trade Center. The NYPD and Port Authority police coordinated the closing of bridges, subways, PATH trains, and tunnels into Manhattan. The Port Authority's on-site commanding police officer was standing in the concourse when a fireball exploded out of the North Tower lobby, causing him to dive for cover. Within minutes of impact Port Authority police from bridge, tunnel, and airport commands began responding to the Trade

Center. Officers from the Trade Center command began assisting in evacuating civilians.

The Port Authority Police Department lacked clear standard operating procedures to guide personnel responding, from one command to another, during a major incident. The fire safety director in charge of the complex arrived in the North Tower lobby at approximately 8:52 a.m. and was informed by the deputy fire safety director there that evacuation instructions had been announced over the public address system within one minute of impact. As mentioned earlier, to our knowledge, because the public address system had been damaged upon impact, no civilians heard that announcement.

At 9:00 a.m., the Port Authority Police commanding officer ordered an evacuation of civilians in the World Trade Center complex because of the danger posed by highly flammable jet fuel from Flight 11. The order was issued, however, over a radio channel which could be heard only by officers on the Port Authority-Trade Center command channel. There is no evidence that this order was communicated to officers in other Port Authority Police commands or to members of other responding agencies.

At 9:00 a.m., the Port Authority Police Superintendent and Chief of Department arrived together at the Trade Center complex, and made their way to the North Tower lobby. Some Port Authority officers immediately began climbing the stairs and assisting civilians.

(VIDEO BEGINS)

OFFICER DAVID LIM (Port Authority Police Department): I went up the B Staircase now, and so I proceeded up on that one. While people were coming down on that staircase, there were some people that were burnt and injured--required assistance. So, I could have taken one person and brought that person down, I guess, but I thought the greater good would be to get to the 44th floor and assist more people. So I assigned the people that were uninjured to help carry this person down. There is a triage area downstairs, and that seemed to work out. People were more than happy to help each other out.

(VIDEO ENDS)

MR. FARMER: Officials in the Office of Emergency Management's headquarters at 7 World Trade Center began to

activate its emergency operation center immediately after the North Tower was hit. At approximately 8:50 a.m. a senior representative from that office arrived in the lobby of the North Tower and began to act as its field responder.

Summary. In the 17-minute period between 8:46 a.m. and 9:03 a.m. on September 11, New York City and the Port Authority of New York and New Jersey had mobilized the largest rescue operation in the City's history. Well over one thousand first-responders had been deployed, evacuations had begun, and the critical decision, that the fire could not be fought, had been made. The decision was made to evacuate the South Tower as well.

At 9:02 a.m., a further announcement on the South Tower advised civilians to begin an orderly evacuation if conditions warranted. One minute later United 175 hit the South Tower.

MR. CASPERSEN: From 9:03 until 9:59 a.m.: At 9: 03 a.m., the hijacked United Airlines Flight 175 hit 2 WTC, the South Tower, from the south, crashing through the 78th to 84th floors.

(VIDEO PLAYS OF ATTACK ON SOUTH TOWER)

MR. CASPERSEN: What had been the largest and most complicated rescue operation in city history instantly doubled in magnitude. The plane banked as it hit the building, leaving portions of the building undamaged on impact-floors. As a consequence, and in contrast to the situation in the North Tower, one of the stairwells, Stairwell A, initially remained passable from top to bottom.

(VIDEO BEGINS)

MR. PRAIMNATH: I am looking to the direction of the Statue of Liberty, and I am looking at an airplane coming, eye-level, eye contact, towards me, giant gray airplane. I am still seeing the letter "U" on its tail, and the plane is bearing down on me. I dropped the phone and I screamed and I dove under my desk. It was the most ear-shattering sound ever. The plane just crashed into the building. The bottom wing sliced right through the office and it stuck in my office door twenty feet from where I am huddled under my desk.

(VIDEO ENDS)

MR. CASPERSEN: At the lowest point of impact, the 78th floor Sky Lobby, hundreds had been waiting to evacuate when the plane hit. Many were killed or injured severely; others were relatively unaffected. We know of at least one civilian who seized the initiative and shouted that anyone who could walk should walk to the stairs, and anyone who could help should help others in need of assistance. At least two small groups of civilians descended from that floor. Others remained alive in the impact zone above the 78th floor, though conditions on these floors began to deteriorate within ten minutes.

(VIDEO BEGINS)

MR. PRAIMNATH: Upon impact, the ceiling caved in, part of the 82nd floor collapsed. I am trapped under a steel desk. The only desk that stood firm, everything else is broken up. It looked like a demolition crew came and just knocked everything. Every wall was broken up. Computers were broken up-- everything.

(VIDEO ENDS)

MR. CASPERSEN: As in the North Tower, civilians became first-responders.

(VIDEO BEGINS)

MR. CLARK: We went down the hallway from the 84th floor, and I happened to turn left to Stairway A. We descended only three floors, to the 81st floor, a group of seven of us, when we met a very heavy-set woman and she just emphatically told our group, "Stop, stop! We have just come off a floor in flames and we've got to get above the flames and the smoke." That's about all I heard of her conversation because I heard somebody inside the 81st floor banging on the wall and screaming, "Help, help! I am buried. Is anyone there? Help, I can't breathe!" And, I noticed that my workmates, the heavy-set woman and her traveling companion were starting to go up the stairs. And that day they all perished, unfortunately. But they were dealing with the information they had. None of us really had known what had happened or what was about to happen.

MR. PRAIMNATH: I am watching the plane, I am watching the floor, and somebody heard me scream on the other end. The person had a flashlight.

MR. CLARK: This person was directing me. This person who was trapped, saying, "Left, right," and I kept moving with my flashlight.

MR. PRAIMNATH: The man says, " Knock on the wall and I will know exactly where you are."

MR. CLARK: Somehow I grabbed him under the arms, or around the neck, pulled him up and over this, and -- what, as I say later, I learned was a wall. I didn't know what it was at the time. And we fell in a heap on the floor.

MR. PRAIMNATH: And Brian put his hand around my neck and said, "Come on, let's go home."

(VIDEO ENDS)

MR. CASPERSEN: Some civilians ascended the stairs and others remained on affected floors to assist colleagues. Although Stairwell A in the South Tower remained passable from above the impact zone to the lobby, conditions were difficult and deteriorating.

(VIDEO BEGINS)

MR. FERN: Upon entering Stairway A, I started to run down the stairs. The conditions in the stairs were smoky. There was no lights in the stairway. There was a glow strip on the floor in the center of the stairs. There was also a glow strip on the handrail.

MR. PRAIMNATH: Brian knew we had to take the Stairwell A, but there was so much rubble--I don't remember much--I think we just slid right from the 81st floor to the 80th floor because of all that sheet rock and ceiling tiles that was on there. We actually tried to walk and we slid right down.

MR. CLARK: There was smoke, there was a lot of water flowing under foot. And in a couple of places--I'm guessing, around the 78th, 77th floor--there was only one layer of dry wall left that was cracked and the flames were licking up the other side of the wall.

(VIDEO ENDS)

MR. CASPERSEN: Many ascended in search of clearer air or to attempt to reach the roof. Those attempting to reach the

roof were thwarted by locked doors. Others attempting to descend were frustrated by jammed or locked doors in stairwells or confused by the structure of the stairwell deviations.

(VIDEO BEGINS)

MR. CLARK: As we descended the stairways, one strange thing that I recalled happening is that the Stairway A, at least--and I learned later that Stairway C is the same--the stairway just doesn't go back and forth all the way down. As you descend a few floors, you come to a situation where you must traverse down a hallway. You go down a hallway, you make a turn, the stairway continues, there's another transition later--a bit of confusion, especially in the darkness, and especially when that was the distress area.

(VIDEO ENDS)

MR. CASPERSEN: By 9:35 a.m., the West Street lobby level of the South Tower was becoming overwhelmed by injured who had descended to the lobby, but were having difficulty continuing. Within 15 minutes after the impact, debilitating smoke had reached at least one location on the 100th floor and severe smoke conditions were reported throughout floors in the nineties and hundreds over the course of the following half-an-hour. By 9:30 a.m. a number of civilians who had failed to reach the roof and could not descend because of intensifying smoke became trapped on the 105th floor. There were reports of tremendous smoke in most areas of that floor, but at least one area remained less affected until shortly before the building collapsed.

Still, there were several areas between the impact zone and the uppermost floors where conditions were better. At least one hundred people remained alive on the 88th and 89th floors, in some cases calling 9-1-1 for direction. The 9-1-1 system remained plagued by the operators' lack of awareness of what was occurring and by the sheer volume of emergency calls.

(VIDEO BEGINS)

MR. CLARK: I had a very frustrating experience calling 9-1-1. It was, I am sure, over three minutes in duration--my conversation with them, not five minutes, but certainly over three minutes--where I told them, when they answered the phone, where I was, that I had passed somebody on the 44th floor, injured--they need to get a medic and a stretcher to this floor,

and described the situation in brief. And the person then asked for my phone number, or something, and they said--they put me on hold. "You gotta talk to one of my supervisors"--and suddenly I was on hold. And so I waited a considerable amount of time. Somebody else came back on the phone, I repeated the story. And then it happened again. I was on hold a second time and needed to repeat the story for a third time. But I told the third person that I am only telling you once. I am getting out of the building. Here are the details. Write it down, and do what you should do, and put the phone down. Stanley and I went back to the stairs, we continued all the way down to the plaza level.

(VIDEO ENDS)

MR. CASPERSEN: No one in the first-responder community knew that Stairwell A remained potentially passable. No callers were advised that helicopter rescues were not feasible. Civilians below the impact were also generally advised to remain where they were by 9-1-1 or FDNY dispatch operators. Back in the North Tower, evacuation generally continued. Thousands of civilians continued to descend in an orderly manner. On the 91st floor, the highest floor with stairway access, all but one were uninjured and able to descend.

At 9:11 a.m., Port Authority workers at the 64th floor of the North Tower were told by the Port Authority Police desk in Jersey City to stay near the stairwells and wait for assistance. These workers eventually began to descend anyway, but most of them died in the collapse of the North Tower. Those who descended Stairwell B of the North Tower exited between the elevator banks in the lobby. Those who descended the Stairwells A and C exited at the raised mezzanine level, where the smoky air was causing respiratory problems. All civilians were directed into the concourse at lobby level. Officers from the Port Authority and New York Police Departments continued to assist with the evacuation of civilians, for example, guiding them through the concourse in order to shelter the evacuees from falling debris and victims.

(VIDEO BEGINS)

MS. MCINTYRE: When we went down into the concourse, it was just people trying to get out. The security or rescue people just still directing us to keep moving and go out towards Borders and then go out.

(VIDEO ENDS)

MR. CASPERSEN: By 9:55 a.m., those few civilians who were still evacuating in the North Tower consisted primarily of injured, handicapped, elderly or severely overweight individuals. Calls to 9-1-1 reflect that others remained alive above and below the impact zone, reporting increasingly desperate conditions.

Immediately after the second plane hit, the FDNY Chief of Department called a second 5th alarm. While nine Brooklyn units had been staged on the Brooklyn side of the Brooklyn Battery tunnel at 8:53 a.m., these units were not dispatched to the scene at this time. Instead, units from further away were dispatched. Just after the South Tower impact, chiefs in the North Tower lobby huddled to discuss strategy for the operations and communication in the two towers.

At 9:05 a.m., two FDNY chiefs tested the World Trade Center complex's repeater system.

This was the system installed after the 1993 bombing in order to enable firefighters operating on upper floors to maintain consistent radio communication with the lobby command. The system had been activated for use on portable radios at 8:54 a.m., but a second button which would have enabled the master hand-set was not activated at that time. The chief testing the master handset at 9:05 a.m. did not realize that the master handset had not been activated. When he could not communicate, he concluded that the system was down. The system was working, however, and was used subsequently by firefighters in the South Tower.

The FDNY Chief of Safety agreed with the consensus that the only choice was to let the fires, "burn up and out." The chiefs in the North Tower were forced to make decisions based on little or no information.

(VIDEO BEGINS)

CHIEF PFEIFER: One of the most critical things in a major operation like this is to have information. We didn't have a lot of information coming in. We didn't receive any reports of what was seen from the helicopters. It was impossible to know how much damage was done on the upper floors, whether the stairwells were intact or not. A matter of fact, what you saw on TV, we didn't have that information.

CHIEF HAYDEN: People watching on TV certainly had more knowledge of what was happening a hundred floors above us than we did in the lobby. Certainly without any information, without critical information coming in, the cumulative effect of the information coming in, it's very difficult to make informed and critical decisions without that information. And it didn't exist that day. Our communication systems were down. Our building suppression systems were down, the elevators, we had no video capability throughout the entire operation.

(VIDEO ENDS)

MR. CASPERSEN: Climbing up the stairwells carrying heavy equipment was a laborious task, even for physically fit firefighters. Though the lobby command post did not know it, one battalion chief in the North Tower found a working elevator, which he took to the 16th floor before beginning to climb. Just prior to 10:00 a.m., about an hour after firefighters first began streaming into the North Tower, at least two companies of firefighters had climbed to the Sky Lobby on the 44th floor of the North Tower. Numerous units were located between the 5th and 37th floors in the North Tower.

At approximately 9:07 a.m., two chiefs commenced operations in the South Tower lobby. Almost immediately they were joined by an Office of Emergency Management field responder. They were not immediately joined by a sizable number of fire companies, as most, if not all units which had been in the North Tower lobby, remained there. One chief and a ladder company found a working elevator to the 40th floor. From there they proceeded to climb Stairwell B. One member of the ladder company stayed behind to operate the elevator.

Unlike the commanders in the North Tower lobby, these chiefs in the South Tower kept their radios on the repeater channel. For the first 15 minutes of the operations in the South Tower, communications among them and the ladder company which ascended with the chief, worked well. Upon learning from a company security official that the impact zone began at the 78th floor, a ladder company transmitted this information and the chief directed an engine company on the 40th floor to attempt to find an elevator to reach that upper level. Unfortunately, no FDNY chiefs outside the South Tower realized that the repeater channel was functioning and being used by units in the South Tower. Chiefs in the North Tower lobby and outside were unable to reach the South Tower lobby command post initially.

Communications also began to break down within the South Tower. Those units responding to the South Tower were advised to use tactical channel 3. From approximately 9:21 a.m. on, the ascending chief was unable to reach the South Tower lobby command post. The lobby chief ceased to transmit on the repeater channel at that time.

The first FDNY fatality of the day occurred at approximately 9:25 a.m. when a civilian landed on a fireman on West Street.

By 9:30 a.m., few of the units dispatched to the South Tower had arrived at their staging area. Many units were unfamiliar with the complex and could not enter the South Tower because of the danger of victims and debris falling on Liberty Street. Some units entered the Marriott Hotel and were given assignments there; others mistakenly responded to the North Tower. An additional 2nd alarm was requested at 9:37 a.m. because so few units had reported. At this time, units which had been staged on the Brooklyn side of the Brooklyn Battery Tunnel were sent and many of them arrived at the World Trade Center by 9:55 a.m.

At 9:50 a.m., a ladder company had made its way up to the 70th floor of the South Tower. There they encountered many seriously injured people. At 9:53 a.m. a group of civilians were found trapped in an elevator on the 78th floor Sky Lobby. By 9:58 a.m., the ascending chief had reached the 78th floor on Stairwell A, and reported that it looked open to the 79th floor. He reported numerous civilian fatalities in the area. A ladder company on the 78th floor was preparing to use hoses to fight the fire when the South Tower collapsed.

So far, we have concentrated on the Fire Department's command set-up in the North and South Towers. The overall incident command was just outside the World Trade Center complex. At approximately 9:10 a.m., because of the danger of falling debris, this command post was moved from the middle of West Street to its western edge by the parking garage in front of 2 World Financial Center. The overall command post's ability to track all FDNY units was extremely limited.

At approximately 9:20 a.m., the Mayor and the NYPD Commissioner reached the FDNY overall command post. The FDNY Chief of Department briefed the Mayor on operations and stated that this was a rescue mission of civilians. He stated that he

believed they could save everyone below the impact zones. He also advised that, in his opinion, rooftop rescue operations would be impossible. None of the chiefs present believed a total collapse of either tower was possible. Later, after the Mayor had left, one senior chief present did articulate his concern that upper floors could begin to collapse in a few hours, and so he said that firefighters, thus, should not ascend above floors in the sixties.

By 9:20 a.m., significantly more firemen than were dispatched were at the World Trade Center complex or en route. Many off-duty firemen were given permission by company officers to "ride heavy." Others found alternative transportation and responded. In one case an entire company of off-duty firefighters managed to congregate and come to the World Trade Center as a complete team, in addition to the on-duty team which already had been dispatched to the scene.

MR. CASPERSEN: Numerous fire marshals also reported to the scene. At 9:46 a.m., the FDNY Chief of Department called a third 5th alarm. This meant that over one-third of all of the FDNY units in New York City were now committed to the World Trade Center.

The Police Department was also responding massively after the attack on the South Tower. Almost 2,000 officers had been called to the scene. In addition, the Chief of the Department called for Operation OMEGA, to evacuate and secure sensitive locations around the city. At 9:06 a.m. the NYPD Chief of Department instructed that no units were to land on the roof of either tower.

An NYPD rescue team in the North Tower lobby prepared to climb at approximately 9:15 a.m. They attempted to check in with the FDNY chiefs present, but were rebuffed. Office of Emergency Management personnel present did not intercede. The team went to work anyway, climbing Stairwell B in order to set up a triage center on upper floors for victims who could not walk. Later, a second NYPD rescue team arrived in the North Tower and did not attempt to check-in with the FDNY command post. NYPD rescue teams also entered the South Tower. The Office of Emergency Management field responder present there ensured that they check-in with the lobby chief. In this case, it was agreed that the rescue team would ascend in support of FDNY personnel. By 9:15 a.m., a third and fourth NYPD team were preparing to leave the Church and Vesey mobilization point in order to enter the towers.

At approximately 9:30 a.m. one of the helicopters present advised that a rooftop evacuation still would not be possible.

(VIDEO BEGINS)

OFFICER CICCONE: After the second Tower was hit, we tried to make our way towards that area, but the smoke from the first building, Tower 1, obscured the rooftop of Tower 2. It was the first hour-and-a-half that was critical for these observations for rooftop rescue. We flew a horseshoe pattern, in that horseshoe pattern for over a pattern of about an hour-and-a-half before the buildings collapsed. That, the same observations were made. There was no one on the roof. Our ability to get in that type position was still factored in by the heat, and made it difficult to even, to make it plausible, to get on the roof.

(VIDEO ENDS)

MR. CASPERSEN: At 9:37 a.m., a civilian on the 106th floor of the South Tower reported to a 9-1-1 operator that a lower floor, quote, "90-something floor," end quote, was collapsing. This information was conveyed incorrectly by the 9-1-1 operator to an NYPD dispatcher. The NYPD dispatcher further confused the substance of the 9-1-1 call in conveying at 9:52 a.m. to NYPD officers on the scene, "the 106th floor is crumbling." By 9:58 a.m., there were two NYPD rescue teams in each of the two towers, another approaching the North Tower, and approximately ten other NYPD officers climbing in the towers.

(VIDEO BEGINS)

OFFICER DAVID NORMAN (Police Officer, NYPD Emergency Service Unit): We went up to the 31st floor where we triaged, probably, somewhere around six to a half-dozen to a dozen firefighters for a random number of things: chest pains, difficulty breathing, things like that. Prior to that, we would notice that the amount of civilians had dwindled down to almost none.

(VIDEO ENDS)

MR. CASPERSEN: In addition, there were numerous NYPD officers on the ground floors throughout the complex, assisting with evacuation, and patrolling and securing the World Trade

Center perimeter. A greater number of NYPD officers were staged throughout lower Manhattan, assisting in civilian evacuation, keeping roads clear, and conducting other operations in response to the attacks.

Prior to 9:59 a.m., no NYPD helicopter transmission predicted that either tower would collapse.

Initial responders from outside Port Authority police commands proceeded to the police desk in 5 World Trade Center or to the fire safety desk in the North Tower. Officers were assigned to assist in stairwell evacuations and to expedite evacuation in the plaza, concourse, and PATH station. As reports of trapped civilians were received, Port Authority Police officers also started climbing stairs for specific rescue efforts. Others, including the Port Authority Police Superintendent, began climbing toward the impact zone in the North Tower. The Port Authority Police Chief and senior officers began climbing in the North Tower with the purpose of reaching the "Windows of the World" restaurant on the 106th floor, where there were at least 100 people trapped.

The Port Authority Police Department lacked clear standard operating procedures for coordinating a multi-command response to the same incident. It also lacked a radio channel that all commands could access. Many officers remained on their local command channels, which did not work once they were outside the immediate geographic area of their respective commands.

Many Port Authority Police officers from different commands responded on their own initiative. By 9:30 a.m. the Port Authority's central police desk requested that responding officers meet at West and Vesey and await further instructions. In the absence of pre-determined leadership roles for an incident of this magnitude, a number of Port Authority inspectors, captains and lieutenants stepped forward at the West and Vesey Street location to formulate an on-site response plan. They were hampered by not knowing how many officers were responding to the site and where those officers were operating. Many of the officers who responded to the command post lacked suitable protective equipment to enter the complex.

By 9:58 a.m., one Port Authority police officer had reached the Sky Lobby on the 44th floor of the North Tower. Also in the North Tower, two Port Authority police teams had reached floors in the upper and lower twenties. Numerous

officers also were climbing in the South Tower, including the Port Authority's elite rescue team. Many also were on the ground floor of the complex assisting with evacuation, manning the Port Authority Police desk at 5 World Trade Center or supporting lobby command posts.

(VIDEO BEGINS)

OFFICER SUE KEANE (Port Authority Police Department): When I got up to Stairwell C in the mezzanine area, I was the only Port Authority police officer there at the time. There were two civilians there, one Port Authority employee, and there was a Secret Service Agent there. Afterwards, some NYPD officers showed up, and at that time everybody just basically worked together. There was no standard operating procedure. We just did whatever we had to do to guide people out of the stairwell.

(VIDEO ENDS)

MR. CASPERSEN: Summary. The emergency response effort escalated with the crash of United 175 into the South Tower. With that escalation, communications and command-and-control became increasingly critical and increasingly difficult. First-responders assisted thousands of civilians in evacuating the towers, even as incident commanders from responding agencies lacked knowledge of what other agencies and, in some cases, their own responders were doing.

Then the South Tower collapsed.

MR. DELGROSSO: 9:59 until 10:26 a.m. At 9:59 a.m., the South Tower collapsed in ten seconds.

(VIDEO PLAYS OF SOUTH TOWER COLLAPSE)

MR. DELGROSSO: We believe that all of the people still inside the tower were killed, as well as a number of individuals, both first-responders and civilians, in the concourse, the Marriott and on neighboring streets.

The next emergency issue was to decide what to do in the North Tower, once the South Tower had collapsed. In the North Tower, 9-1-1 calls placed from above the impact zone grew increasingly desperate. The only civilians still evacuating above the 10th floor were those who were injured or handicapped. First-responders were assisting those people in evacuating.

Every FDNY command post ceased to operate upon the collapse of the South Tower.

(VIDEO BEGINS)

CHIEF PFEIFER: We were in the North Tower communicating with some of our people, and all of a sudden we hear this loud roar. And, we were able to go into a small alcove, immediately to our left, just adjacent to the passageway to 6 World Trade Center. And as you see, everything goes black. And what we thought at this point is that we were the ones in trouble, that we in the lobby--something happened, something fell off of the building and crashed into the lobby or maybe the elevators had blown out--but we thought we were the guys in trouble. And when we couldn't maintain our command post in the lobby, we made a decision that we needed to regroup and pull people out of the building.

CHIEF HAYDEN: We were completely unaware that the South Tower had collapsed. I don't ever think it was in our realm of thought. We knew some significant event had occurred, whether it was another plane or a bomb or one of the elevators crashing into the lobby, but certainly it was not in our thought process that the South Tower had collapsed.

(VIDEO ENDS)

MR. DELGROSSO: An FDNY marine unit radioed immediately that the South Tower--excuse me. Lacking awareness of the South Tower's collapse, the chiefs in the North Tower, nonetheless, ordered an evacuation of the building.

(VIDEO BEGINS)

CHIEF PFEIFER: "All units in Tower 1, evacuate the building." And I heard that message relayed up. And then a little later I repeated it, "Evacuate the building." At that point, we had firefighters many floors above, and it takes some time to come down. What we didn't know, at that point, was that we were running out of time.

(VIDEO ENDS)

MR. DELGROSSO: An FDNY marine unit radioed immediately that the South Tower had collapsed. To our knowledge, this information did not reach the chiefs at the scene. Within minutes some firefighters began to hear evacuation orders over

Tactical 1, the channel being used in the North Tower. Some FDNY personnel also gave the evacuation instruction on Command Channel 2, which was much less crowded, as only chiefs were using it. Two battalion chiefs on upper floors heard the instruction on Command 2 and repeated it to everyone they encountered. At least one of them also repeated the evacuation order on Tactical 1.

Other firefighters did not receive the transmissions. The reasons varied. Some FDNY radios may have not picked up the transmissions in the difficult high-rise environment. The difficulty of that environment was compounded by the numerous communications all attempted on the Tactical 1 after the South Tower collapsed. That channel was overwhelmed and evacuation orders may have been lost. Some of the firefighters in the North Tower were among those who responded, even though they were off-duty and they did not have their radios.

Finally, some of the firefighters in the North Tower were supposed to have gone to the South Tower and were using the Tactical Channel assigned to that Tower. Many firefighters who did receive the evacuation order delayed their evacuation in order to assist victims who could not move on their own. Many perished.

Many chiefs on the scene were unaware that the South Tower collapsed. To our knowledge, none of the evacuation orders given in the North Tower followed the specific protocols, which would include stating, "mayday, mayday, mayday," to be given for the most urgent building evacuation. To our knowledge none of the evacuation orders mentioned that the South Tower had collapsed. Firefighters who received these orders lacked a uniform sense of urgency in their evacuation.

(VIDEO BEGINS)

CHIEF HAYDEN: Even with the order to evacuate, the firefighters themselves on the upper floors were not aware that the building had collapsed. They didn't realize the tremendous amount of danger they were in at that time.

CHIEF PFEIFER: I didn't know, even at this point, that the entire South Tower collapsed. What we were doing here was regrouping, and the firefighters were coming down, and they were coming down with people. And they were helping more people to

get out of the building. Like us, they didn't know the building fell down.

(VIDEO ENDS)

MR. DELGROSSO: The Police Department had a better understanding of the situation. The South Tower's collapse disrupted the NYPD rescue team command post at Church and Vesey. Nonetheless, the NYPD command structure gave vital help to its units.

(VIDEO BEGINS)

OFFICER KENNETH WINKLER (Detective, NYPD Emergency Service Unit): There was this tremendous roar, tremendous. I looked up and the South Tower was imploding. I got behind a vehicle and it went from white to gray to black, and then back again. As this was happening, I was calling units out of the North Tower. The units in the North Tower did not know that the South Tower had collapsed.

OFFICER NORMAN: We at that point--because we were in an area where there were no windows--didn't exactly know what was going on. Our building, obviously, violently shook. The noise from the collapse was heard by us, but we didn't know exactly what we were going through.

OFFICER WINKLER: The building was shaking, the ceiling tiles were falling, but we did not know why--this was as a result of the South Tower collapsing.

OFFICER NORMAN: As soon as that subsided somewhat, we were communicated from Officer Winkler, who was our command post operator, that the South Tower had completely collapsed and we were being called out of the building. At first, we kinda didn't understand that transmission. We clearly understood it, but to think that a building of hundred and some stories would be completely collapsed, was kind of, you know, almost not believable at that moment. So we asked for him to confirm that and to repeat his message. He then explained that there was no South Tower and that it was absolutely gone and that our building was in imminent danger of collapse and that we should come out of the building immediately.

OFFICER WINKLER: They descended down in a controlled manner, still checking the floors on the way down. They didn't

rush out. As they got down and they got across West Street, the North Tower collapsed.

(VIDEO ENDS)

MR. DELGROSSO: Many NYPD radio frequencies became overwhelmed with transmissions relating to injured, trapped or missing officers. By 10:10 a.m., the NYPD rescue team advised that they were moving their command post north and began moving vehicles in that direction.

NYPD Aviation radioed in immediately that the South Tower had collapsed. At 10:08 a.m., an aviation helicopter pilot advised that he did not believe the North Tower would last much longer. There was no ready way to relay this information to the fire chiefs in the North Tower. Both the NYPD rescue teams in the North Tower knew that the South Tower had collapsed and evacuated the building. One remained in the complex near 5 and 6 World Trade Center in order to keep searching for people who needed help. A majority of these officers died.

At the time of the South Tower's collapse, a number of NYPD, Port Authority Police officers, as well as some FDNY personnel, were operating in different groups in the North Tower mezzanine, the World Trade Center plaza and the concourse, as well as on the neighboring streets. Many of these officers were thrown into the air and were enveloped in the total darkness of the debris cloud. Within minutes of the South Tower's collapse, these officers began to regroup in darkness and to lead the remaining civilians and injured officers out of the complex. Many of these officers continued rescue operations in the immediate vicinity of the North Tower and remained there until the North Tower collapsed. Many lost their lives.

The collapse of the South Tower also forced the evacuation of the Port Authority Police command post on West and Vesey Streets, forcing its officers to move north. There is no evidence that Port Authority Police officers from outside the World Trade Center command ever heard an evacuation order on their radios. Some of these officers in the North Tower determined to evacuate, either on their own, or in consultation with other first-responders they came across. One Port Authority Police officer from the World Trade Center command reported that he had heard an urgent evacuation instruction on his radio soon after the South Tower collapsed.

(VIDEO BEGINS)

OFFICER LIM: I remember stopping on the floors now, from 44 down, to check the floors to see if there was anybody left behind. There were some people that were, I guess, elderly, or that required assistance, that were just starting to come down now, so I just gathered them--there was no time to wait anymore. I felt that time was of essence. And I collected them, and with my party we started going down.

(VIDEO ENDS)

MR. DELGROSSO: Other Port Authority police stayed in the World Trade Center complex, assisting with the evacuation.

(VIDEO BEGINS)

OFFICER KEANE: You can see into the plaza, but it's almost like an alley-way between Tower One, and I believe it was 6--the Immigrations Department, because I could see the Immigrations sign still.

So I knew at that point where I was and that we could actually follow that wall down and go into 5. I had a clearer view to look up and I would look up to see whether or not things were falling. You couldn't see too high up. It wasn't like I could--you could hear things--it was strange. You could hear whistling. You could almost tell when things were coming down. And if things were kinda quiet, then I would holler, "send two over," and they would come across. And we probably got like another ten or so people out. I honestly don't know what the count was.

(VIDEO ENDS)

MR. ZELIKOW: The North Tower collapsed at 10:26 a.m.

The FDNY Chief of Department and the Port Authority Police Department Superintendent and many of their senior staff were killed. The Fire Department of New York suffered the largest loss of life of any emergency response agency in U.S. history. The Port Authority Police Department suffered the largest loss of life of any American police force in history. The New York Police Department suffered the second largest loss of life of any police force in U.S. history, exceeded only by the loss of Port Authority police the same day. The nation suffered the largest loss of civilian life on its soil as a result of a domestic attack in its history.

(VIDEO BEGINS)

CHIEF PFEIFER: At this point, we heard a loud roar, again, and someone yelled that the building was collapsing. And, we started to run. And with bunker gear, you can't run too far, especially when a building is a quarter mile high. And what happened inside the building now happened outside. This beautiful sunny day now turned completely black. We were unable to see the hand in front of our face. And there was an eerie sound of silence.

That day we lost 2,752 people at the World Trade Center, and 343 were firefighters. But we also saved 25,000 people. And that's what people should remember because firefighters and rescuers went in and they knew it was dangerous, but they went in to save people. And they saved many.

(VIDEO ENDS)

MR. KEAN: If I could ask now for a--please, I think we ought to have a moment of silence.

(Silence.)

MR. KEAN: Our first panel consists of Alan Reiss, former director of the World Trade Department of the Port Authority of New York and New Jersey and Joseph Morris, former chief of the Port Authority's Police Department.

Gentlemen, will you please stand and raise your right hands when we place you under oath. Do you swear or affirm to tell the whole truth, the truth and nothing but the truth?.

(Witnesses sworn in.).

Mr. Reiss, if you would like to begin, sir.

MR. ALAN REISS: Thank you, Chairman Kean, Vice Chairman Hamilton and distinguished members of the Commission for the opportunity to testify before you today.

My name is Alan Reiss, I was the director of the Port Authority of New York and New Jersey's World Trade Department which operated the World Trade Center until it was net leased. The people of the Port Authority who also operate the region's

major airports, bridges and tunnels, maritime ports and the PATH rail system will always remember September 11th as the worst day in our long and proud history.

This was a profound personal loss for us at the Port Authority. The World Trade Center was our headquarters and 84 members of the Port Authority family died that day. Most of them were my dear friends including 16 who were civilian building management staff who reported directly to me and responded to their emergency posts that day, helping to direct the greatest rescue ever on American soil, saving tens of thousands of lives, but losing their own lives in the process.

I grieve the loss of my friends every day and not a day passes that I do not think of them all. My heart continues to go out to their families and to the families of all the victims who died that day. I also grieve with the families of the firefighters, police officers, rescue workers and military personnel who made the ultimate sacrifice to keep our country safe, and I know the same is true for everyone in the Port Authority family. Though our losses are still unimaginable, we remain unbowed in our determination to move forward.

Commissioners, the Port Authority adopted the Incident Command System in the 1980s as a way of managing all incidents at its facilities, such as the World Trade Center and the metropolitan area airports. Port Authority and New Jersey State Police trained all the World Trade Department operations staff and the majority of senior staff--more than 26 people in the World Trade Department alone--in the use of the Incident Command System so we could work with uniformed responders as an effective team. The World Trade Center had a written emergency procedure manual that dealt with numerous types of emergencies. This manual was updated and revised every year as a joint effort between the World Trade Center operations staff and the Port Authority Police. And as the world changed over the last decade, so did the emergency manual and its training.

The Port Authority Police held annual table-top drills that involved both the police and the civilian management at the World Trade Center to exercise these plans and their decision-making capability. The Port Authority Police and the World Trade Department staff enjoyed a close working relationship with the New York City Fire Department. Port Authority police radios were given to Engine 10, Ladder 10 and Battalion 1 in the 1980s to improve the communications between the Port Authority Police and the Fire Department located at the World Trade Center. Port

Authority staff and the Fire Department even drilled together at the World Trade Center. This included a simulated five-alarm, full-floor fire on the 92nd floor of 2 World Trade Center on June 6, 1999. In addition, the Fire Department high-rise unit would perform annual inspections.

Six weeks prior to the September 11th attacks, the World Trade Center was net leased to a private developer, Silverstein Properties, which began managing the facility with its own executives. I and a select group of Port Authority employees assisted the Silverstein staff during a planned three-month transition period. Nevertheless, Port Authority employees, even those not on the Silverstein transition team, immediately responded to their former battle stations--as they had been trained to do over the years--on 9/11.

The Port Authority filed with the Bureau of Fire Prevention a fire safety plan for the World Trade Center buildings in accordance with the bureau's guidelines, and the Port Authority operations supervisors were certified by FDNY as fire safety directors. The floor wardens and their fire safety team members received specific training on their responsibilities including a video-taped presentation to ensure consistency in training, red hats, flashlights, whistles, all above and beyond what local law required.

The 1993 terrorist bombing was a wake-up call to the nation. I was 150 feet away from the van when it exploded on the B2 level--entering my office--and killing my co-workers back then. The 1993 terrorist attack disclosed various issues such as the loss of the fire alarm/public address system due to damage from the explosion, the failure of the emergency generator cooling systems, loss of all lighting in the stairwells when Con Edison power was turned off to allow the fire to be fought, confusion in the transfer floor exit passageways, and difficulties with the FDNY radio communications within the complex.

To address those issues, the Port Authority Board of Commissioners authorized more than \$200 million in the various upgrades to the complex over the last decade. These included the installation of a two million-watt tertiary backup-power system fed from New Jersey Public Service Electric and Gas; battery packs for every other fluorescent light fixture in the exit stairwells; the elevator cab lighting; and also for the fire alarm system. We added photo-luminescent paint to the stairwells and to the handrails to guide evacuees in an

emergency, and we added "glow-in-the-dark" floor signs and "trailblazing" signs at the horizontal crossovers. The Port Authority even purchased evacuation chair stretchers for any mobility restricted person working at the World Trade Center, and the Port Authority installed new decentralized fire alarm systems with redundant communication circuits and control panels.

Following a multi-agency critique, at One Police Plaza, of the response to the 1993 terrorist attack--that I attended--it was evidence that the FDNY had communication problems at the World Trade Center. I worked with the New York City Fire Department on its needs, secured Port Authority funding, and the Port Authority installed a repeater system on the FDNY's VHF citywide radio channel. This system was tested by the fire department and found to provide excellent communication throughout the complex. It was normally left off and activated by the fire department when required. And in light of the transmissions recorded on the Dictaphone tapes recovered from the site that day, it appears that the repeater system functioned as intended for those who utilized it on September 11th.

When requested by Commissioner Scoppetta, we have provided detailed information to the fire department on the World Trade Center repeater system, since it may serve as a model for future systems required in high-rise buildings in New York City.

Mr. Chairman, the employees of the Port Authority have a long history of distinguished public service. September 11th, 2001, subjected Port Authority staff to a most difficult test. During a time of compelling need, these men and women performed extraordinary acts of heroism and service. And their unerring devotion to the agency highlighted their shared values of duty, loyalty and commitment to the public. Staff from all Port Authority units, not just the World Trade Department, rose to the challenge that day, assisting in the evacuation. Eighty-four members of our Port Authority family perished that day, both civilian and Port Authority Police. There were many acts of valor that day.

Mr. Chairman, the world has significantly changed for everyone as a result of 9/11, and I believe there are still lessons to be learned. However, due to time constraints, they are in my written statement to the Commission.

No building or fire safety code can cover every potential terrorist act, some which we can't even imagine today. I have been told that the energy from one of the planes hitting the tower was equal to the energy released by a tactical nuclear weapon. The forces were just incredible, slicing through the steel columns as if they were butter. The towers actually experienced three separate events: the initial impact, the fuel-air explosion and resulting overpressures, and finally a raging fire. If the World Trade Center complex did not exceed codes in so many ways, the 9/11 losses would surely have been much more horrific. The evacuation of the towers took more than four hours alone in 1993.

Therefore, the Port Authority fully supports the 21 recommendations from the New York City Department of Buildings' World Trade Center Building Code Task Force. Thirteen were introduced as recent legislation in the New York City Council. Many of these recommendations come out of the extraordinary improvements that the Port Authority implemented at the World Trade Center, as the New York City building commissioner testified when she introduced the legislation.

Port Authority staff, including myself, have spent a great deal of time in the last year-and-a-half working with the National Institute of Science and Technology, and this commission, to make sure that what happened that day never happens again. Fortifying the buildings is a last resort. We must do everything we can to prevent other Americans from suffering the pain and anguish that the 1993 and 9/11 families suffered.

But we also cannot forget that pain and anguish. I have not. And we continue to deal with the families of staff lost in both events. They're forever in my thoughts and prayers.

Thank you.

MR. KEAN: Thank you, Mr. Reiss.

Chief Morris, we'd be glad to hear from you.

CHIEF JOSEPH MORRIS: Thank you, Chairman Kean, Vice Chairman Hamilton and distinguished members of the Commission for the opportunity to share with you my experiences on September 11, 2001, when I responded in the rescue efforts following the attacks upon the World Trade Center.

My name is Joseph Morris and I served over 31 years with the Port Authority of New York and New Jersey Police Department. I was appointed to the Department on May 8, 1972, and rose through the ranks to eventually become Chief of the Department on September 26, 2001. This past January, I retired from the Port Authority Police to join ManTech Security Technologies Corporation.

Let me start by saying that what transpired on September 11, 2001, is forever etched in my mind. I can only imagine the depth of anguish that family members of those lost that day must live through, and I want to express a heart-felt sympathy to them. The Port Authority Police Department was created in 1928 and provides police services at those facilities under Port Authority jurisdiction. These facilities include John F. Kennedy International Airport, LaGuardia Airport, Newark Liberty International Airport, Teterboro Airport, the Downtown Manhattan Heliport, the George Washington Bridge, the Lincoln Tunnel, the Holland Tunnel, three bridges linking New Jersey to Staten Island, the Teleport, New York and New Jersey Marine Terminals, the PATH rail system, the Port Authority Bus Terminal and the World Trade Center.

Our Police Department maintains a central desk that historically was located at the Department's Headquarters. One of the primary functions of the Central Police Desk is to monitor and provide the communications link for the intra-department communications as well as the inter-agency communications. It is designated as the Level One Emergency Operations Center as part of the Incident Command System. The Central Police Desk serves as an additional communications resource to the different facilities during incidents, making many of the notifications and providing information.

Alan Reiss had spoken of the Port Authority having constructed three incident command centers in the World Trade Center: one on the Sixty-Fourth floor of the North Tower, one on the 22nd floor of the North Tower, and one on the B1 sub-level of the complex. The agency also had an alternate Incident Command Center on the first floor of the Journal Square Transportation Center.

The Port Authority Police is unique to law enforcement in several ways. First, all members of the department have police powers in the states of New York and New Jersey. Second, a majority of the department is cross-trained in fighting fires.

At the three major airports, personnel are trained and FAA-certified in aircraft rescue firefighters, a specialty that entails responding to an aircraft disaster with the express purpose of providing an avenue of escape for passengers and crew and to rescue persons who need assistance. After that objective is accomplished, the aircraft becomes a structural fire and the local firefighting agency extinguishes the fire.

Police officers assigned to the World Trade Center Command were also trained and certified as structural firefighters. They would be the first to respond to fire alarms in the World Trade Center complex and report the fire and need to respond to the Fire Department of New York City.

Our Police Department also is unique in that it interacts with numerous other local, state and federal governmental agencies on a daily basis as part of our operations. These jurisdictions are located in the two states that encompass ten counties within eleven cities and municipalities. The Port Authority as an agency does business within three federal court jurisdictions. The federal agencies have, for the most part, independent offices in both states. The Department is an active member on many interagency task forces, including the FBI Joint Terrorist Task Force out of the New York and Newark offices, and Drug Enforcement Administration Task forces and U.S. Customs Task forces at John F. Kennedy Airport and Newark Liberty International Airport.

On the morning of September 11, 2001, there were 1,301 sworn members on the Police Department. They were performing their duties and responsibilities, to ensure the safety of the public and passage of commerce, at some of the busiest and most vital transportation facilities in the country. September 11, 2001, is, without doubt, the most tragic day in the long history of the Port Authority. The agency lost 84 members of its family, which included 37 police officers and supervisors. This remains the largest single-day loss of police staff by any force in the history of law enforcement.

On the morning of September 11, I held the rank of Police Inspector and was assigned to LaGuardia Airport as its Commanding Officer. In the blink of an eye that morning, my life, as well as everyone else's life, changed forever. While sitting in my office, I was informed that an aircraft had flown into the World Trade Center. I turned on my television set and observed the North Tower's upper floors engulfed in fire.

I initiated a mobilization of personnel following long-held Department plans and procedures for response to the World Trade Center for aircraft disasters and high-rise fires. The Command assembled 17 sworn personnel which included police officers, detectives and supervisors. The assembled contingent included personnel who had worked at the World Trade Center. Those responding, as well as myself, had in our possession our Aircraft Rescue Firefighter proximity gear. Seven vehicles, including marked and unmarked sedans and the Emergency Service Unit Truck, were utilized for transportation. The mobilization of the LaGuardia Command personnel was reported to the Central Police Desk.

Our police caravan used the Brooklyn-Queens Expressway and it provided me a panoramic view of the World Trade Center Towers fully engulfed in flames. At that point, I realized the buildings were under a coordinated attack. I was unable to make contact with the Central Police Desk via the All-Facility Channel. The LaGuardia Command heard me, but I received no response from the Central Desk.

The Williamsburg Bridge provided our access to Manhattan; traffic was restricted to emergency response vehicles only. While crossing the bridge, I realized that this day was completely different than the 1993 World Trade Center bombing and response that I had taken part in. That day I had responded from our police headquarters with James Nachstein, the Police Department's Chief of Operations. I remember his words early during that February afternoon, he spoke of that we were involved in a tidal wave and it is our job not to drown and to bring order to chaos. He also spoke, at one point, about communications being chaotic and that one must rely on the responders' experience, training and initiative using the equipment available. Those words rang clear that day. I also had served as the Western Zone Commander. The Zone included the World Trade Center Command, so I knew its geography and operations. I instructed the LaGuardia Command to contact and instruct all the afternoon shift police personnel to immediately respond to the airport, realizing there would be a great demand for officers at the World Trade Center and also at the airport, to meet the extra security demands that I anticipated would be put in place by the Federal Aviation Administration.

As we entered Manhattan and approached the World Trade Center on the downtown streets, I observed the conditions. We made our way to the World Trade Center Barclay Street Entrance-Exit Ramp and left our sedan vehicles in that area. I

instructed all to bring their proximity gear and to use Barclay Street to respond to West Street where the Department's Mobile Command Post would have responded, as directed in response plans. Our Emergency Service Vehicle also responded to West Street.

At West Street, just north of Vesey Street, the Department's Mobile Command Post had set up. At that location there were approximately 40 to 50 officers, sergeants and lieutenants. I was the highest-ranking commander at that location and conferred with NYPD First Deputy Commissioner Joseph Dunne for a short period as he was responding to the NYPD Command Center at One Police Plaza. Communications, both radio and cell phone, were not working from the Mobile Command Post. The radio service was out on both Channel A and the 800 system after being damaged by the falling debris and fire at the World Trade Center buildings.

I spoke to personnel who had responded from headquarters, and knew Public Safety Director Fred Morrone, Chief James Romito and Inspector Anthony Infante had entered and gone up Tower One with the purpose of making contact with Port Authority Executive Director Neil Levin at the Operations Center on the 64th floor. I also was informed the other responding chief, William Hall, had responded to the World Trade Center Police Desk. I spoke with Port Authority Emergency Services Sergeant John Flynn, who informed me of what he knew of the situation.

I had the police personnel break up into groups of three to four officers to be teamed up with a sergeant or lieutenant. Other Port Authority employees were present at the location, and I informed them they should stay at that location until more information was gathered for responses. I also observed a number of emergency responders and vehicles, but relatively few civilians, moving north on West Street.

After being at that location for about four or five minutes with no radio and little phone communications and receiving information from personnel, I decided to respond to World Trade Center Tower One with the purpose of meeting at the Incident Command Post, that would have been set up with the Fire Department, Port Authority World Trade Center Command police supervisor and World Trade Center Operations personnel, in the lobby. I responded with a Lieutenant who had nine years of experience at the complex as a police officer and sergeant, including the 1993 bombing. I informed the supervisors at the

Incident Command Post that I was going to that location, and not to move until I returned with a plan.

While walking south on West Street in the area of the Northern Bridge, I observed many dark objects above in the air coming from Building Two and the tower itself, then, started to collapse. I turned and ran from the avalanche of debris and dove into our Mobile Command Post to escape from being inundated by the dust cloud.

MR. KEAN: Chief, if you could summarize.

CHIEF MORRIS: Okay.

MR. KEAN: You're a bit over your time.

CHIEF MORRIS: After that, it was just a series of regrouping. The collapse of the South Tower was like being in a blizzard--the best way I can describe it, a warm, white blizzard. We assisted people on the street, pulling them into the command bus. And as the cloud passed and light came, we started to regroup and see who was alive and who was still available. At that point, I met up with--Alan Reiss responded to that location told us he was going to assess what was going on.

And also met with Chief Tony Whitaker, who is the commanding officer of the World Trade Center. At that point he told me he felt that Building 1 was going to collapse, very soon, based on what he had seen. At that point we were able to get the command bus, which had stalled because of all of the dust, were able to move it back two blocks. While we were conferring over our engine's down and what we were going to do, Building 1 collapsed. At that point, it was again like the blizzard, people again knocking to come in for cover, any place you would go to protect yourself and hope that you could get through that cloud.

After the collapse of One, again we re-gathered to see what personnel we had, and what people had seen. The rest of the day was a matter of meeting with--setting up with the other departments and making sure that we had people at the 1 Police Plaza and whatever command post we set up at the scene. At the end of the day, it was bringing order to chaos, very slowly. We relied for that day on individual people, just as Chief Nachstein said, using their training and experience to solve

what problems were at hand. And to do what had to be done to rescue people.

That night we found, in the debris, Officer Will Jimeno and John McLoughlin. Will was pulled out that evening, and the next morning John McLoughlin was the last person pulled out of the debris alive.

MR. KEAN: Thank you very much, Chief. Questioning this morning will begin with Commissioner Lehman, followed by Commissioner Roemer.

MR. JOHN F. LEHMAN: Thank you, Mr. Reiss, Mr. Morris. We very much appreciate your appearance here this morning and the help that you've already given to our staff in this effort. The purpose of these hearings and the purpose of our commission, most importantly, is to draw the lessons from what happened and to see that they're applied immediately to make changes that will make us all more secure. And your role in this is essential, given the experience you've had, both before 9/11 and working since then to apply these lessons.

This is a very different period that we have. Every intelligence person inside and outside the government has told us that they are coming again. They are going to attack again here in the United States, and very likely New York is where it will happen again. We know that New York is at the top, still, of the priority list, because we're facing an enemy whose principal goal is to create massive civilian casualties in the highest profile environment that they can. And so I'd like you to keep these factors in mind as you answer the questions here, because it is--it's necessary to face up to difficult issues to see that we can make the changes, to be ready when they come the next time.

In a sense, New York is what we in the Pentagon used to call the "forward edge" of the battle area, and we have institutions that evolved very successfully, really, over many decades of dealing with civil disturbances, civil catastrophes and civil threats. Now, for the first time, this city has to deal with a determined, organized and relatively well-funded enemy that's targeted on this city.

So I'd like to pursue two lines of questioning with you both. One is the issue of command and control and the other is the issue of strategy. Let's start with strategy. The underlying strategy that the Port Authority and that all of the

institutions of first-responders have as the foundation of their policies is "fight in place." And that made sense when we were dealing with fires, with other kinds of domestic disturbances. But there is good reason to believe that that is not a sufficient paradigm going forward for the planning of our crisis response, if for no other reason than every major incident that we've had since 9/11, no one will stay in place. They leave.

And I wonder whether some of our basic assumptions that follow from that are legitimate. For instance, why were there no plans to deal with survivors above the level of a fire in a high-rise? And why were there no--particularly after the '93 incident, where more than a dozen people were rescued by helicopters from the roofs of the World Trade Center--was there no contingency planning for using helicopters to rescue people? Could you address those two questions?

MR. REISS: I'll start. Thank you, Commissioner. Let's take the last one first. On the helicopter rescues, the Port Authority Fire Safety Directorate attended a number of meetings between the New York City Police Department and the New York City Fire Department, subsequent to the 1993 incident. And there was a lot of discussion about having a rooftop rescue protocol at that time. But the end result of those two emergency agencies was that rooftop rescue was not practical in a major emergency.

1993 was a rare day. Normally the rooftop of the World Trade Center, 1,368 feet up in the air, always had strong winds blowing across it. That day, in 1993, it was a snowy day and there were no winds and somehow, amazingly, the helicopter pilots from New York City were able to land. They repelled down, from what I understand, and knocked away a lot of the land mobile whip antennas that clutter the entire roof of One. The roof of One World Trade Center, was basically an antenna farm. Every three or four feet, there was another whip antenna sticking up besides the 360 foot TV mast and two 60 foot auxiliary TV masts.

The roof of Two was a little less cluttered but it still had an outside promenade deck and the Port Authority's 800 megahertz radio system, U.S. Coast Guard antennas and FM broadcasters. And basically, we didn't have this protocol because we don't have the assets to remove people from the roof. So I accept the staff report that we didn't tell people that the roof was not a viable option. People may have had a false sense of security because a couple of people and, from what I've been

able to find out, it was a total of 12 that were lifted off the roofs of One and Two World Trade Center in 1993.

MR. LEHMAN: But what about going forward, should there be a major helicopter vertical rescue for people caught above fires?

MR. REISS: Well, I think that's best answered by the aviation experts and the fire prevention experts. I've done a lot of reflection, a lot of investigation since this incident. Los Angeles requires a helipad on all the roofs of their new buildings. Basically, it was enacted into their code in the '90s. But even in Los Angeles, from talking to a very good friend, who writes the fire safety plan for most of the skyscrapers around the United States, it's not meant for helicopter evacuation in a fire emergency. It's meant for earthquakes to get the firemen into the building to do search and rescue. I'm concerned if you try and get people up to the roof of the building that we may have a scene like when the embassy was evacuated in Vietnam.

MR. LEHMAN: So what contingency--by the way, many people got out that way.

MR. REISS: That's true.

MR. LEHMAN: But what about--what other alternatives do you have for people trapped above the fire? I mean, all the fighting in place is not going to be sufficient.

MR. REISS: As the Commission knows, the building code task force here in New York City has recommended the hardening of all the elevator shaft ways and all the fire stairwells. I don't know that you can fully protect against a major bomb or, God forbid, if the new Airbus A380 ever attacks a building. What we followed was the protocol from the Fire Department of the City of New York that day. The floor wardens were told that if the stairways servicing the fire floor were compromised or they were unusable due to fire or smoke, they could use the elevators in accordance with very strict procedures. If they didn't service the fire floor, they could use those elevators. But we know that the elevators were also compromised and all knocked out.

This was such an incredible event. We believe, but we don't know, that a lot of the elevators were knocked out because the building moved in excess of ten feet and we think that

caused most of the safeties on the elevators to drop underneath, the safety devices that are meant in case an elevator rope breaks or something, that these shoes drop and lock all the elevators in place. So the elevators were not able to be used.

I don't have a lot of good answers. If you had another attack on the World Trade Center like this, what would you do if all the stairwells were compromised? The helicopters can only handle a few people at a time. Even if they were able to land and we heard the brave pilots on the tape earlier, I don't know how many people would get up.

MR. LEHMAN: Well, the Port Authority operates perhaps the most likely lucrative targets for the next attack from all reports we have. Are you satisfied and I ask this of both of you, gentlemen, with the lessons learned that are being applied to deal with--which I still assume is defend in place rather than evacuation--and in the airline terminals, in the tunnels, in the bus terminals? What has been changed that doesn't lead us to think the same chaos will ensue?

For instance, we're told that Mr. Rescorla, who died, the Morgan Stanley security agent, had bitter differences with the Port Authority's policy of "defend in place" and let the Port Authority know this in advance of the 9/11. And he, of course, disregarded totally the instructions to stay in place and evacuated virtually everyone in Morgan Stanley. And then, following that, what disturbs us is to learn that, less than a year ago, Morgan Stanley in its new headquarters in Time Square wanted to evacuate, have a practice drill to evacuate rather than defend in place and they had every obstacle put in--they were denied permission. They finally, after three months of trying, were able to get permission to do it, only after they agreed to pay for the insurance for the building. This does not sound like applying lessons learned.

MR. REISS: Well, Commissioner, I can't speak for Morgan Stanley's current landlord, but I think you've hit on a very important point on the lessons learned. The model codes that are used throughout the country, not only the New York City but Chicago and Los Angeles and other major target cities, they haven't changed. They don't recognize the paradigm shift that took place that you spoke about, that this defend in place, the order to only evacuate the fire floors and a couple of floors above--below, everyone is going to leave that building. No one is going to listen to a fire safety director making an announcement that says "stay and let the other people evacuate

first." Everyone, including myself, and we've had a couple of fires in the building that I am now attendant in, that fire alarm goes off and you smell smoke, everyone is down the stairs instantaneously. And that's a major change and the codes need to recognize it. The stairwell capacities have to be made wider. They have to recognize the fact that you're going to have this massive evacuation which only complicates the fire department's command and control at the scene. I don't think a lot of people even recognize--and I think we need to do a better job in communicating not only to the floor wardens but the tenants in the buildings that, when the fire department gets there and begins to fight a normal fire, let alone a terrorist attack, that one of those fire stairs is going to be used as an attack stair. That means that all the heat and the smoke and the toxic carbon monoxide is going to rise above that stairwell as a chimney going up. That stairwell essentially becomes non useable above the fire floor, which leaves you only the other two stairwells to evacuate down.

So there are a lot of changes that need to be made and I really support what Columbia University is doing in NIST. There has to be a relationship between the communication and evacuation behavior. And I think perhaps many of the people at the World Trade Center did not know what happened. They did not have that situational awareness that the public did. If they knew what was going on, they may have actually panicked more. We were able to successfully get the people out in an hour, which is actually amazing to me. As I said in my written testimony, I really expected that people would have been trampled to death. It is a credit to the floor wardens and to the individuals that day.

MR. LEHMAN: I'm sorry I'm out of time. So you get off easy, Mr. Morris. But I would--I'm sure we'll get into command and control in separate issues. And I would only close by saying I really get the impression that it's not exactly business as usual, but we're working within the old paradigms to fix things, rather than recognizing that this is a very special situation that we're going to be in for a long time in this war against terror and that we, particularly in command and control, are not even beginning to deal with the issues.

MR. KEAN: Commissioner Roemer.

MR. TIMOTHY J. ROEMER: Thank you, Mr. Chairman. Mr. Reiss, Mr. Morris, I am always struck by people's reactions to the gaping hole at Ground Zero and how overwhelming that is.

Whenever I'm in New York City, I am staggered by the loss of souls, the people, the fathers, the mothers, the brothers and the sisters that were lost on that day. Nobody experienced that loss probably more than the two of you did with one of the greatest losses in American history of policemen from Port Authority, 37; and over 40 civilians that worked directly for both of you. I can't help but being struck by the words of Brian Clark to Stanley Praitmuth who said when he found him in the rubble, "Let's go home."

This commission would like to go home at the appropriate point. But we've got a job to do and that is what are the lessons learned, what's been fixed and what still needs to be fixed. It is in that light that I want to ask you some probing and, I hope, respectful and fair questions so that when this commission does go home and tries to work with Congress and the White House in a bipartisan way to fix these problems, you have best informed us as to what we can do better and how to get this job done at the end of the day.

Let me start, Mr. Reiss, if I may, with you, sir. Let me ask you the questions of lessons learned. In 1993, you were 150 feet away from the bomb that exploded and went off, set by terrorists. New York City was struck twice, in '93 and 2001. You implemented a \$100 million plan to do certain things that accomplished a great deal. There are also some criticisms of what that plan did not accomplish. Let me mention two of them and have you fairly respond.

One was drilling, that we did not see the appropriate drilling by the people in the towers to actually participate in going down the stairwells and get out through the smoke doors or be familiar with the staggered stairs. And two, we have learned and we've said in the staff statements that there were problems with advice to some of the callers on 911 calls. Could you respond to both criticisms?

MR. REISS: The World Trade Department staff conducted fire drills twice a year for the occupants in the towers. It conducted them more frequently for places like "Windows of the World" and the day-care center and the observation deck staff where there was a lot of transient public staff and we did those basically monthly. Any time a tenant moved in, a full floor tenant, as soon as that tenant moved in, we gave them a drill, typically within a week or two of moving in. We tried to stage the drills in the morning, say between nine and 11, enough time

that people had come in to work but before people started leaving for lunch.

But your criticism is well taken that these drills basically had the strobe lights go off and the evac tone and people would come out into the hallways, not everyone because some people thought a fax was more important than participating in a drill. And we actually trained the floor wardens, don't get into an argument with your co-workers, just tell us who didn't respond. And we'll try and deal with that through the office managers. But you're right. We did not have people walk down. We did not have them walk down 50 flight of stairs. We did, subsequent to 1993, as you heard, paint a glow-in-the-dark stripe down the center of the stairs and all the way around these transfer corridors and put glow-in-the-dark signage in and the battery backed up lights. But no, we did not do that and I've reflected on that and that may be something that we need to do. People need to understand what they're going to encounter and that there will be these various doors in a very high-rise building that try and block the chimney effect and smoke from a fire down below from contaminating the entire building.

That's another whole lesson learned, that the building codes today don't really recognize the difference between a 20-story building and a 110-story building. And just the physics and the stack effect are quite different and the codes need to recognize this. And they need to recognize that it's going to take a lot longer to get the people out of a 110-story building. I gave a speech to the building owners and managers that said that I almost think that the stairwell should almost be like a tree trunk and grow wider as you head down rather than remain at this constant width, assuming that only a few floors evacuate at the same time.

MR. ROEMER: Mr. Reiss, with respect to instructions, on our staff statement, we say that the civilians were never instructed not to evacuate up. Do you think this has been fixed now that we don't send confusing signs to people, that there might be some type of hope at the top or rooftop evacuation, that we tell them they have to go down?

MR. REISS: I don't think it's been fixed. Again, we are a tenant in a private building on Park Avenue South and we have fire drills. And that fire safety director goes through almost a canned speech that's basically laid out as a template from the Bureau of Fire Prevention explaining to us that you only evacuate two floors down and then wait for further

instructions. And then he goes, I know you're the Port Authority staff, you're going to be out of the building if anything happens.

We made no mention and the fire safety director in my building continues to make no mention of whether the roof doors are accessible, if there's even a roof door. The New York City building code does not even require roof stairs for a roof that has over a 20-degree slope. The Trade Center roof was not flat, if you look at some of the pictures I've submitted to the Commission staff. It actually sloped up in the middle to support the TV tower. And there was actually the capability to have a second TV tower on Two World Trade Center.

So, no, I don't think it's changed and I spoke to a good friend, Curtis Massey who writes most of the fire safety plans. He's written them for the Time Warner Tower, the AEON Tower, the Sears Tower, the Hancock Tower. There's no instructions not to go up. There's no instruction that rooftop evacuation is not a feasible alternative if you can't get down. So that has to change.

MR. ROEMER: We need to change that. That must be fixed to save more lives in New York City and more lives in Chicago and across the country. I would strongly urge you to continue to speak out on that and I hope this commission will make some recommendations on that line.

With respect to 9-1-1 operators, too many times, the advice given to callers above and below the fire line, sometimes a few floors below the fire line, were, "stay low, remain where you are and wait for emergency personnel."

Has this been fixed?

MR. REISS: I have no personal knowledge if it has been. I have no contact with the 911 operators. That was basically the city's defend in place, you know, that the building are fireproof.

MR. ROEMER: Going back to the previous set of questions, we need to fix that as well. Let me ask, Mr. Morris, both of you, Mr. Reiss and Mr. Morris, this question about incident command. We have gone back to 1996 where Governor Pataki issued an executive order to try and get better communication and coordination between the police and fire departments. We even saw that Mayor Giuliani, in July of 2001,

issued a direction in control of emergencies in the City of New York. Still the unified approach in incident commander policy fell by the wayside prior to 9/11. We understand that some new orders have been issued as of Friday, maybe to try to qualify for federal funds through Homeland Security Department recommendations.

In your opinion, Mr. Morris and Mr. Reiss, do these new issued orders by the mayor, do they cut the mustard? Do they implement these changes that we need to see take place to save lives or do they institutionalize this system that has gone on too long in the past, with even the most qualified and preeminent people in the world in both Police and Fire Department in New York City that we don't see this unified command and incident command enough?

Your opinion, Mr. Morris?

CHIEF MORRIS: Well the Port Authority Police, we're the third party involved with them, between the New York City Fire Department and the New York City Police Department.

MR. ROEMER: Probably a good judge of this question then.

CHIEF MORRIS: In the past there was rivalry. Since the 11th and since I became chief, I know there was a--between the chiefs and both departments to cross that span, to meet and to speak better and to have it go down to ground level, that there has been a movement to do that. And it's starting to be formulated now by what came out on Friday.

MR. ROEMER: So you're saying this is a good start but you're not there.

CHIEF MORRIS: It's a start.

MR. ROEMER: Mr. Reiss?

MR. REISS: I'd have to agree with Chief Morris. Last year--and I am now in the Port Authority's Aviation Department--we ran a drill at Kennedy Airport for a weapons of mass destruction type drill in the terminal with a gas attack. And the Port Authority Police were there, along with the Fire, Coast Guard, FBI. And I saw a marked difference in cooperation. In fact, the Incident Commander at that time was a lieutenant from the Port Authority Police, as we went through it. And people

listened. People took orders. It was sort of a unified command. A lot depends on the leadership of the two organizations. If the two leaders show the leadership that they're going to work together and make this work, I think it's a great step forward.

MR. ROEMER: Mr. Reiss and Mr. Morris--

MR. KEAN: This is the last question.

MR. ROEMER: Okay, Mr. Chairman.

What was the degree of cooperation with the Joint Terrorism Task Forces and the FBI to share intelligence with the both of you, given that '93 had been a terrorist attack, that we knew the landmark case in '93 and '94 terrorists were looking at New York City, and it remains one of the high targets for terrorists. We know terrorists are coming again. What was that degree of cooperation pre-9/11?

CHIEF MORRIS: I can only speak--I was never at a level prior to 9/11 at the top security clearance, as you need--post. But I was also--

MR. ROEMER: You were the chief of--

CHIEF MORRIS: Yeah. September 26th, 2001. But prior to that, I was commanding officer of our Detective Bureau, and we were an active participant in the Joint Terrorist Task Forces, both in Newark, New Jersey, but more importantly, in New York. John O'Neill came and spoke to us when it was up to the FBI to command meetings. So he was there. He knew individual commanders at the different facilities. My dealing with the FBI is they've always told us if there was anything that concerned any of our facilities. And, again, we were a very active part. We had a detective that was all overseas and took part in the apprehension of Ramzi Yousef, so that we felt we were an active and equal member of that Joint Terrorist Task Force in getting information.

MR. ROEMER: Thank you, sir.

MR. KEAN: Vice Chairman Hamilton.

MR. HAMILTON: Thank you very much, Mr. Chairman.

Thank you, Mr. Reiss and Mr. Morris. I want to follow up on Commissioner Roemer's questions with regard to the Incident Commander. It's not at all clear to me that that problem has been resolved. Who is in charge when you have a number of primary agencies arrive at the scene? My understanding of the New York City plan now is that the fire department and the police department each have authority to manage the areas of operation that fall within their core competencies. That is a prescription for confusion.

(Applause.)

And as I understand your testimony this morning, it has not yet been resolved. Am I correct?

CHIEF MORRIS: There were steps taken Friday when it was published about who would be in control of a bomb site, a fire site, a collapsed site. That's something that's been formulized in writing now. It had been in writing, but not to the degree it is now. Again, the Port Authority Police and the Port Authority, if it's something--if we have an aircraft disaster at Kennedy Airport, we would be the Incident Commander in control of that site.

We would certainly then utilize the expertise of the New York City Fire Department. We use the expertise of the New York City Police Department, with their investigators in parts of the investigation. Also at our facilities, if it is a terrorist thing, we work with the FBI, who has responsibility as a terrorist act. So if it's a Port Authority facility, we will be Incident Commander.

MR. HAMILTON: Suppose you had an incident like the World Trade Center again and suppose the fire and the police arrive at the same time roughly. Who's in charge?

CHIEF MORRIS: The fire department, because of the fire.

MR. HAMILTON: Why do you say that?

CHIEF MORRIS: Because of the fire. And they would use the resources that the NYPD and the Port Authority Police and Port Authority operations people could give them.

MR. HAMILTON: So in your mind there's no confusion in this language?

CHIEF MORRIS: I have no confusion in my mind.

MR. HAMILTON: And you think the question of the Incident Commander has been resolved?

CHIEF MORRIS: I didn't say resolved. I'm just--in my mind and Port Authority Police mind, if it was a fire at the Trade Center, it would be the fire department, as it was that day and the way we reacted.

MR. HAMILTON: Of course when you say if there's a fire, you almost answer the question, don't you, because that clearly is their core competency? But you could have--in most of these scenes there's mass confusion. You really don't know what the core problem is. Correct?

CHIEF MORRIS: Correct.

MR. HAMILTON: So the guideline doesn't clear it up?

CHIEF MORRIS: Not fully.

MR. REISS: See, I have--from taking the incident command training, there's supposed to be a unified command where the various individual experts, the chiefs of departments, et cetera, get together at one command post, one command post, not command posts scattered all over the place. After I got out at 5 World Trade Center's police desk after Two World Trade Center collapsed, I knew our command bus would be on West Street somewhere, and that's where I went and looked for it.

At a unified command post, the various chiefs of the various agencies get together and develop one integrated plan, and then that's disseminated back to the policemen, the firemen and everyone else of what you're going to do. That's how the system has to work. It's not, I'm in charge of that. On a unified command, like a major incident like the Trade Center, everybody gets together along with their best support people, figures out what they're going to, and then they tell their people and they go out and do it. It's not that a fireman is responding to a police officer or anything. That's how incident command is supposed to work. It's going to take time for everyone in the city to understand it and learn it, but if the leadership of the two agencies really believes in it, it can work.

MR. KEAN: I hope you have time to all get together in these kind of incidents.

Commissioner Gorelick.

MS. JAMIE S. GORELICK: Let me follow up on that, if I might. Under the Giuliani rules that were in place on 9/11, if there was an aviation crash on land, the fire department was to be the unified Incident Commander. Was that your understanding at the time?

CHIEF MORRIS: It depended on the location of the aircraft disaster. If it's on the city--if it was on the airport itself, the Port Authority would be the Incident Commander. If it was off the airport, it would be New York City Fire Department. I'm not saying that the fire department didn't come to the airport. What would happen would be the fire department would respond to one location and then they would go out in a manner--

MS. GORELICK: Well, let's assume an aviation crash on a Port Authority property that isn't the airport: to wit, the World Trade Center, okay. You have an aviation crash, and under the rules, the unified Incident Commander was to be the fire department.

CHIEF MORRIS: Yes.

MS. GORELICK: But we don't see evidence of the unity. Was it your understanding at the time that if there was an aviation crash on land, that the fire department was to be the unified command?

CHIEF MORRIS: Yes.

MS. GORELICK: Was it, in the instance that you described this morning, the unified commander of that disaster?

CHIEF MORRIS: At Tower One, as you saw--you had Chief Pfeifer. We had our--we sent a police supervisor there to give him the support that the Port Authority resources had. He was the one in charge of that. He would tell us--we found information, the information would come in, who would be best to handle going up to that floor to make that recovery or whatever. That's what that Port Authority supervisor is there, to work-- but the chief from the fire department, he was the Incident Commander.

MS. GORELICK: And everyone else, including the police department, was supposed to report to that command and follow that command's instructions. Is that your understanding?

CHIEF MORRIS: In the building, yes.

MS. GORELICK: That's obviously a question we will pursue with later panels. Under the newly promulgated rules that were announced on Friday, an aviation crash on land has primary agencies listed as the fire department, the police department and the Port Authority, all three. Does that make things better or worse?

CHIEF MORRIS: It's just, I think, better defining what the role is. We always came there. It's defining what we would have to--we have to work together. And whoever has the expertise for a certain matter would bring it up to the commander at the scene.

MS. GORELICK: Well, then to follow up on Commissioner Hamilton's question, it's your view then that a decision would be made on-scene among these three agencies who would report to an aviation crash on land as to which one of them would be in control. Is that your understanding of what would happen under these new rules?

CHIEF MORRIS: With the fire--it's very clear it would be the fire department. And we would offer the resources of both the Port Authority, whether they needed our crash fire truck to respond or help. The fire department would be the lead, New York City Police Department would give them resources in doing what the police perform, their specialties.

MS. GORELICK: Thank you for that answer.

I'd like to ask one question in follow-up for Mr. Reiss. Both Commissioner Lehman and Commissioner Roemer asked you about the effort to essentially perform fire drills. And we noted in our hearing that we had at Drew that the Morgan Stanley evacuation drilling actually saved lives, that they were the most successful at getting all of their people out, and many people attribute that to the fact that they actually practiced getting out of the building. You acknowledged that that wasn't part of the drill, that the World Trade Center drilling process had people gather at a central location and then they would get

instructions, which process clearly broke down in the chaos that we saw evidenced and reviewed this morning.

Was the reason that fire drills did not generally practice going out of the building, fully evacuating down the stairs, a concern on the part of the World Trade Center management about liability for people going down the stairs in a practice?

MR. REISS: No, it wasn't. No one ever brought that concern to me. Rick Rescorla or the other Morgan Stanley people, if they had wanted to do it, we'd let them do it. No. We tried to basically follow the guidelines from the Bureau of Fire Prevention. Everybody that was an operations staff, that worked around the clock for me, went to like NYU and got certified as fire safety directors, took an onsite test from the fire department, and followed a basic script. And that did not have people going down. It had us telling them what to expect, but it did not have them going down the stairs.

MS. GORELICK: So anyone who wanted--any employer in the buildings who wanted to exercise as fully as Morgan Stanley did with their individuals training to actually exit the building, could have done so without any obstacle from World Trade Center management. Is that right?

MR. REISS: I would have given them permission. In fact, a number of tenants used to sometimes use the fire stairs to get between two floors. Certain elevator banks would end, let's say, on the 67th floor. If you wanted to go to 68, they didn't want to go all the way down to the sky lobby on 44, so they would go back and forth between the floors and use the stairs.

MS. GORELICK: Thank you.

MR. KEAN: Commissioner Kerrey.

MR. BOB KERREY: Well, first of all, Chief Morris and Mr. Reiss, thank you very much for the testimony, and to the families and others in New York who are either here or who are watching this. I do think staff did an exceptionally good job of helping us revisit that day and in many ways their decision to take out some of the more painful things that happened on that day removed from us the total anguish that was felt on 11 September. And I understand why they did it and I appreciate they did it, but the more we get to that moment, the more likely

it is that we acquire the sense of urgency necessary to resolve bureaucratic problems, resolve lots of other issues.

But central to me is believing that it could happen again.

Because I remember, at least at the federal level, some of the conversations that were going on after February '93, and there was some disdain that these guys had gone back and tried to get the refund off their Ryder truck and so forth, and some belief really that they couldn't carry out a sophisticated attack against the United States beyond what they had done in February '93. And I wonder, Mr. Reiss, if you would tell us, as you've dealt with federal officials, or as you had--you referenced the meetings that you had--that you attended with the fire department and the New York Police Department having to do with evacuation plans. What was the level of concern about the possibility that the World Trade Center could actually be hit a second time?

MR. REISS: Well, there was a concern. The Port Authority hired a bunch of security experts. We met with the FBI regularly. And the concern that everyone brought up in the beginning was a vehicle-borne bomb, an improvised explosive device. So that's why the World Trade Center entrances to its sub-grade levels were blocked with these delta barriers that would stop a truck, and I certainly destroyed enough accidentally when the guards accidentally operated them. We ringed the World Trade Center with 10,000 pound planters to prevent someone from driving a vehicle into the lobby and detonating it.

And later, as the times changed--and we met regularly with John P. O'Neill. Amazingly, the chief operating officer of the Port Authority would bring John P. O'Neill in and he would meet with the line directors. And a lot of times he'd tell us, "If anything ever came up as a threat, I'd let you know, but you can't ask me why. Just do what I tell you," because we don't have classified intelligence clearance.

As the late '90s ended and 2000 approached, what the security people and others were telling us, the next threat was chem-bio. I went out and spent well in excess of \$100,000 in providing chem-bio training and suits and all these sophisticated SAW meters and anthrax gear for the command at the World Trade Center police desk. We had seen a couple of anthrax attacks around the United States and we felt this was the next

coming wave. We had developed plans on how to isolate the air conditioning system and shut it down, but never did we have a thought of what happened on 9/11.

MR. KERREY: When did you first become aware of who Usama Bin Ladin was or what his capabilities were?

MR. REISS: I would say I became aware of it when John P. O'Neill was hired by Larry Silverstein. John P. O'Neill's office--

MR. KERREY: What year was that?

MR. REISS: That was in 2001, in the summer.

MR. KERREY: So earlier you said that you weren't cleared for classified information. But much of the Ramzi Yousef trial was in the open. Were you ever briefed by the FBI of who Usama Bin Ladin was, say, in 1996 or 1997 or 1998, that there was Islamic soldiers inside the United States of America and that hijacking might be one of the things that they were considering?

MR. REISS: Never. I was aware of the plot against some of the other Port Authority tunnels and the U.N., but we were never briefed by them.

MR. KERREY: Do you feel any anger today as you look back upon those events, wondering how things might have been different had they trusted you enough to deliver that kind of information to you? Do you think the scenario--you'd have done some scenario analysis either inside or with outside experts that might have reached a different conclusion for preparedness?

MR. REISS: Perhaps. But I really don't feel anger at the FBI. I feel anger at 19 people in an airplane.

MR. KERREY: Well, I appreciate that very much, as do I. But these 19 people got documents and got into the United States of America. They defeated the INS, they defeated the Customs, they defeated they FBI, they defeated the CIA. They hijacked four American airplanes--(applause)--on that morning--

MR. KEAN: I'd ask you to be respectful.

MR. KERREY: It does seem to me that one of the things we've got to figure out how to correct--I'm really concerned

about it today, that there's still a presumption, and unless the first responders--I heard staff say the last best hope on the ground that day was first responders. There's still a presumption that we may not be delivering the key intelligence, the facts, the information that you all need in order to run these scenarios. I'm not really trying to look back and try to figure out who was wrong, but trying to look at today to understand are we communicating? Are we allowing the first responders to get the information they need so that they understand and can do scenario analysis in a more complete way than we did this time?

CHIEF MORRIS: The Port Authority Police was aware of bin Laden I would say in '94, '95. In fact, the detective I mentioned earlier who was overseas was in the late '90s actually trying to locate him. And he retired January 1st, 2000. So we were aware of him, we were aware that he was a dangerous man, and the FBI, whatever information they had and they knew, we were given.

MR. KERREY: Thank you.

MR. KEAN: Commissioner Fielding.

MR. FRED F. FIELDING: Good morning, gentlemen. Thank you on behalf of the Commission for your assistance today and previously. It's greatly appreciated. I was taken back--during the hearings after the '93 attack, a gentleman named Guy Tozzoli? Tozzoli, excuse me, Mr. Tozzoli. He was a former director, I believe, of the World Trade Center, and he testified and suggested after the '93 bombing that the Port Authority and the city emergency systems might train for a scenario of an airplane slamming into one of the towers.

And he referred to and made reference to the Port Authority's assertion that the World Trade Center was constructed to take a direct hit from a Boeing 707. And apparently there was some computer simulation that was performed at the time of a fully-loaded 707, and it modeled what the impact would be if it hit, I believe, around the 50th floor. But in any event, that was mentioned. It was the only time it was mentioned during those three days of hearings, but it was, in fact, mentioned.

And sadly we know that the 707 or 767 are virtually the same weight. There's very little difference in fuel, and we know that the World Trade Center can't survive the hit of a

fully-loaded 707 today. Does that fact that it was explicitly raised and suggested by somebody from the Port Authority in a public hearing suggest that there should have been or that there actually was, in addition to an awareness of this threat, some response. I mean, some plan.

And, Mr. Reiss, I know in your testimony, your prepared testimony, you talked about having full-scale evacuation plans, and that sort of thing. But what was done, if anything, in response to this warning, if you will?

MR. REISS: I would say that the only drills that we did were for a multi-floor type fire. We did not get involved in understanding the potential structural implications or fire implications of that event. I was still in high school when the World Trade Center was built. I had heard and read, as everyone else had, that the Trade Center was designed to withstand the impact of a 707. As we know today, the building took the initial impact because of its tremendous strength for the wind load. What was never factored in was the damage and the resulting heat from all the fire.

MR. FIELDING: But even in such a plan, though, that you had for full-scale evacuation, to I guess probe--and I don't mean to ask for an additional answer if there is none, but was there no plan for anything if this happened above the actual site of the incident?

MR. REISS: Well, there's two parts to that. One is you asked about the full-scale evacuation. Yes, we had an emergency plan that detailed a full-scale evacuation. That was utilized when we had, for example, the South Street port fire that blacked out the entire lower Manhattan area, and we successfully evacuated the building.

As far as what do you do with the people above the incident? Basically our plan was, in conformance with the New York City defend-in-place guidelines, that you tell the people to stay where they are until the rescuers were able to reach them.

It was not within, I guess, you'd call it the black swan theory, that all three fire stairs would be compromised and that we would not ever be able to reach the people above the fire incident.

MR. FIELDING: Thank you. Let me switch subjects a bit. You mentioned in your statement, and it's been mentioned perhaps by both of you that about six weeks before 9/11, the World Trade Center was leased, and Silverstein Properties took over. So that was a transition period at the time of 9/11. Can both of you describe to me your understanding at that point of how that transition was to work and did this change the chain of command in any way, or did it change the functions of emergency training or instruction. And in essence, did this lead in any way to the confusion that occurred on 9/11?

CHIEF MORRIS: Police-wise, no, there was no difference at all. It was still Port Authority jurisdiction and we'd be patrolled in the same manner by the Port Authority Police.

MR. REISS: Well, as far as on the civilian side, basically I had no authority to do anything anymore. I was relegated to closing out with my staff all the old contracts and paying claims and settling up bills. We had a bunch of people, maybe 20 out of 125, that were trying to train a half a dozen Silverstein staff that were hired. Silverstein Properties brought in a fire safety director, who was the fire safety director at 7 World Trade Center that was a retired New York City fire officer with over two decades of experience.

As we said, they hired John P. O'Neill as their security director, rather than mine, and they hired their own mechanical expert and their own operations and elevator expert. I was in the process of placing my staff in other jobs in the Port Authority, so my staff were getting ready to leave and take severance pay. On that day, basically most of the Silverstein people were upstairs in their offices on the 88th floor, next to mine. It was my staff that had been moved out of the 88th floor that was in some vacant space in Two World Trade Center in the low floors that was able to get down immediately, luckily, and respond over to the fire command desk. So I had three people from my elevator group that were not on the Silverstein transition team assisting and supporting the fire department. One of those, the manager of vertical transportation, was asked by the battalion chief to go over to Two when Two was hit, and assist them over there. The same thing with my operation supervisors. Basically we were no longer in charge of the building. That's what the net lease was. For an enormous sum of money, Larry Silverstein took over control of the building.

I was trying to explain to their staff some of the unique characteristics of a building that's 110 stories tall,

and how to handle elevators when it sways, how smoke will migrate, how a simple fire in a truck dock could potentially contaminate 30 or 40 floors due to updrafts in the winter time. But as I said, all my former staff, we had drilled, we had trained. They just responded as they had been previously trained to do. Six weeks later none of them would have been there. They would have been assigned to airports or port facilities, somewhere else, and I wouldn't have lost my staff.

MR. FIELDING: Thank you, sir. That was helpful.

Thank you, Mr. Chairman.

MR. KEAN: Thank you.

Governor Thompson.

MR. JAMES R. THOMPSON: Can either of you two gentlemen clear up at least the confusion in my mind about the repeater system for the fire department radios? The staff statement indicates that the repeater system was ordinarily not on and it had to be activated during the course of an emergency. Is there any reason why repeater systems can't remain on constantly, or is that not appropriate.

MR. REISS: I guess I'll take that Commissioner. Our repeater system operated on the same channel, the VHF citywide channel that the fire boats and other commanding officers were on. So to prevent interference from multiple transmitters talking at the same time and all you hear is squeals and buzzes on the radio, it was normally left off. When I had it installed in 1993, originally the on and off command point was at the World Trade Center police desk. So the battalion chief or whomever would show up and say, I'm the Port Authority Police. Activate the repeater. And it would be turned on by the desk officer.

In late 2000, the fire department asked that that control function be changed and be moved to the actual fire command desks in the lobbies of the buildings, the actual individual fire command stations. So we did that. They also asked that we install a UHF digital radio repeater at that time, and the Port Authority funded that and installed that. So that day, the control was at the actual fire command desk in both One and Two World Trade Center and it was for the fire department to turn on. Now, from talking to your staff, it appears that Chief Pfeifer told the deputy fire safety director to turn it on. I

have no personal knowledge of who turned it on, because I was in the lobby of 5 World Trade Center at the police desk. But the basic fact is when you listen to the Dictaphone tape recorder, the repeater was working. There was one antenna, as your graphic showed, on the roof of 5 World Trade Center, sort of a "V" that pointed at the two towers, to pick up the signals on one frequency, put them into a transmitter and re-broadcast them on a separate, different frequency. That's the essence of the repeater.

So the repeater was used so anybody in the building-- and we had what was called a leaky cable. Think of a hose with lots of little holes punctured in it. We ran that all around the sub-grade, so if a fireman was in the basement, he could talk through the repeater to the truck company or the engine company at street level. I listened to the tape a number of times, and you can hear the firemen talking back and forth in the lobby of One. But they don't recognize that it's working because they say, I don't have the hardware.

So something was wrong with the desk console. Either the volume control was turned down, there was a technical problem with it, the right button wasn't pushed, I don't know. I wasn't there. But walkie-talkie to walkie-talkie communication was present and that was recognized by the chief, when he went over to Two World Trade Center and he's talking from the 78th floor to firemen trapped in an elevator, and back down to the lobby.

So there's another critical lesson learned, you had asked earlier about lessons learned. I recognized very quickly in 1993 that we had to make sure that the fire department had adequate communications in the complex, so we put this system in. It needs to be installed in all the high-rise buildings in the city. As Chief Pfeifer said, without information you don't know what you're doing. You really need to have information at the command post. We had no information at the police desk. The people at home watching on the TV knew more than we did.

MR. THOMPSON: What was the status of the stairway doors in the Two World Trade Center towers on September 11th, and what was the common practice with regard to stairway doors? Were they locked or unlocked? If you went out into the stairway, could you get back in? Could you tell us about that?

MR. REISS: Okay. The fire stairways doors were always unlocked from the floor to allow egress into the fire stairs.

The New York City Building Code allows that certain fire stairway doors be locked and be non reentry floors. But on every fourth floor you have to have the ability to reenter from the fire stairs back onto that floor.

MR. THOMPSON: Is there a reason for doors to be locked like that? What's the rationale for that.

MR. REISS: A lot of tenants did not want the fire stair doors open to their floor because they saw them as a security compromise, that a messenger could come in on one floor, walk up and down the fire stairs and enter their floors beyond the receptionist at the elevator bank, and potentially be in their space. So certain tenants that could not lock the doors, because every fourth floor had to be open, like Morgan Stanley Dean Witter put in alarm contacts on the doors, so they knew if they were opened, and they had closed-circuit TV monitoring those doors.

So that's the basic status of the doors. Now, the 108th, 109th and 110th floors in both towers were mechanical equipment rooms that had--108 and 109 had two-story fans that air-conditioned and ventilated the 16 floors below it, including "Windows in the World" (sic)--kitchen equipment. The 110th floor had elevator machine rooms, fire reserve tanks, a lot of TV broadcasting equipment and other building equipment. So those three floors were non-reentry floors.

Now, the New York City Building Code requires that the signs in the stairwells tell you what floor you're on, let's say 65, and where the nearest reentry floor is above and below you. We did that, and those signs were also made as glow-in-the-dark materials, so even if everything else failed, with the battery packs and the emergency power, people would know where they are, where the nearest reentry floor was.

MR. THOMPSON: If I understand the testimony in our staff statement, in an incident like we suffered on September 11th it would be virtually impossible to rescue people above the point of impact. Is that so, one? And, two, should we, in light of September 11th and the continuing threats that we suppose are there, give reconsideration as to how high we will allow buildings to be built in major metropolitan areas?

MR. REISS: Well, I think that's up to a lot of the fire prevention and building code experts. I think that the buildings have to be somewhat fortified, much more than they

were. As we've testified, the New York City building commissioner, Patricia Lancaster, has submitted recommendations to make the fire stairs and the elevator shafts out of a much more durable material. But as far as the height, I think if you need to put the whole code and everything into balance, whether it's the fire stairs capacity, the fireproofing and all the evacuation measures, everything has to be worked as one system.

I get somewhat concerned as I look as the model codes move to performance-based codes and make the assumption that every system is going to work together. That day, even though we retrofitted the entire World Trade Center with sprinklers, as it originally wasn't sprinklered, the sprinkler system was destroyed, to the best of my opinion, from the plane's impact. So you can't count on the sprinklers to act as a fire suppression system.

The codes need to change. They need to take into account that we're living in a different world today. It's not going to be a normal high-rise office fire started by a copy machine. We have to deal with terrorism.

MR. THOMPSON: Thank you, Mr. Chairman

MR. KEAN: Senator Gorton.

MR. SLADE GORTON: Chief Morris, I find your actions on September 11th to have been extraordinarily resourceful and courageous. You were out at LaGuardia. The Trade Center was not your primary responsibility. And in just over an hour, having seen this on television, you managed to organize 17 people and get them all the way down to the Trade Center, a remarkable achievement in my view. You had a little bit--you didn't know this, but you had just a little bit more than a half an hour before both Trade Center buildings were gone when you got there. But it seems to me that you suffered a great deal of frustration during the course of that half-hour.

So I'd like you to explain to me the communications problems in the time that you were actually there. How frustrated were you by an inability to get through to your own Port Authority people? How much did you lack in ability to put your people in the right place by a lack of--inability to communicate with the New York Police Department and by the fire department. If radio communications--if communications has been better among all three, could you have done more? And if so, to

the best of your ability, would the situation be different and better today? Just talk to me about that communication problem.

CHIEF MORRIS: Coming down the BQ, as I said, I had a panoramic view. I mean, compared to other commanders, that was a luxury. I had been there in '93, and when you're in the building or right outside the building, you have no broad vision. I tried to get the central police desk, with the intent of getting in touch with Chief James Romito, somebody I knew for 25 years who I was through a lot of different scenarios was with, and to hook up contact with him, because I know he'd be done there. And he went upstairs. So it was very frustrating, that part.

I had no--the frustration also is that knowing the operation at the Trade Center, I knew that you had--people would be at that fire command post. In the way we'd practiced, the New York City would be on the perimeter. Just the way it worked. But not knowing--having that communication, you couldn't give out--you couldn't find information which would help you maybe solve a problem on the response there, which was a great frustration for me, and that maybe you could have taken an action that you didn't. The officers, Port Authority officers, they went in and did what they had to do in the building. Some of them had communications with each other. There was World Trade Center command. And in speaking to them, they were close enough, they could do what they had to do on the floor. But responding was a great frustration then. You didn't know what was ahead of you. It's like I was--as a police officer, coming up was like playing baseball. You've got to anticipate. You didn't have--you had the information to anticipate what you had to do.

MR. GORTON: Did you lose any of your 17?

CHIEF MORRIS: No.

MR. GORTON: Is the situation--if a similar situation took place today, would some, at least, of those communications problems have been solved? Would communications among these various agencies be easier today than it was three years ago?

CHIEF MORRIS: Oh, yes. There's technology that's been brought in so that you can--your radio can be put into a device-- believe me, I'm not--that's why I became a police officer. I didn't know anything of science. But there's communication devices now that have been made available to the agencies and

the Office of Emergency Management to greatly facilitate the communication.

MR. GORTON: Thank you, Mr. Chairman.

MR. KEAN: Our last questioner for this panel will be Commissioner Ben-Veniste.

MR. RICHARD BEN-VENISTE: Thank you, Mr. Chairman, and thank you both for your testimony today, which I think is very useful to us in continuing to fill in the blanks and to provide the public with a definitive account to the best we can of what occurred in the lead-up to and during the tragedy of 9/11.

Let me ask Mr. Morris to focus on the question of information which was shared with you or not in the summer of 2001, before 9/11. We know that the threat level that was being received by U.S. intelligence agencies was at the highest they had ever received. And while there was a focus on the potential for an attack against American interests overseas, certain members of the intelligence community at CIA and at FBI had recognized that there was a potential that this horrendous attack which was being much discussed in conversations which our intelligence community had intercepted might, in fact, be directed against domestic targets.

Beyond that, we knew that when Ramzi Yousef was rendered back to the United States and indeed being flown back to the United States, he made a comment to those who were transporting him. Looking out the window of his airplane, he reportedly said in substance, we will finish this job. Recognizing that there was this threat level of unprecedented proportion and recognizing that New York was an obvious and potential target and more particularly that the World Trade Center could be struck again, and given the fact that the FBI-- John O'Neill, Barry Mawn, heading up the FBI's efforts on counterterrorism in the summer of 2001--we're particularly concerned about events and reports that they had received that, for example, two Yemenis were taking photographs of federal buildings downtown, not far from the World Trade Center, and had been instructed to send those to an individual in Indianapolis, who they later determined was using an assumed name, a false identity, and who disappeared immediately after these two Yemeni individuals were interrogated, and has never been found.

Can you tell us whether you received any information from the FBI or any other federal sources in advance of 9/11

that there was a potential that lower Manhattan could be struck in this summer of threats?

CHIEF MORRIS: The only firsthand information that I have was, as the commanding officer of LaGuardia Airport, that the FAA had put out a warning at the screening points.

MR. BEN-VENISTE: And that was back in July?

CHIEF MORRIS: Yes.

MR. BEN-VENISTE: And that warning, as far as we've been able to determine, resulted in, as far as we can see, absolutely no change in any procedure that the FAA had employed. There was no hardening of cockpit doors, there was no enhanced screening at checkpoints. Individuals with 4-inch knives were able to board airplanes on September 11th, individuals of the same descent and characteristic as was consistent with the individuals against whom we were supposedly protecting ourselves.

CHIEF MORRIS: That's correct, as far as my knowledge. None of the regulations were made more restrictive on what you could take onto a plane.

MR. BEN-VENISTE: And so my question is, as we wrestle with the issue of a balance between protecting information of a sensitive nature and the ability to protect against another terrorist threat, do you have a view as to whether the federal authorities have been overly restricted in disseminating information on grounds of claimed protection of sensitive material?

CHIEF MORRIS: Being a member of the Port Authority Police Department, who has had a history of events with terrorists, going back to a bombing at LaGuardia, left in a locker, the FBI has always been open to us. If they have information that happens to pertain to one of our facilities, we've been told. Prior to '93 there was information that came out, and in fact, the perimeter was--all of the perimeter of the Trade Center was increased, prior to that. Again, after '93 we became a member, and very active in the Joint Terrorist Task Force Office out of New York with our detective, and we were filled in on information.

MR. BEN-VENISTE: Are you now saying that you did have information during the summer of 2001 from federal authorities

about the potential for this high alert status that we were on, resulting in an attack against the domestic United States.

CHIEF MORRIS: It was just very general, as far as I know, not specific of any plane coming in.

MR. BEN-VENISTE: Well, obviously not. But with respect to what you were told, the sum and substance, as I understand it, had to do with this July FAA general warning.

CHIEF MORRIS: That's correct.

MR. BEN-VENISTE: Thank you, Mr. Chairman.

MR. KEAN: I want to thank you both. Mr. Reiss, Chief Morris, thank you very much for helping us today.

(Recess.)

MR. KEAN: If we could come back to order, please. If you could retake your seats. Please, we want to start this panel. Running a little behind. Please take your seats. We have this morning some familiar faces before us. People who are probably equally as well known to all those assembled here today, I would suspect: Bernard Kerik, former commissioner of the New York Police Department; Thomas Von Essen, former commissioner, New York City Fire Department; and Richard Sheirer, former director of the New York City Office of Emergency Management.

Gentlemen, would you all stand, please, and raise your right hand? Do you swear to tell the truth, the whole truth, and nothing but the truth?

(Witnesses sworn in.)

MR. KEAN: Mr. Kerik, would you like to start?

MR. BERNARD B. KERIK: Governor Kean, members of the Commission, I would like to thank the Commission for giving me the opportunity to be here this morning. I strongly believe that in order to adequately defend our nation, we need to learn from the events of September 11th and we need to understand why and how it happened. More importantly, we need to use what we learn to combat the terrorist threat that still exists against the United States.

We can all agree that September 11th was the darkest day in our country's history. For the men and women in the New York City Police Department, it was a day marked by horror at what was occurring, sorrow for what we lost, and great pride in how we served and what we accomplished. We witnessed fearless dedication and unshakable courage in the face of death by the members of the NYPD in a response unprecedented by any local, state or federal law enforcement agency in this country.

Members of my executive team like John Picciano and Joe Dunne, field commanders like Joe Esposito, Bill Morange, and Tom Purtell, and Deputy Commissioner Maureen Casey and so many others, together with all of the men and women of the NYPD, gave their all on September 11th. And some gave their very lives. Police Officers like Detective Joseph Vigiano, who before September 11th had been involved in two separate gun battles and shot a total of seven times, responded to the towers knowing the perils ahead. He lost his life, as did his brother, John, of the New York City Fire Department members.

There was Sgt. John Coughlin, who once responded to my home when my six-month-old daughter was choking, he died as well. Others that died included Mike, Moira, Rodney, Tim, Claude, John D., Vinnie, Jerry, Stephen, Mark, Robert, Ron, Tom, James, Brian, John P, Glen, Ramon, Paul, Santos and Wally. The true mark of their heroism, however, should not be measured only by the lives that were lost, but in what was accomplished in their final hours. Along with their brothers and sisters in the NYPD, their colleagues in the Port Authority Police, and their partners in the New York City Fire Department, they performed the greatest rescue mission in the history of our nation.

Because of their courage and fortitude, over 25,000 mothers, fathers, brothers, sisters, sons and daughters made it home to their families that evening, and I'd like to spend the remainder of my time today reviewing just how that job was accomplished. In carrying out its mission to protect and improve the quality of life for all New Yorkers, the men and women of the NYPD respond to crisis every day. And the Department has always done that to the best of its ability. In 1996, mayor Rudolph W. Giuliani improved the overall ability to respond to major events or emergencies with the creation of the mayor's Office of Emergency Management.

Together with other city agencies like the Fire Department, the Department of Transportation and the Department of Health, the NYPD now had a more formalized mechanism to

better plan, coordinate and practice for just about any crisis you could imagine. The city, through its OEM, had coordinated plans for many types of emergencies, and those plans were tested frequently. Not only were drills and tabletop exercises conducted, like the one simulating a biochemical attack in the mass transit system, but actual emergencies like blackouts, building collapses, storms, plane crashes, and a West Nile Virus outbreak, all tested the effectiveness of the city's coordinated response system.

We learned how to better communicate and coordinate operations among the various city agencies, but we also learned how to better communicate with the stakeholders in the private sector, such as hospitals and utility companies, along with state and federal agencies. I believe that all of the planning, the drills and actual emergencies that occurred prior to September 11th made us as prepared as we possibly could have been to handle the events of that day. We had established relationships with other agencies, both within and outside city government, we had established protocols, and we had been tested, and we had the best trained emergency response personnel in the country. I believe we did our best based upon what we knew at the time.

From the moment American Airlines Flight 11 crashed into the North Tower, the men and women of the NYPD moved into action.

Within minutes, officers from the five boroughs began a massive response that would include more than 20,000 officers by day's end. It was clear from the earliest moments after the first crash that the FDNY was responsible for the fire and rescue and the NYPD was responsible for the safe evacuation of civilians from lower Manhattan and for the security around the site as well as the security for the rest of the city.

Command posts and staging areas for emergency vehicles were immediately established at both ends of the World Trade Center. The initial NYPD Command Post was established at Church and Vesey streets and Chief of Department Joe Esposito was commanding operations from that location. The NYPD also had personnel at the FDNY's Command Post that was located off West Street, near the driveway of the World Financial Center, in order to facilitate the exchange of information between the two departments. When the mayor and I stopped at the FDNY command post minutes after the second plane hit Tower Two for an updated assessment of the situation, I personally spoke to the NYPD

personnel present, including Sgt. John Coughlin, from Emergency Services, who later died.

An important point needs to be made here. Throughout my tenure as the Police Commissioner in the city of New York, I had a great relationship with the Fire Commissioner and his department. I did not see or was I ever made aware of an instance where there was a lack of coordination between our respective departments when it came to doing our jobs. There was a healthy competition between the two organizations but we always had a common goal; and we always came together to achieve that goal which was to save lives. It had been done before and it was certainly done again on September 11th.

Within minutes after the first plane crash, more than half of the NYPD's Special Operations Division was deployed, all in an effort to assist in the rescue. Under the direction of the FDNY, emergency services personnel began to equip themselves for crash site entry. Our Aviation Unit helicopters were airborne over Manhattan, our Harbor Unit launches were at riverside, and communication links were established between the commanders and those of the Fire Department, Port Authority and the FBI. At the moment that the second plane hit, the crisis shifted from its initial horror to indisputable homeland warfare, and the character, professionalism and bravery of New York's Finest was never more evident. As debris showered down to the ground, as fellow human beings jumped to their death from a hundred stories above, there was no retreat and no hesitation. The officers that ran for cover as Flight 175 crashed above, ran even faster back toward the two towers filled with strangers that desperately needed their help.

While the rescue efforts were ongoing, other plans were put into action by the NYPD in order to respond to the attack and to protect the city. For example, Operation OMEGA, the city's highest state of alert was initiated. We were also trying to anticipate other possible secondary targets in and around the city, as we did not know just how many planes were unaccounted for. Accordingly, potential secondary targets including the UN, City Hall and Police Headquarters were evacuated. As the security and enormity of the crisis escalated, so did our response.

Together, teams of Emergency Services officers and firefighters continued to climb the staircases in search of trapped victims. Rescue workers gave aid to the injured on the streets; and officers established rescue routes for people

exiting the towers as well as those evacuating other buildings in the area. Bridges and tunnels leading into Manhattan were all closed except to emergency vehicles. In coordination with the Federal Aviation Authority, the NYPD's Aviation Unit secured the airspace over Manhattan. Additional officers were mobilized to secure the rapidly extending perimeter. A makeshift executive command post was established several blocks away at an office building at 75 Barclay Street, in order to give the mayor and I, other agency heads an opportunity to re-group and re-strategize based on the latest developments. At approximately 10:00 a.m., despite the most courageous and valiant of efforts, both the enormity and the dynamic of the catastrophe shifted once again as the South Tower collapsed, and hundreds of police and firefighters, and thousands of innocent civilians lost their lives.

In that moment our isolation from the brutality of terrorism was gone, our landscape was altered and our nation was forever changed. Yet, even before the plumes of ash and pulverized concrete began to lift, before anyone could rationally assess what had just occurred or what the next blow may be, the men and women of the NYPD, the Fire Department, and our city's emergency medical teams were racing back into the center of the disaster. They ran into the pile that had just claimed the lives of their brothers and sisters, and they did not stop digging for eight months.

Emergency workers continued to evacuate the North Tower. The perimeter at Ground Zero was extended even further in resigned acceptance that the second tower could at any minute follow the first. Any and all means of transporting the injured and those trying to escape were employed. Hundreds were carried to Harbor Unit launches and ferried across the river to New Jersey and tens of thousands were guided over the Brooklyn Bridge.

At 10:28 a.m., the same tragic events were cruelly repeated as the North Tower collapsed, claiming more lives, leveling more destruction, and again beating back the rescue effort. Again, though, the courageous returned, and the work continued. More personnel and resources were mobilized; heavy equipment was brought in to dig out those buried under the rubble. Lower Manhattan south of 14th Street from the Hudson to the East River was frozen to all but emergency service personnel. The affected area south of Hudson Street was divided into seven patrol zones in order to direct the evacuation,

secure the crime scene, and stabilize the surrounding neighborhoods.

By afternoon, the new command and control center was established at the NYPD Police Academy located on East 20th Street. Within hours after the first plane striking the North Tower, a fully functional, multi-agency command center was operating, manned by representatives from every federal, state and local agency and organization participating in the rescue and recovery effort. By mid-afternoon Mayor Giuliani and Governor Pataki were able to convene the first of what would become a steady stream of multi-agency meetings, with the heads of the City Police, Fire, and Health Departments, among others, sitting alongside relief agencies like FEMA to ensure that the response was immediate, coordinated and comprehensive.

Over the hours and days that followed, the news would be grim, the emergency rooms would remain empty, our hope of finding survivors would dissipate, and we would learn that more than 2,700 people had lost their lives, including 23 members of my department, 37 Port Authority police, and 343 members of the Fire Department. Yet the fierce determination to protect our city, our ideals and our American way of life that was so present in the first minutes of the attack grew to even larger dimensions--

MR. KEAN: Commissioner, if you could start to sum up.

MR. KERIK: Yes, sir. And led to additional accomplishments that few had thought possible.

A complete list of what was accomplished by the men and women of the NYPD is simply too extensive to provide in this forum. But I thank you and the Commission members for giving me the opportunity to highlight some of their achievements and achievements of the twenty three valiant heroes, who died that day. In terms of lessons learned, I think a few points should be made. First, emergency operations centers, with a single agency responsible for its operation similar to the one in New York City are essential. Relationships and response plans must be well established before an emergency occurs. You just can't make them happen in the midst of a crisis.

Second, success in securing our homeland requires accurate and real time intelligence that is shared with all the necessary stakeholders, whether they are at the local, state or federal level. There must be an internal monitoring system that

will ensure efficiency and accountability with regard to information sharing and communications. A culture change in intelligence and information sharing is essential and those that refuse to change must be removed. There can be no compromise.

Finally, I believe our battles against terrorism have only just begun. Removing the Taliban and al Qaeda leadership from Afghanistan and Saddam Hussein and his regime from Iraq were just the beginning in addressing the real threats against us. We must stand firm, stay pre-emptive and never believe for one minute that this war is over.

They brought this war to us, and it is a war we cannot afford to lose. I ask this Commission to put politics aside, put our freedom first and give us the ammunition we need to continue the battle before us, for without it we lose. Thank you.

MR. KEAN: Thank you very much.

Mr. Von Essen?

MR. THOMAS VON ESSEN: Good morning, thank you for inviting me to be here today. I welcome the opportunity to share my experiences on September 11, 2001. I have thought about September 11th, and those who we lost, every day for the last two and a half years. To truly understand what happened in New York City on 9/11 you need more than simply the recounting of events. You also need to understand the people involved and the magnitude of the situation they confronted. Enough time has passed that I fear we have lost a true sense of that day, and the days that followed.

The hundreds of New York City Firefighters, Police Officers, EMS Officers, Port Authority Police Officers, OEM responders, and other first responders who rushed to the World Trade Center, deserve our praise and unyielding gratitude for their courage and dedication in the face of the greatest disaster in this nation's history. Their sole purpose that morning was to save lives. They put themselves in harm's way to help those in need. That is what firefighters do every day. That is who they are and we have to make sure that their bravery and valor is fairly and properly represented in this process.

The enormity of the circumstances that morning must also be kept in our minds as we examine the events of 9/11. Two of the tallest buildings in the world were on fire, tens of

thousands of people were inside, and the largest rescue operation in history commenced in a matter of minutes. The scope of this catastrophe would multiply exponentially, to a scale never seen before by first responders in America. As much preparation, practice and experience as we had, nothing could have ever really prepared us for what happened, or how fast the events would unfold. I say without hesitation, that the men and women of this city, rescue workers and civilians alike, did a phenomenal job that day.

When I arrived at the scene of the North Tower of the World Trade Center, soon after it had been hit by the first plane, it was a scene that defied belief. Even after 30 years as a firefighter, I had never witnessed this level of destruction. I knew that we could lose thousands of civilians above the impact area. There was debris and broken glass all over the ground, as well as many obvious casualties.

As I entered the North Tower lobby, the scene in the tower lobby was relatively calm; it was a combination of control and chaos that is a characteristic of a fire scene. In accordance with our standard practice in high-rise fires, the chief officers were sending units to gather information, staging the firefighters, and developing a strategy and tactical approach. The first units that had arrived were already climbing the stairs to establish personnel and equipment staging areas on upper floors, others were waiting for their orders. More firefighters and chiefs were arriving all the time to support what was expected to be a very long operation. The units had been dispatched in response to Chief Ganci's call for a Fifth Alarm--the highest level of mobilization in the Fire Department.

Then, the South Tower was hit at approximately 9:03. Chief Ganci called a second Fifth Alarm. Chiefs Burns and Palmer went to the South Tower to set up a third operations post to manage the response there. Instantly, the largest and most difficult rescue operation ever set in motion doubled in size and complexity. The rescue operation was in the hands of the most seasoned and practiced fire chiefs in the nation. They had done hundreds of drills and responded to thousands of emergencies. They knew how to take control of a crisis, and how to make the critical decisions needed to save lives. Simply stated they were the experts. No one could have done a better job. Did they know everything they would have liked to know? Not at all, as I said before, you have to remember the circumstances they were under. Two Fifth Alarms within fifteen

minutes was unheard of until that point. It wasn't a case study or a tabletop drill. It was real, it was fast moving and it was horrifying. What they were able to accomplish was extraordinary. Though we suffered great losses thousands of people were saved and I have no doubt that they did everything they could to ensure the safe evacuation of those buildings, by both civilians and firefighters.

On a technical point, it is important to understand how the Fire Department works when fighting high-rise fires. We had three command posts, because we needed three, and we located them where they were needed based on years of best practice. The chiefs needed to be as close to the operation as possible in order to understand, on an ever-changing basis, the needs of the operation. They must be able to evaluate the situation instantaneously to make crucial time sensitive decisions.

We have heard civilians in the buildings say over and over how much it meant to them, how much hope and security it gave them, to see firefighters going up the stairwells as they were coming down. Let me speak for a moment about the communication issues on 9/11. There were problems with communications, nothing worked at all times. Everything worked sometimes: cell phones, the point-to-point department radios, all alternately worked and didn't work.

The unprecedented circumstances had an understandable impact on communications. One of the biggest problems was the amount of traffic on the radios that day. Firefighters normally use their radios to talk to each other point-to-point. They do not go through a central dispatch, and that is very important in an operation. Firefighters need to be able to talk to each other about the conditions they are facing at the scene of a fire.

The downside is that due to the limited number of channels available only one transmission can be made at a time, and it limits the use of that channel by another firefighter. With hundreds of firefighters at one operation, the radios were overwhelmed with competing transmissions. In the communications industry, this is called "stepping on each other."

We had never had an emergency operation of this size, we had not had this difficulty to this extent. We also know there was difficulty with the repeater system in the towers. Like everything else it worked and it didn't work. Some chiefs used it for some of the time, and some did not because they had tested it and it didn't appear to be working correctly at that

point. What matters most is whether the radio and repeater difficulties had a significant impact on the operation or on the evacuation of the buildings. It is, of course, impossible to know the definitive answer to that question. Anyone purporting to have the definitive answer is being less than honest. We do know that evacuation orders were given, both before and after the South Tower collapsed. What we will never fully know is how many received the evacuation orders and how many did not, how many continued the operation despite the orders, or how many were on their way out but just didn't make it in time. We've heard the evacuation and mayday orders on tapes and on videos, and both civilians and firefighters have stated that they heard the evacuation orders. We know that firefighters and other emergency rescue personnel passed on these orders to each other. We know that some evacuated and that some did not receive the orders.

To understand all this, it is important to understand what it means to be a firefighter. Firefighters do not run away, they do not leave if they think they can stay. They will not leave their brothers. This, of course, is not to say that the firefighters who were able to evacuate were in any way less courageous or dedicated. It means simply that, as it has always been with firefighters in the New York City Fire Department, when faced with critical decisions, firefighters do what they believe the immediate situation requires of them. For many firefighters, an evacuation order means "get the civilians out, get all my guys out, and then I go."

One team on their way out may have stopped to help some injured civilians, another team may have just cleared a floor and escorted the civilians down. We will never know what decisions many of our firefighters made that day. But I do know that firefighters do not abandon civilians in distress to save themselves. Without question I wish so many more had evacuated. The emptiness from the losses that day has never left me, not for a moment.

I have been asked to comment on the FDNY radio situation before 9/11. When I became Commissioner in 1996 the Department had already been moving towards upgrading their radios to an interoperable, interagency system, and switching from analog to digital. Our analog radios had limited frequencies available, the upgrading process would allow us to acquire more channels and better technology for interagency coordination

In March 2001, we gave all the units the new digital versions of the radios. Although the radios appeared to be the same, the digitals performed differently from the analogs. There were some problems reported in the field and safety concerns were expressed by the firefighters and the chiefs. I immediately recalled the digitals and had everyone go back to the radios they were using before.

One of the reported problems with the digital radios was that messages transmitted simultaneously cancelled each other out, the transmissions were stepping on each other. We planned to re-release the digital radios after we had thoroughly investigated the problems reported and provided the units with more extensive training on how to operate them more effectively. I have also been asked to discuss the coordination between the Fire Department, the Police Department and OEM.

As for OEM, it was critical to the coordination of the rescue and response. There were OEM representatives in the North Tower lobby and at the West Street command post from the very beginning, and they provided crucial information to the Chiefs. While the loss of the OEM Emergency Operations Center at 7 World Trade Center made communications and coordination more difficult at first, those difficulties were overcome. I have always thought that OEM was an excellent concept, and the agency was very important to the Fire Department. It provided operational support and resources we would not have otherwise had.

At an emergency, we were able to concentrate on rescues and fighting fires. We could rely on OEM to make sure all other concerns and issues were taken care of, either by OEM or through other agencies. The events of 9/11 have had a profound and permanent effect on my life, and the lives of too many others. While I have never been more devastated, I have also never been more proud than I was of the men and women of the New York City Fire Department on September 11.

I ask the Commission to carefully consider how it explains and represents the information gathered about September 11. In developing its findings and recommendations, the Commission should make every effort not to separate what was learned from the knowledge, the way it was gained. To do so would be--I'm sorry. Not to separate what was learned from the difficult and challenging conditions under which the knowledge was gained. To do so would be to turn the efforts of all involved into a remote analysis, devoid of the energy, the

passion and the qualities of heroism which were such an integral part of what firefighters did that day.

The information must be seen in the context of the people who actually lived through the incident, with all the immediate possibilities and problems they faced. The value of the Commission's work in protecting first responders and the public lies not only in the historical account of what was accomplished, but also in how policies are formulated based on what is learned from this process. The lessons learned should be used to shape a new vision of risk management--

MR. KEAN: Could you sum up please, we're getting--

MR. VON ESSEN: I'm sorry, I only have one sentence to go, and that's why I kept going, I apologize. I tried to beat you to it. The lessons learned should be used to shape a new vision of risk management in uncertain times, thank you.

MR. KEAN: Thank you very much. That was very close.

Mr. Sheirer?

MR. RICHARD SHEIRER: Mr. Chairman and members of the Commission, thank you for providing me with the opportunity and privilege of testifying today. The importance of this undertaking cannot be underestimated. September 11, 2001, is one of the most significant days in our nation's history. The show of humanity here, across the country and around the world on 9/11 and in the days, weeks, and months that followed, was extraordinary.

On September 11, the world witnessed selfless sacrifice at a level unprecedented. In my 34 years in public safety, I have seen bravery, courage and sacrifice, but what I saw on 9/11 was without equal. On that day, firefighters, police officers, EMTs, court officers and ordinary citizens, people we will--may never know refused to abandon their fellow citizens in the face of certain injury, and ultimately, lost their lives with those they were trying to save.

OEM has been in existence in the Office of the mayor since 1996, when mayor Giuliani recognized the need to enhance interagency coordination in planning, preparing and responding to emergency situations, and he created that mayoral agency. OEM was comprised of personnel drawn from various city agencies, including the Police, Fire Departments, Health Department,

Environmental Protection Departments, and others. OEM's responsibilities include: coordinating and assisting in emergency response, monitoring the city for emergency conditions and incidents, and operating the Emergency Operations Center from where the City was able to manage large or unique multi-agency events. A crucial part of OEM's mandate was to develop interagency emergency response plans, and organize joint training exercises among city agencies under those plans.

Coordinated response plans were created, with the assistance and the input from each of the participating agencies, regarding various types of incidents ranging from coastal storm planning to biological terrorist attacks. We conducted numerous drills and tabletop exercises to test those plans and we modified them as needed. In addition to all the drills, OEM, the Police Department, Fire Department and other agencies in the city responded to emergencies on a daily basis. Even though we could not have planned exactly for the events of September 11th, the emergency response plans we had in place, and our extensive training and experience helped prepare us for that day.

On the morning of September 11th, I was at City Hall when I received a telephone call from the OEM Watch Command informing me that a plane had crashed into the North Tower of the World Trade Center. The Watch Command acted as the eyes and ears of the City. Twenty-four hours a day, seven days a week, it monitored all emergency services frequencies, New York State and national alert systems, weather systems, and local, national and international news. In the event of an incident or a situation that may affect New York City, they would dispatch appropriate OEM responders and notify the senior staff. After I received the call from Watch Command, I stepped outside onto the portico of City Hall and I could see the black smoke rising, the gaping hole and the burning tower. I knew at that moment this was not a small plane, that there would be terrible losses, that this was the worst disaster I had faced in my 34 years and that this would be one of the biggest fire and rescue operations the city had ever put in place. I headed toward the North Tower right away and entered the World Trade Center complex through the concourse level below the buildings. People were already evacuating, everyone was calm and orderly, and there was no panic.

I was struck by the contrast from the evacuation after the 1993 bombing of the World Trade Center. In 1993 there was significant chaos and confusion as people left the building.

From the concourse I proceeded to the lobby of the North Tower where the initial fire command post was located. OEM First Director John Odematt, and many other OEM senior staff were at that fire command post assisting in the operation. Upon my arrival in the tower lobby, I reconfirmed with my deputies that the EOC had been activated. Activating that EOC involved notifying the appropriate city agencies, and requesting them to send their representatives and for an emergency of this scale, it also included all areas of city government along with the State, Federal, and Voluntary Service sectors, every organization that had a stake in our city would probably be involved.

The OEM command vehicle was ordered to the scene to provide the onsite OEM command center. In the North Tower, OEM was monitoring inter-agency operations at the lobby command post. The purpose of OEM at an emergency of this magnitude is to assist the Incident Commander, to help coordinate with the various other agencies, to provide information, and to supply additional resources as needed. OEM is rarely the Incident Commander, but rather, provides vital support and assistance to the agency leading the emergency operation, and to the other agencies involved.

An example of OEM's role on 9/11 was when EMS began setting up a triage area for the injured in the north lobby of the tower. Working with EMS, we determined that we should move that triage area from the North Tower lobby into the lobby of 7 World Trade Center, the building OEM was located in directly across the street. It was important to keep the tower lobby clear for fire and rescue operations and for civilian evacuation, and at the same time to locate the triage where it would be most accessible for ambulances to respond in and out. The operation in the North Tower was professional, controlled and organized. While it was a horrific event, at this point it was still primarily a high-rise fire situation.

The Fire Department was clearly in command of the fire fighting, rescue and building evacuation. The Police Department was directing the evacuation of civilians from the World Trade Center area, securing both the perimeter of the World Trade Center and the rest of the City. And in addition to the evacuation of the World Trade Center complex itself, the Police Department had begun evacuating the tens of thousands of people working in surrounding buildings and living in the area. When I subsequently viewed photos of the mass departure across the

Hudson River to New Jersey it truly looked like the evacuation of Dunkirk.

When the second plane hit the South Tower, we felt an explosion in the North Tower, but at first we did not know what it was. I was immediately notified over the radio by the EOC what had happened. Almost instantly after the South Tower had been hit, I had OEM request air support from the state emergency management agency for Air National Guard, and through the Pentagon, who we have worked closely with. It was at that time that the EOC informed me that that there were still planes unaccounted for and that additional planes may be heading for New York. I relayed that information immediately to the fire incident commanders in the lobby of number one. At the same time, OEM evacuated the EOC. The rest of 7 World Trade Center had been evacuated earlier, but after the report of a possible third plane, we had to get our people out of that building.

I had recently then joined the mayor, Police Commissioner and members of the mayor's senior staff out of the North Tower in the temporary police headquarters at 75 Barclay Street. It was while we were at that location that the North Tower collapsed, and I could hardly imagine the thousands of people we had lost. We left Barclay Street and walked north. As we walked, the North Tower collapsed. There are almost no words to describe the feeling at that moment. What had been the largest rescue operation in history was forced to multiply. There were two massive building collapses, raging fires under the wreckage in both the Towers and in surrounding buildings, and potentially thousands of people missing, injured or dead.

We heard planes overhead, I looked up and realized and said they were ours, they were naval jets coming, it turned out, from Oceana Naval Station. It was the first American military presence we saw, and it gave us a sense of reassurance as we continued evacuating. We stopped at the firehouse on Sixth Avenue and Houston Street to regroup and organize our next steps. It was decided that the Police Academy would be the best location for a temporary command center.

At the Academy, the mayor and his staff organized the temporary seat of government, and with the Police Department, OEM created a temporary Emergency Operations Center, taking their library and creating an EOC for thirty plus agencies with computers, hardwires, accommodations for those agencies including special space for SEMO, the State Emergency Management Office, and FEMA. One of OEM's responsibilities is to always be

thinking of what will be needed next. At this point, we were already working, in conjunction with other agencies, on the logistics of the rescue operation. We were ordering supplies and equipment for the rescue effort, we ordered air quality testing of the site for a number of reasons. We started to develop plans for how to move and where to locate the debris--

MR. KEAN: Time to sum up, Mr. Sheirer.

MR. SHEIRER: --steel from the site. We requested Disaster Medical Assistance Teams and Disaster Mortuary Teams from the Federal Government. There has been much said about coordination and communication between the departments. Before I became the Director of OEM, I had worked at both the fire department and the police department. I am aware, perhaps more so than many, of the many times that inter-agency rivalries can be problematic or positive.

There is no way that we can adequately say thank you to the people who lost loved ones, to the rescue workers and their families, and to the tens and thousands of people from around our country and from around the world, who came to our city's aid on 9/11 and in the days and weeks and months after. This city could not have survived without them, thank you.

MR. KEAN: Thank you.

The questioning is going to be led today by Senator Kerry, followed by Senator Gorton.

MR. KERREY: Well first of all Commissioner Sheirer, let me agree with you, there is no way that we can thank both those who gave their lives and the thousands of others who rallied at the cause on the eleventh, as all three of you have said saved so many people that otherwise might have perished on that day. And so to all of you and to all who you know and to everyone who was involved, and I do feel an enormous debt of gratitude and thanks.

I also agree, Commissioner Von Essen, that we ought to --our work ought to be put in the context of 9/11 which is why we try to recreate at least some of what happened on that day, and to you as well Commissioner Kerik who I'd like to begin with, I do believe your desire to make certain that we provide the resources, I think you said the ammunition to fight the war which I presume means resources all together. And I'll just say

at the outset, one of the concerns that I've got is that I see that we're not doing that.

I mean, for example, we all know on that day that in a horribly tragic and perverse way as a consequence of there not being a lot of live casualties, our hospitals weren't overtaxed, and the American Hospital Association, the GAO is saying today that we're nowhere near close to being able to fight a biological war, deal with the aftermath of a biological attack, not even close. And you know, so there's evidence, and I could cite it, and I'm sure you could as well, where we're talking but we're just not--we're not ponying up the resources necessary to get the job done, we've come through the war and said we can't do that, and maybe we'll get lucky and they won't attack us again, which is I think what got us in many ways in trouble before.

Let me ask you, Commissioner Kerik, in your--I guess at page three you talk about the city through OEM had coordinated plans for many types of emergencies and those plans were tested frequently. On the drills and exercise, you talked about a chem.-bio mass transit--against a mass transit system, actually emergencies like blackouts, building collapses, storms, plane crashes, notably absent on this list is any kind of tabletop exercise dealing with the potential of al Qaeda attacking New York City one more time. Is that--did you do a scenario analysis of what al Qaeda might do in New York City?

MR. KERIK: Well, I think the overall--the tabletop exercise with regard to a biochemical attack may not have been dealt with solely with regard to al Qaeda, but it was with regard to a terrorist attack, whether it's al Qaeda or Ansar al Islam or some terrorist group by a different name, and they were, in all of the other things that we prepared and practiced for, were in the same vein, the same mindset.

MR. KERREY: When you're talking about a plane crash, you're talking about a plane crash in the city itself? Did you prepare for the--certainly with the buildings, the 1350 feet high with Newark and LaGuardia and Kennedy and commercial aviation in the area, that must have been on the list of things that are possible, tabletop scenarios that you've evaluated?

MR. KERIK: We did plan for and do tabletops and drills for plane crashes and I want to say because I heard earlier some of the testimony when it comes to crisis and it comes to preparation and planning, I'd just like to take a moment to

explain to the Commission, unfortunately how well we did this. Because two months from the day that the Towers were attacked, flight 587 dropped out of the sky over Queens, dropped in the middle of a community. It was the second largest airplane crash in U.S. history.

And unfortunately we had gotten so good at doing our job, within twenty four hours from the day--from the minute that that plane hit the ground, we had the community cleaned up. We had the bodies removed. We had the gas on. We had the electric on. We had the streets opened, the water was on, and minus the devastation, minus the devastation and destruction and the death that it caused, minus that everything was back to normal within a period of twenty-four hours, unlike anywhere else in this country.

MR. KERREY: But did the Feds come to you, the FBI, CIA and the joint task force that had been put together after the 7th of August 1998, or after the 12th of October 2000, after the East Africa embassy bombings call and say, al Qaeda's in the United States of America? They obviously have tremendous and very sophisticated capability, far beyond what they demonstrated in February 1993, and we must begin to do some scenario analysis to protect the people of New York City. Did that ever happen?

MR. KERIK: I can't say that they volunteered or requested us to do scenario analysis, but what I can say, and I have said this consistently. I really personally--I didn't need anybody to come to me and tell me that al Qaeda was here. If you look at the interviews by Bin Ladin in '97 or '96, he said he was coming, he said he was going to send people. He said he despised this country, and for those of you that do not know, I reside--I lived in Saudi Arabia from 1978 to 1980. I lived in Saudi Arabia from 1982 to 1984, I heard a lot of the same rhetoric from Bin Ladin that I heard and witnessed in Saudi Arabia.

So I understood the mentality, I understood his threat, and I also had a very positive relationship and a good relationship with John O'Neill, who I consider one of the greatest investigators in U.S. history, when it comes to al Qaeda or when it comes to the radical holy war Muslims that want to devastate this country. And in the last few weeks, or last few months I should say, as this commission has been ongoing, I personally, trying to sort of sort it out myself, I reached out to people like Murray Weiss that wrote the book about John O'Neill.

I reached out to other people that knew John even better than I did, and I said, was there ever a time, maybe I missed something, maybe I didn't get it. Was there ever a time that John O'Neill said that they would come with planes? Did I not hear it? Was there something I missed? And it just--it was never said.

MR. KERREY: On the list of things that you indicate you do tabletop exercises are the possibility that a commercial airliner, undirected by al Qaeda could crash accidentally into a building in New York City, is that not correct, is that--did I get that correct in this paragraph, you talk about plane crashes?

MR. KERIK: Right.

MR. KERREY: Do I presume correctly that plane crashes into a building in New York City were among the things you did scenario analysis of, whether or not you're prepared for it?

MR. KERIK: We get--we had a functional drill of a plane crash at Kennedy, we did not have a tabletop of a plane crash into a building. A plane crash into a building would be handled basically as a high-rise fire, which would have caused--we received no information from anyone that I was aware of.

MR. KERREY: No but I--the only information you need is you get a lot of planes taking off from LaGuardia and a lot of planes taking off from Kennedy and a lot of planes taking off from Newark, were among the things that you did, as you did, you know, possible problems in New York City, say one of these planes could crash into one of these 1350 feet--because a lot of us, when the first plane hit, thought it was an accident.

MR. KERIK: As did I.

MR. KERREY: And I presume that you, looking at a 1350 foot building, said, oh my God, maybe a plane someday will hit it, and I'm wondering if you--did you do scenario analysis?

MR. KERIK: We did not--

MR. KERREY: Analyze--is your communication system going to be capable of handling the job, do you have a good evacuation system in place, the sorts of things that you've all
--

MR. KERIK: They relate very closely. A plane crash into a high-rise building would be ultimately a high-rise fire, and all the agencies drilled both functionally and in tabletops, and functional drills on high-rise incidents. It was part of our all hazards plan, but whether we did specific tabletop incidents on high-rise--on a plane into a high-rise building, no we did not.

But I just want to go back a little bit on terrorism. In May of 2001, we did a tabletop exercise called Red X. Red X was an attack of bubonic plague in the city, a terrorist incident. It was conducted at OEM with about seventy different entities, agencies and locales from the entire metropolitan area. Five minutes into that drill, everybody forgot it was a drill, it became so intense. And as part of that drill we quarantined Manhattan because we did not have enough information as to what was--what we were dealing with. That drill, the second part of that drill was scheduled for September 12th on Pier 92, and that was the point of dispensing for the medications in a biological attack.

MR. KERREY: In a--I'm sorry.

MR. KERIK: Both those drills served as the basis for how we responded to the anthrax attacks in October of 2001, and we all had thought that the--the next area that we would be attacked, would not be a conventional bomb, it would be chemical, biological warfare, and we were really focused on preparing for that.

MR. KERREY: Rich, help me on this one, I've been living in the city for a little over three years and you know, one of the things I know is it's hard to figure out where everything is because you're--the buildings are awful tall, I have to stop looking up and rubbernecking all the time. And we heard Joe Morris earlier and we heard other people as well talk about how--they could see what was happening as long as they were watching television, but the minute they got down to the World Trade Center site, they didn't have the eyes to be able to tell what was going on, and I'm wondering if you think as a consequence of that, the city shouldn't have UAVs or some sort of eyes in the skies that give us the capability of doing that, and I wonder if in your sort of post mortem analysis you haven't said maybe that's something that we should have done after 1993?

MR. SHEIRER: I think that what we need to take a look at on the technology side is the communications issue, a critical issue, has been--not from 9/11, for decades, public safety communications, the lack of spectrum for them, the ability--we fought for years, even when I was in the fire department, to get additional radio frequencies. There's much competition, as you know, for the limited spectrum space. Hopefully there'll be a change in that. Public safety needs that spectrum. You heard Tom talk about the limited number of handy talkie frequencies they have to operate on, that's a product of spectrum. The technology that's available for command and control. Much of the technology that the military is now using, I think the Department of Homeland Security and they're looking at new technology, has to look at that and see how those applications can be used in our country. We, in hindsight, looking from September 11th on, we have to think very differently. We can no longer think that acts of terrorism like this was simply something going to happen to other people and not us.

I had lived through '93 in the pit of the World Trade Center. I lived through '97 when we had a small group of bombers that had planned to blow up the subway. We now know that the technology is there, the military uses it, we have to think about how we can use that technology to better equip the first responders to ensure the quality of life and safety, if another event like this happens, and what usually happens then is you plan for those catastrophic events, they help you in the smaller, the every day emergencies.

One of the things that enabled us to respond on the 9/11 and the days and weeks afterwards when we lost our entire infrastructure on lower Manhattan, was our experience with water main breaks and power outages and telephone disruptions. I mean we have to look at IT disruptions, what they can do to us in everyday life, and ask to be more focused on that.

MR. KEAN: Senator Gorton?

MR. GORTON: Mr. Chair, the phrase Office of Emergency Management is somewhat of a misnomer, is it not? You worked on training, on coordination and the like, but when you got to WTC One, you were not managing the incident, were you? You did not have command authority over the police or the fire department personnel there?

MR. SHEIRER: Absolutely not. Absolutely not. And the Office of Emergency Management serves a variety of roles, as you say: planning, training, practicing. But there's also the execution role. And at the Trade Center it was my job and my responders at all the various command posts to make sure that the fire incident commander had everything that he needed. If he had a question, he could turn to us and we would find out the information.

The same with the police incident commander. And our job was to make sure that if they needed anything and there was a coordination issue, we could do that. OEM should be invisible. OEM should be there so that the Incident Commander does not have to worry about extrinsic things beyond what their mission is during that mission.

MR. GORTON: Now, in your testimony, however, you said that OEM is seldom the Incident Commander. Are there circumstances under which it is Incident Commander?

MR. SHEIRER: There are circumstances, very rarely and remotely. When you have a citywide or an area-wide blackout, the OEM Emergency Operations Center becomes the central commander center. The utilities are there, you're able to deal with them. The levels of different issues that you're dealing with is such that it spreads over all the agencies. Each individual agency is responsible for what they do. I would never ever consider that OEM would tell the police department, you do it this way. What we would tell the police department, we need this done. That's the role of OEM.

I'll give you an example. At a major water main break, while we're not the Incident Commander, technically it's the Department of Environmental Protection. But the Department of Environmental Protection's expertise is shutting down the water and getting it restored. It's not getting the schools in the area relocated, it's not transportation, it's not an evacuation of buildings, it's not in perimeter control. So in those instances, OEM would take that role as the Incident Commander and work with the other agencies, and each of them would do what they're supposed to do.

MR. GORTON: And you think that the functions that you've outlined are the appropriate functions for OEM?

MR. SHEIRER: Absolutely. I think that--you have to remember my background. I spent 28 years in the fire

department, starting as a dispatcher in communications. I spent four years at the police department. So I have a real wide breadth of knowledge and understanding not only of what the departments do, but of the culture.

And, you know, you talk about the competition of police and fire--you know, everybody who knows me, I always talk about my five sons. You know, there are days that they're great together. You don't have to do anything. They're having a wonderful time. But there are days that they get that burr that --you don't know what's causing it, but they can't deal with each other. And it takes an outside person just to put them back on track and back out and get out of their way.

I've seen that. These are very--these are the proudest agencies of public safety in the world. They are the best agencies of public safety in the world. I've seen them literally walk through fire. I've seen guys like Joe Vigiano, that Bernie spoke about, who I know, and I knew his father very well, John Vigiano, who's a retired fire captain. There's a lot of pride. But sometimes you get the occasional--as your staff said, the occasional knucklehead that can create a problem. And that's where OEM is very good. Low profile, neutral, able to get things back on course, back out of the way and get the job done.

MR. GORTON: Thank you.

Commissioner Kerik?

MR. KERIK: Yes, sir.

MR. GORTON: One of the truly agonizing elements of the presentation this morning had to do with 911, the only way for many of the civilians--most of the civilians--to have any communication. And yet 911 didn't know what to tell them to do. Some imaginative ones later on said, yeah, do get out of the building, even though that wasn't policy. Was there anyone in September of 2001 in the police department in charge of having some kind of overall view of what was going on and communicating that with 911 people so that 911 people could provide up-to-date and valuable information to people who called in?

MR. KERIK: There is a 911 supervisor that's on duty around the clock with each shift, or each tour, and I'm sure there was a 911 supervisor there on that day. Whether there was communications from the field to that 911 supervisor, I

personally don't know if there was communications, and I'm sure this is something your staff is looking at now.

MR. GORTON: Okay. Do you know whether there's been any change since September 11th, 2001.

MR. KERIK: No sir, I do not, and I think Commissioner Kelly could probably address that.

MR. GORTON: Commissioner Von Essen, 911 was not a part of the fire department, but did the fire department on September 11th, 2001 have any institutionalized way, any formal way of communicating what was going on to the best of their knowledge with 911 so that 911 people could properly advise those who were calling in frantically asking for advice?

MR. VON ESSEN: Institutionally, I really don't know what you mean.

MR. GORTON: Well, was there someone in the fire department whose duty it was to see that 911 was kept up to date?

MR. VON ESSEN: The fire department dispatchers or the 911? There's two different centers. You know, if you understand how--

MR. GORTON: No. I just want to know whether there was someone in the fire department whose duty it was to tell 911 supervisors in another entity what was going on so that those 911 operators could properly advise people who called in. Was that a fire department function?

MR. VON ESSEN: I would believe that the supervising dispatcher would be responsible for doing the best he could in that area.

MR. GORTON: Do you know whether or not that kind of communication was in fact taking place on that morning?

MR. VON ESSEN: I have no idea.

MR. KERIK: Mr. Gorton, if I may, the one thing I left out, and I think this is something that should be looked at. There is a 911 supervisor on every tour, as I indicated. Those supervisors also monitor every frequency. So, for example, the Special Operations Division frequency, which consists of the

harbor unit, aviation, the emergency services personnel, that frequency is monitored by that supervisor that's on duty. So people--

MR. GORTON: Were they monitoring fire department frequencies as well?

MR. KERIK: I cannot say, sir.

MR. SHEIRER: I can tell you, sir, that normally they wouldn't. You know, coming from a communications background, the procedures within the Fire Dispatch Center, fire dispatchers receive a significant amount of training on how to handle calls from persons in distress in a high-rise fire. There were basic principles that they follow. 911 operators also have a standard procedure for giving information on a high-rise fire. Whether they had available to them immediate updates I couldn't--the fire department--

MR. GORTON: Seems to me you just told me, did you not, that the 911 supervisor would not normally be tuned into fire department frequencies.

MR. SHEIRER: No. You have to remember that they would be--the amount of activity, the frenetic activity in terms of communications, both in the police department and in the fire department, was exponential from what normally happens. When you listen to those radio tapes, the people in the field and the people in the communications offices were dealing with numbers of transmissions, radio transmissions, that in my years in public safety I have not heard. Just the sheer amount of activity, where people were stepping on each other. They're trying to deal with each agency's response and activities.

MR. GORTON: I understand that, but I am even more troubled now than when I began this series of questions. (Applause.) There is no one then or now at 911 who is just regularly assigned to listen to all or as many communications, both from the police department and fire department as possible in order that the 911 operators can pass that information on to victims? Is that what you're saying, that no one has that duty?

MR. SHEIRER: I can't tell you. I think, as Commissioner Kerik said, you'd have to ask Commissioner Kelly.

MR. KERIK: Mr. Gorton, I think the answer for today is you have to ask Commissioner Kelly and Commissioner Scoppetta. You have to ask them what's going on today.

MR. GORTON: All right, but I'm asking you--

MR. KERIK: I can't answer that.

MR. GORTON: I'm asking the two of you what was going on September 11th.

(Applause.)

MR. KEAN: Ladies and gentlemen, we're going to run out of time if you continue.

MR. KERIK: On September 11th there was a supervisor in 911. That supervisor has the ability to monitor SOD's radios for the NYPD. Whether that supervisor was listening to the fire department radio, I cannot say. I know your investigators are looking at it. I cannot say.

MR. GORTON: Okay. But that supervisor didn't have the duty to do so? Only had the duty to be on police frequencies?

MR. KERIK: That may be the case.

MR. GORTON: Thank you, Mr. Chairman.

MR. KEAN: Commissioner Ben-Veniste.

MR. BEN-VENISTE: Let me follow up on Senator Gorton's question. But before I do, I would be remiss if I did not, as a native New Yorker, express my appreciation to the NYPD and the New York Fire Department for the extraordinary efforts that were made on 9/11. And while we hope to learn from the imperfections that existed systemically at that time and improve our ability to react to disasters and hope that New York--as it has been for many, many decades the beacon of cutting edge technology and practice for the rest of the country. At this point I can only say that I am humbled by the individual efforts of heroism that we have seen recounted time and time again in looking at the history of 9/11.

MR. VON ESSEN: Thank you, sir.

MR. BEN-VENISTE: And with respect to the question that Senator Gorton asked, I think the legitimate follow-up is, not withstanding what was in place on September 11th, 2001, regarding 911, and recognizing that this is the place that we are all trained to go to to find out information and to report information. So it's an interactive process. When you call 911 if something bad happened, what do we do? The what do we do part was obviously lacking, as far as we can tell, on 9/11, so that people who were calling in information which other people would benefit from knowing on that day were not having that information processed in an interactive, effective way.

Going forward, does it not make sense, as Senator Gorton suggested, that a process be in place so that in circumstances of significant emergency, 911 becomes the go-to place where not only you report information but you receive information, that the 911 supervisors become the contact point for receiving instructions which should then be given to callers who call in in such circumstances?

MR. KERIK: I think, sir, that that should be the case. There is two elements to 911. One is the operators. The second element is the dispatchers. There's a police supervisor that oversees them. I honestly don't believe that it should be that police supervisor that acts in the capacity that you're talking about at this point. But I think in an emergency such as this or a major crisis, there has to be an element or should be an element possibly put in place that a command level police supervisor winds up in 911 to interact with the command level personnel in the field. And that way there's direct communications command-to-command, and that information could be relayed down to the operators and the dispatchers, operators dealing with the people calling in, dispatchers dealing with the command and the field personnel in the field. I think that may be feasible.

Yes, sir.

MR. BEN-VENISTE: And, Commissioner, should not that individual who would then be charged with synthesizing information have authority to receive and should, in fact, be receiving multi-source information, not just from one department --at least under the current system--that can then be integrated and passed along to 911 operators so that they can provide effective information to people calling in?

MR. KERIK: Yes, sir.

MR. BEN-VENISTE: Thank you.

Mr. Sheirer?

MR. SHEIRER: I would just like to add that in a post-9/11 world, where the prospect of having these types of events of this magnitude--I don't believe any time in our history did we have three five alarm fires plus additional two alarm fire in a sixteen acre area, with tens of thousands of people calling not only from within the complex but from miles and miles away. I don't know if there's any communication system in existence that could handle that kind of activity.

MR. BEN-VENISTE: Well, Mr. Sheirer--

MR. KEAN: This is the last question, Commissioner.

MR. BEN-VENISTE: --it could be worse. It could be worse in the future, so that we need to plan for an emergency system that will be able to respond effectively to advising people, and it may be that there are other--going over emergency networks, radio networks, Internet networks, a multimedia response to providing information such as we have had in place in this country for a long time, but it needs to be accessed and accessible, it seems to me.

(Applause.)

MR. SHEIRER: I believe that's being worked upon, but you're absolutely correct, we need a way to get out mass information quickly, accurately. And if you can't talk to each individual person, there has to be a way to try and make sure that you can convey the situation and what to do.

MR. BEN-VENISTE: Thank you, Mr. Chairman.

And thank you, gentlemen.

MR. KEAN: Commissioner Lehman.

MR. LEHMAN: Thank you.

Gentlemen, I'm aware of the history and of the traditions and of the politics that have shaped the public service agencies in this city over many, many years, and I agree with you all that we certainly have the finest police and fire

departments, Port Authority Police, anywhere in the world. And as you said, Mr. Sheirer, they're the proudest. But pride runeth before the fall. And I think that the command and control and communications of this city's public service is a scandal.

(Applause.)

MR. KEAN: I would ask the audience--you're just taking time away from the hearing when you do that, so please, do not.

MR. LEHMAN: It's not worthy of the Boy Scouts, let alone this great city. It's a scandal that you, as the emergency preparedness manager, did not have line authority to select--find the best technologies of radios and dictate what would be procured to solve these problems instead of being a kind of an auxiliary advisory service. (Applause.) I think it's a scandal that the fire commissioner has no line authority. It's a scandal that there's nobody that has clear line authority and accountability for a crisis of the magnitude that we're going to have to deal with in the years ahead. It's a scandal that after laboring for eight years, the city comes up with a plan for incident management that simply puts in concrete this clearly dysfunctional system.

(Applause.)

I would like to hear from each of you why there shouldn't be a commissioner of public safety with line authority? Why there shouldn't be a procurement agency that can solve these interagency problems? It's not rocket science. It's just overruling the pride of the individual agencies. Why there can't be regional commanders, joint commanders, like the military has? If something--you already have it partially with the Port Authority. Something happens at LaGuardia, the Port Authority is the on-scene commander.

Why can't you have the same thing so that you don't get into fistfights over who's in charge when it's an ambiguous situation? Whoever is in Tribeca is designated, whether it's the police chief or the fire chief or whether--on any incident, until it becomes clear and then he makes clear line authority. Why do we have to live with this lack of line authority and this hope that everybody is going to get along and work it out?

MR. KERIK: I'll start, Commissioner, if I may. I have to say there is no lack of line authority in the New York City

Police Department. If I tell one of my commanders to do something and he refuses, he will be terminated. The authority that the police commissioner has--

MR. LEHMAN: I'm talking about a--

MR. KERIK: The authority that the police commissioner has is very different than the fire commissioner, and I'll let Tommy talk about that. But that has a lot to do with the laws of New York City and the negotiations of unions and other things. In the New York City Police Department, I appoint every commander from captain up. From captain to deputy inspector, inspector, deputy chief, assistant chief, bureau chief, chief of department, and first deputy.

MR. LEHMAN: You missed my point. I'm not criticizing any of the agencies. I think they do have very fine line authority and accountability. I'm talking about amongst the agencies. Like in the war today in Iraq, we have the Central Command has the top line decision making about who's going to do which task. Most other big cities in this country have a public safety commissioner with line authority to say, you're in charge of this. You don't have to read through and get a Talmudic scholar to interpret what the core competencies are in a given situation. It's not complex.

MR. KERIK: Well, I would say this. I can't go through each individual ones, but I know most of the other big cities. They don't have public safety directors. Chicago does not, LA does not, Miami does not, New York City does not. And I think the reason being, from my perspective is, line authority has to do with individual departments and we do two different very separate and apart jobs. When we have to respond to jobs that we're going to work on together, then there has to be a determination what jobs each of us will handle. But we don't have line authority across the board because we're not the same type of agency. It's not like the military.

The military is all focusing on one operation. We're not. We don't do that. I don't do stuff the fire department does, I do other stuff. And the fire department does their thing. Well, if we have to work together, well then so be it, and we come up with conclusion on what are the specific things we will do with those different functions, such as the mayor's - the most recent order by Mayor Bloomberg and the 1997 order by Mayor Giuliani.

Then, when those determinations are made, who's gonna do what, who's gonna act as the event or Incident Commander at the scene. I have a very simplistic rule. If my guys don't do what they're supposed to when they get there, then they'll answer to me, period. That's command accountability and that's the way that we operate.

MR. VON ESSEN: I couldn't disagree with you more. I think that one of the criticisms of this committee has been statements like you just made, talking about scandalous procedures and scandalous operations and rules and everything else. There's nothing scandalous about the way that New York City handles its emergencies. We had strong leadership with the mayor. We had strong leadership with the fire commissioner, and the same with the police commissioner.

When you talk about line authority with the fire commissioner, I don't know what you mean. There's a chief of department that's responsible for the operations and the safety of the firefighters and all the chiefs at the scene. The fire commissioner is not in charge of that. He's in charge of everything else. He's in charge of deciding what money gets spent on resources, what's available, decisions on procuring radios and getting money for training, building new firehouses, getting equipment, the best equipment we can get, clothing, everything else. Those are decisions made by the fire commissioner with the interests and the conditions he has to deal with, the budget, where the strong mayor decides what's going to be.

There's been talk about having a public safety commissioner in New York City in the past. We went on with that for years. People think you should, people think you shouldn't. That's a management decision that the mayor should decide whether he believes it's necessary. When you have a strong police commissioner, a strong fire commissioner, good fire chiefs, good police chiefs, you don't need that

You make it sound like everything was wrong about September 11th or the way we function. I think it's outrageous that you make a statement like that. We operated--(applause)-- we have thousands of fires--thousands of fires, thousands of fires where our operations worked, where we worked together. Hundreds of collapses and operations where we worked together with the police department.

Yes, were there isolated incidents where a police officer, an aggressive emergency services guy and an aggressive guy from our rescues is trying to take control of an incident, yes, and we worked all of those out. OEM came in, OEM was that arbiter for issues like that. When we couldn't agree with OEM, OEM went to the mayor and the mayor made a decision. That was strength and that was leadership and that's what we did, and we proudly did it, and it goes throughout both departments, from top to bottom.

MR. SHEIRER: I want to add several things. On September 11th there was no more coordinated effort than there could have been. And with all the criticism that has been made, I've yet to hear a single instance where anybody shows me anything that where the agencies did not work together and coordinate their efforts. I strongly urge--I have a very strong background in communications and I urge the Commission to take a very close listen to the tapes on all the various agencies, and very carefully listen to them, because there's a lot of cross communications regarding relaying information, conferring with each other that I haven't heard about until I sat down and listened to six hours because I keep hearing that we didn't do that.

In terms of radio systems, if you can find a way for us to get more spectrum, please do, because public safety has been fighting in this city since 1989 when I was in communications to get additional radio spectrum to allow for greater interoperability, to provide additional frequencies to meet the needs of the public in this city, to provide the fire department with additional fire ground handy talky channels for a changing world, and we were unsuccessful. But it wasn't unsuccessful for a lack of trying. It was unsuccessful because the bureaucracy that awards those frequencies has chosen to give them to media, has chosen to hold them away from public safety, has chosen not to address the issues. And hopefully now we're very close to seeing that addressed.

Right now--a few days ago this city had a drill and they used a piece of equipment called the TRP-1000. The TRP-1000 is there because we sought to find a way to have the fire department and the police department to be able to communicate. They are on 10 different frequencies that you can't talk to each other. There's no way, right now, with the exception of this new piece of equipment that was tested last week, for them to talk. And it takes time to develop, it takes time to procure, and with the help of DOJ we did that.

But to say that we haven't done that, that's just not true. That's just not true. There are very few incidents where the police department and the fire department have to turn to OEM as an arbiter. We had anthrax incidents day in and day out for a period of time. In one day we had eight anthrax incidents. The police department and the fire department worked hand-in-hand, where the FBI should have been the Incident Commander, but we handled that in the city and we worked hand-in-hand. There was no problem and there is not necessarily a problem. It's an individual problem.

But we're no different than any other city. And if you think we are, then you're really being foolish. But I think you should take a very good, careful look on 9/11 and see what issues of coordination or lack thereof existed, because I have yet to be shown a single concrete instance. I've heard rumor, I've heard speculation, but when you dig at the facts you find that is wrong.

MR. KEAN: Commissioner Gorelick?

MS. GORELICK: Thank you, Mr. Chairman.

Let me say this at the outset. Nearly half of this panel either lives in New York or was born here--probably true of half the country--and we have affection for the city and a passion about it. And so I would start out by noting that the bravery and the courage of the men and women that you led in the face of unspeakable humanity and horror has been impressed upon us in a dozen ways. And what you saw this morning or what people here this morning saw is just a small fraction of the information that we have gathered about the bravery and selflessness of the people whom you've led.

We have to ask hard questions though, because, if we don't, we cannot ensure greater safety from this day forward. So the hard questions that we're asking are in no way in derogation of the reality of that heroism and that bravery. And I just want you to understand that as we ask these hard questions.

In fact, our staff has found lots of miscommunication. Now, a lot of that is attributable to the sheer magnitude of these horrific acts and the targeted towers which were so huge and concentrated. To be sure, extraordinary, but nevertheless the staff has found fissures between stovepipes, just as we have

in the federal government, but fissures between stovepipes within the New York City government that we need to explore. Whether it is about the interoperability or lack thereof of radios or the too narrowly construed role of the 911 operators, these are real problems.

I want to drill down on one of them which has to do with this notion of what is an incident commander. To a lay person, the notion that Mayor Guiliani designated who would be an incident commander in each situation suggests that he thought that where there was an emergency one person would have the lead, even if it meant that they would have the lead over a different agency. Now maybe that's not true because, Mr. Sheirer, you have talked about the Incident Commander for the firemen and the Incident Commander for the police, whereas I would have thought there would have been one.

So I have really two questions for the panel. One, in the procedures promulgated by Mayor Guiliani which seem to list one--one entity as the Incident Commander for each type of event, was it your understanding that one person should be the Incident Commander? And the second question I have is if you look at the procedures promulgated last Friday by Mayor Bloomberg, instead of listing one for each type of incident there's now a list of two or three or, in some cases, four or five lead incident commanders for a particular incident. And so my second question is, is this an improvement? Who would like to start?

MR. VON ESSEN: I'll take part of it. Mayor Guiliani worked to coordinate all of those responses, all those protocols. He would ask all of us what we thought when there was a question that came up. He would listen to my best argument and I would bring with me the best chiefs that I had to make the argument, then he would throw me out and he would have commissioner--say, former Commissioner Kerik come in with his best chiefs and they would make their argument, then he would sit down with Jerry Hauer or Richie Sheirer whenever at the time was, and whatever it was it worked, and--

MS. GORELICK: It would make--let me interrupt so I can understand. You're talking about he would do this in real time when there was an incident?

MR. VON ESSEN: No, no, certainly in an incident.

MS. GORELICK: You're talking about a policy judgment.

MR. VON ESSEN: These are when we were trying to work out the protocols that would be signed off in place when you had situations. You talked before--you asked Joe Morris about plane crashes.

The way we understood it, a plane crash--on land the fire department was in charge, a plane crash in the water NYPD was in charge because NYPD had a much more sophisticated harbor unit, helicopters where they could drop divers into the water, a much greater scuba team, scuba operation than we had at FDNY.

MS. GORELICK: Let me interrupt just for some clarity. So it was your understanding prior to 9/11 that if there was a plane crash on land, the Incident Commander would be the fire department, is that correct?

MR. VON ESSEN: Yes.

MS. GORELICK: And so why is it then there was a separate police incident commander on 9/11?

MR. VON ESSEN: You have to remember how big an incident we had. The police mission on 9/11--Bernie should talk about the police mission.

MR. KERIK: Yes, let me--there was a separate police incident commander, and the event commander for the NYPD was Joe Esposito who was the chief of department. He was not running the event or the incident, he was doing everything else that the police had to do. We had to secure the scene, we had to create safety zones, we had to secure the rest of the frozen zone downtown, we had to deploy our troops. Well, that's what the chief of department was doing. The Incident Commander for the event, the overall event, was the fire department.

MS. GORELICK: So when your ESUs, the special groups that went into the World Trade Center, were they supposed to report to the Incident Commander from the fire department and say sir, here I am reporting for duty. What do I do? Tell me what to do.

MR. KERIK: They would be deployed on the initial mobilization. I think you heard earlier today they talked about a level 4 mobilization. When that mobilization occurred, different units come from the five boroughs including Emergency Services. When they get downtown, their commanders downtown

will say okay, emergency service truck 1, truck 2, whatever they are, you're going into the building. You two teams are going over here. Well, the guys that's going to the building, they will report to the fire commander, whoever's in that building and say we're here, what do you need? And that's the way they operate. And we saw--I saw video this morning of where that occurred. They went into the building and reported to the fire commander. That's the way they're supposed to operate.

MS. GORELICK: So let me move on then because I only have a very limited time--

MR. KEAN: This is the last question.

MS. GORELICK: Yes. I'm only reiterating my second question from before, Mr. Chairman.

MR. KEAN: Accepted.

MS. GORELICK: I'm not a New Yorker for nothing.

(Laughter.)

So is it helpful then to go from a situation where there is at least facial clarity on which one of your departments would have been the lead commander for the incident in the World Trade Center to one in which there is a jump ball? Is that helpful to have people have to have a discussion when there's an aviation incident among the police department, the fire department and others as to who is in command?

MR. KERIK: Ms. Gorelick, I was the police commissioner from August of 2000 to December 31st of '01. In the time I was the police commissioner I never had a problem with the protocols. So I've never worked under the new protocols and I think, you know, those determinations were made by Commissioner Kelly and Commissioner Scoppetta in conjunction with the mayor, Mayor Bloomberg.

MS. GORELICK: They're next.

MR. KERIK: So I think they're the best ones to answer the question.

MS. GORELICK: Anyone else want to answer that question? I guess not.

MR. KEAN: Commissioner Thompson?

MR. SHEIRER: I want to add something. I'm going to jump into the pool without the water being in there.

MR. KEAN: It's a very fast jump though.

MR. SHEIRER: It will be a very fast jump, Governor. The only way that that is a unified command where agencies have very different functions and there can be this tension of who's in charge, the only way that works is if you have a very strong and empowered Office of Emergency Management. If you don't, it won't, period.

MS. GORELICK: Thanks very much.

MR. KEAN: Governor Thompson?

MR. THOMPSON: Mr. Chairman, Commissioner Sheirer has earlier answered my questions.

MR. KEAN: You have none?

MR. THOMPSON: Right.

MR. KEAN: I'll just ask one final question really just of Commissioner Kerik. We've learned in Washington that, that summer before the tragedy occurred there was a very high level of threat coming in, particularly in July. And intelligence agencies were full of talk of this threat and what it might mean. Was that communicated to you that there was a heightened sense of security? Did that sense in Washington--somebody called you or called your department and said look, we don't know what it is but something's going to happen and we're very worried and you ought to be on high alert?

MR. KERIK: The threat that you're talking about was in the summer of '01. It was during the course of the time I think that I was revamping our intelligence division in the New York City Police Department and basically I think that intelligence base would serve as a model to the federal government and others on creating a central clearing house for intelligence, taking every federal database and putting it into one centralized center. Well, that's what we were doing in the NYPD and during that course of time, I had met with and attended a terrorism meeting with the International Association of Chiefs in Washington.

John O'Neill was at that meeting and we had a long discussion and he basically said then there's an enormous amount of chatter. There is something that's going to happen. It's going to be big, it's going to be enormous. His assumption at the time and what he told me personally and what I heard sort of through others, but I trusted his insight, they honestly believed whatever was going to happen was going to happen outside of this country.

And regardless whether they thought it was outside or inside, it doesn't take away the alertness or the awareness that we had dating back to 1997 and 1998 when the mayor closed down City Hall and implemented different steps to raise our alert status to BRAVO in the city in anticipation of a problem. But I did hear. I just didn't hear it was about New York.

MR. KEAN: I was just interested in how the communication worked from the federal level or your level and I'm glad there was some communication.

MR. KERIK: Thank you, sir.

MR. KEAN: The last question is from Congressman Roemer.

MR. ROEMER: Thank you, Mr. Chairman.

I'm not a native New Yorker and I certainly have a great deal of respect for the great citizens, first citizens of this city who were first responders in many ways and helped save tens and dozens and hundreds of lives.

A lot of respect for the three of you as commissioners that showed heroic actions toward your fellow citizens and helped saved people's lives as well. And I'll never forget reading the eulogy delivered by the father of a firefighter who happened to be his son. And the last words in this eulogy given by the father about his son was, "He is now in good hands. I wish he were in my hands."

I'll never forget that. And one of our missions is to try to make sure that while you helped save thousands and thousands of lives, if we can save 100 with our recommendations the next time, if we can save 50, if we can save a dozen or one, we want to do it. And we're not here to blame the three of you or anybody else, but to find answers, learn and fix it because

we know they're coming and we know they might be coming back to New York City.

So along those lines, Mr. Sheirer, I've got a question for you, a question for the other two commissioners. I'll be very brief. For you, Commissioner Sheirer, there was a decision made to locate the Office of Emergency Management at the World Trade Center building 7, right in the nest of where the terrorists had struck in 1993. Why put it in one of the most likely places where people are going to come back and hit us again and where it could be knocked out and not help us save lives? That's the first question.

MR. SHEIRER: First I just want to make a quick comment. I think I speak for all of us that you're speaking to the choir. We lived through this. We know these families. We lost friends and colleagues. Nobody here feels as strongly about this other than the people behind us who lost their loved ones than we three do. On the issue of the location of the OEM, I was not involved with that decision.

MR. ROEMER: Did you agree with it?

MR. SHEIRER: You're going to have the opportunity--

MR. ROEMER: Did you agree with it?

MR. SHEIRER: You're going to have the opportunity to ask the person who's most responsible for that--questions about it tomorrow. I did not agree with it. I will tell you why I did not agree with it. I did not agree with it for the very reasons that you said. I did not agree with it simply because it was on the 23rd floor of a building. And do I look like a guy that wants to walk up 23 flights?

(Laughter.)

You know, and tell me that the elevator's going to work. Yeah, Murphy was an optimist. It'll work. It won't work the time I'm walking up 23 flights. OEM should be located in a hardened and secured location. I understand the reasoning for putting it there, to get it there quickly. It was the most technologically advanced center. When I became director, I will tell you there was no better emergency operations center. None. None in the world. The military came there, everybody came there. I have to give Jerry a lot of credit. That center was

the most technologically advanced. It allowed us to deal with anything.

The only problem is it had to be available to us when we really need it. And you really have to think beyond that simple location for that simple day. It's not simply 9/11, it's much further than that. It's every city in this country when they locate them in a common office building and don't think of what they're doing because oh, they just need a little office space. You need to make the commitment to understand this is a vital, vital facility. It should be in a hardened, in a secured facility that people can walk up if there's no power, that people can get to in the event of weather--that nothing should impede your ability to use it.

MR. ROEMER: Thank you, Commissioner. I wish that wisdom had prevailed.

Commissioner Von Essen, you had, according to the interview you conducted with the 9/11 staff, one of the last conversations with Ray Downey, an expert--very, very respected expert on building collapse and he says something to you along the lines of, "Boss, I think these buildings could collapse." How does that inform your decision-making or your communication with other people and what is the context of this remark?

MR. VON ESSEN: He said that to me, it was right after the second tower was hit. We were still in the lobby. We all heard a rumbling. We didn't know what it was, then it was confirmed that it was the second tower. It was also confirmed that the Sears Tower was hit, that the Mall of America was hit, that the Pentagon was hit and that there was another plane that wasn't accounted for.

So you couldn't really go by confirmations. You know, misinformation in the heat of battle like that is very--is common. But we knew that the South Tower had been hit. And Ray said to me just--and what always gave me strength afterwards was that he was so knowledgeable, and if there was a person in the country that you would go to to ask for advice in a situation like this, it would be him. Of all the hundreds of phenomenal fire chiefs in the country, Ray was top of the line when it came to special operations and collapses and things like that. So for him to say to me so matter-of-factly, just looking at me and saying, "Boss, these buildings can collapse"--and it wasn't, you know, like he would say to me in a different situation, "Tommy, get everybody out of here, make sure that the mayor knows, make

sure Ganci knows," you know, it wasn't like that. It was, "These buildings can collapse," which gave me the sense that there was a lot of time that we had to do what he wanted to do and that was to get everybody out. And he knew we had guys that were way up and he knew we had to get them all out.

And I truly believe that these chiefs, and there's no better, so you can make your experiments in a laboratory, in a classroom or wherever, but people in the scene, in a battle, like your generals in battle, these chiefs made decisions based on their best information, their best experience. You lost tremendous experience that day. These guys thought they had a lot of time. Maybe it was going to be later that afternoon, but it could come down but they had time to effectuate the rescue and get our own guys back out.

MR. ROEMER: Well, I appreciate that, and we certainly lost the experts in the world in two areas, John O'Neill and Ray Downey.

MR. VON ESSEN: And many more.

MR. ROEMER: There were no better advisers.

Finally, Commissioner Kerik, you say in your interview with the 9/11 Commission, you're very helpful to us in talking about how poor the communications are that day. You complain about not being able to call the mayor on his cell phone. You talk about Special Operations Division having problems communicating, and you even say that many people don't even know in the North Tower when the South Tower collapses.

I would think that this would galvanize this community to really do something about this issue. Commissioner Sheirer said about an hour ago, the problem's still not fixed. We still have problems trying to get the dedicated bandwidth and the spectrum. What can galvanize this community to talk about one of the basic problems and trying to make sure the next one doesn't result in thousands of people dying, and that's improved communications. I would hope we would all gather together to address this. Is there some way you can lay out an answer and get some of the people in office now to address this issue?

MR. KERIK: I think it is something that's being looked at and has been looked and continually looked at since 9/11, particularly with all the focus on it. But I just want to remind the Commissioners, on 9/11 there were major

communications problems. But the people behind me and the people in the public and the people on this commission, they should also know that they weren't necessarily problems. A lot of those problems didn't occur from radio frequencies. You know, when the towers went down the cell sites were lost. I had communications with the mayor on the way to the scene, when I got there they were gone. As the cell sites dropped, so did the communications. We operated on Nextel, then Nextel dropped. Then they came back up. And the thing with the walkie-talkies-- listen, I'm not an expert but I can tell you this: go to any of the communications companies out there, go to the best. Go to Motorola, go to the best there is.

Show me one radio, show me one radio that they will guarantee you this radio will go through that metal, it'll go through the debris, it'll go through the dust. You will have 100 percent communications 100 percent of the time. There is none. There is none. It's been two-and-a-half years. Show me one today. Everybody's looking at it. There is none. So there's a number of issues, but it is something that people are looking at.

MR. ROEMER: Thank you, Commissioner. I just think we really have to solve that. We can't go year after year after year saying we're close.

Thank you, Mr. Chairman.

MR. KEAN: I would ask now if our guests in the audience would remain seated just a moment so that our panel can leave.

Thank you very much, all of you, for your testimony and your help.

I've got a couple of announcements that are important. If you exit the building during the lunch break you will be required to pass through the magnometer security checkpoint and re-entering the hearing. And when you do that, you must have the badge that was issued upon entry this morning in order to re-enter the auditorium. And for security reasons you may not leave any bag or personal items in the auditorium during the break. They will be confiscated by security and you'll have to find them someplace, I don't know where. So please take any personal items with you.

If you are leaving for the day, as I know some of you are, and don't plan to return, please turn in your badge to a staff member at the table located at the front of the building because we'd like to reissue that badge. There are people waiting outside who would like to get in for the afternoon session.

Thank you very much.

We're going to reconvene at 2:15 p.m. this afternoon.

ELEVENTH PUBLIC HEARING OF THE NATIONAL COMMISSION ON TERRORIST
ATTACKS UPON THE UNITED STATES DAY ONE, AFTERNOON SESSION
CHAIRMAN: THOMAS H. KEAN VICE CHAIRMAN: LEE H. HAMILTON SUBJECT:
EMERGENCY RESPONSE WITNESSES PANEL III: RAYMOND W. KELLY,
COMMISSIONER, NEW YORK POLICE DEPARTMENT; NICHOLAS SCOPPETTA,
COMMISSIONER, FIRE DEPARTMENT OF NEW YORK; JOSEPH F. BRUNO,
COMMISSIONER, NEW YORK CITY OFFICE OF EMERGENCY MANAGEMENT
LOCATION: 216 HART SENATE OFFICE BUILDING, WASHINGTON, D.C.
TIME: 9:00 A.M. DATE: TUESDAY, MAY 18, 2004

MR. THOMAS H. KEAN: If I can call the hearing to order. The eleventh hearing of the National Commission on Terrorist Attacks Upon the United States hereby resumes.

I'm glad to see our third panel is here with us today and has some very familiar faces to us all, we admire. We welcome Raymond W. Kelly, commissioner of the New York Police Department, Nicholas Scoppetta, commissioner of the New York

Fire Department, and Joseph F. Bruno, director, New York City Office of Emergency Management.

Gentlemen, would you please raise your right hand? Do you swear to tell the truth, the whole truth, and nothing but the truth.

(Witnesses sworn in.)

Thank you very much. Commissioner Kelly, would you like to start off? Or Commissioner Scoppetta. Whatever order you all would like.

COMMISSIONER NICHOLAS SCOPPETTA: We have kind of agreed that I would be the first lamb.

(Laughter.)

So let me just start by saying good afternoon, Mr. Chairman and Commissioners, and thank you for your efforts during this hearing to improve public safety in this nation and in this city. I'm pleased to discuss the fire department's progress towards enhancing our preparedness since 9/11. As you know, I became fire commissioner on January 1, 2002.

We've submitted a comprehensive written statement and a copy of our recently released Strategic Plan for 2004-2005. The first strategic plan, I might add, that the fire department has ever published in its nearly 140 year history. These documents detail our new initiatives, training programs and technological advancements and I'll try to hit some of the highlights in the few minutes we have.

In the aftermath of the World Trade Center attacks, and the loss of 343 members with over 4,400 years of accumulated collective experience, the New York City Fire Department faced an enormous challenge. We needed to simultaneously conduct a massive recovery effort at the World Trade Center site, replace lost equipment, hire and train new personnel, attend hundreds of funerals and memorial services, and begin the difficult process of developing new strategies, procedures, training methods and technologies to enhance our preparedness for the new challenges of terrorism. More than two-and-a-half years later, I am proud to say that the department has made substantial progress, exhibited exceptional bravery, dedication and honor in performing all of their tasks. I think we're more prepared

today to respond to major acts of terrorism than we were on 9/11.

To enhance preparedness we first needed to restore the department to its former strength. This has been accomplished by replacing all 91 pieces of apparatus and equipment lost on 9/11. We've hired and trained 2,668 new firefighters and promoted 1,543 officers to fill the vacancies left by the devastating effects of 9/11 and the subsequent retirements for medical and other reasons that we experienced. So our new members and newly promoted supervisory personnel are bright, they're talented, they're dedicated but they are very inexperienced.

The relative inexperience of our workforce makes training more vital than ever before. Across the ranks and in every division and unit we are providing appropriate levels of terrorism response training. For instance, all uniform fire and emergency medical services, EMS members, have received at least eight hours of terrorism response training. All new firefighters receive 40 hours of combined hazardous material and terrorism awareness training and officers are receiving up to 40 hours of incident command system training that is going on throughout the department now.

All fire officers and members of the EMS HAZTAC Battalion have been trained to use rad alert detectors. These are portable detectors that allow us to detect whether there is radioactivity material at an incident. And over 625 members in 21 separate ladder support companies have received 80 hours of specialized hazardous material and heavy rescue training, and they are scattered throughout the city. We also, of course, have a dedicated HAZMAT unit.

Our training programs focus not only on increasing technical skills but also on fostering leadership. In partnership with the United States Military Academy at West Point, we have created an innovative 14 week graduate level counterterrorism preparedness course for senior fire and EMS officers. We've also trained 32 member incident management teams for deployment at long duration and--incidents of long duration and complexity.

The department has incorporated a number of new technologies into its day-to-day operations. Our most significant advancement is the deployment in February of 2003 of a new radio communications system. This system includes newly-

modified analog, handy talkie radios with significant advantages over the previous model. Our new radios have an emergency alert function, many more channels, and use the UHF band which allows for greater building penetration. The radios operate at a higher basic power level, two watts, and can be boosted to five watts as needed. The old radios I believe were one quarter watt.

In addition, analog radios are generally more effective on the fire ground with fire-fighters and officers when they're attempting to communicate with each other at the same time because they can interrupt each other's conversation following the protocols that we've created. The radios have a channel available for interagency communications, which allows for interoperability among fire, EMS, the NYPD and other emergency services agencies. It is critically important to understand there is simply no 100 percent foolproof radio, I think you've heard testimony about that this morning. It is infrastructure that you need, it is a radio communications system that you need, something that will take the comparatively weak signal from a handy talkie, receive it, amplify it and project it up into a tower or project it into--along a subway path or a sub-grade location. Our new radios are complemented by high powered post radios, we call them. They receive the signals from handy talkies in--at the fire ground, maybe up on the 34th floor of a building or some other difficult location, and we also have mobile repeaters mounted in a battalion chief's cars which can amplify radio signals in high-rise buildings and other complex environments. Together these components have provided a mobile flexible communications system that is not dependent on in-building infrastructure that may not exist in many of the buildings we respond to, or may not be operating when we arrive.

Now that we have some improved communication tools further enhancing interoperability, require concentrating joint drills and learning from actual responses. The department is also upgrading its fire department operations center, and in the event of a major incident, key senior chiefs report to the operations center to provide citywide command and control and operational planning and communicate with other chiefs at the incident location.

We've made some progress toward our vision of developing this into a truly state of the art operation center. For example the operation center is equipped to receive live video feeds from NYPD helicopters as well as from our own satellite cameras. An enhanced geographical information system

and technology to receive real-time data directly from the field are also planned. I have to add, much more funding is needed if we're going to fully realize a state of the art fire department operations center.

The department is also developing electronic command boards which will enable fire department chiefs to communicate wirelessly at an incident and download and save critical information that will go to our operations center at headquarters at real-time, recording the history of the incident and tracking our resources and our personnel at an event. Once adapted for the rugged conditions we face, these wireless command boards will replace what are simply manual magnetic boards that had been used traditionally to track units at an incident.

Of course all the training and technology advancements I've discussed are intended to improve operational preparedness. The goal is also being accomplished through changes of procedures and protocols, improved cooperation, interoperability between partner agencies, internal and multi-agency drills and exercises, the development of emergency response plans, and improvements to our building and fire codes. An improved recall procedure will more effectively mobilize our firefighters and EMS personnel in the event of a large scale emergency. Written mutual aid agreements with surrounding counties will improve coordination and provide additional resources if necessary.

The FDNY has increased ICS, or Incident Command System training, develop new operational plans based on that system. Since 9/11 there has been public discussion on the use of ICS citywide, and as you all know protocol establishing a citywide incident management system has recently been announced. We believe the protocol will help ensure that all agencies operate with a common written understanding of their roles and responsibilities.

That being said, the FDNY, NYPD, OEM and other agencies operate cooperatively and effectively every day while responding to hundreds of incidents large and small. FDNY and NYPD have participated in numerous inter-agency drills and exercises in the past couple of years including one just last Sunday where we tested equipment that allows personnel on any radio frequency to hear and communicate with personnel from multiple agencies, including federal agencies can be plugged into that piece of equipment, and it can work on up to ten different frequencies.

We now assign a battalion chief to ride in an NYPD helicopter when an incident requires it, and officers from the FDNY and the NYPD serve as liaisons in each others headquarters. We have a battalion chief stationed at police headquarters. The police department has a captain stationed at our headquarters, he reports there every day. Enhancing the FDNY special operations command is also critical to improving our response to large scale incidents. We've acquired chemical agent identifiers, monitors, radiation detectors, rescue reserve apparatus, strategically located caches of equipment and medical supplies and additional chemical protective clothing.

While broadening HAZMAT training and the responsibilities of fire companies throughout the city, the department continues to work toward the goal of obtaining full funding to create another highly trained second HAZMAT unit that has--with special capabilities. Through increased training and newly acquired equipment, EMS has also significantly increased its capacity to mass casualty incidents. We now have twenty HAZTAC ambulances deployed, which is--those are ambulances that do what they sound like they do, they deal with hazardous materials. They're staffed with EMS personnel trained in hazardous material responses.

We'll soon obtain additional advanced EMS apparatus such as a mobile emergency response vehicle, an oxygen response vehicle for medical purposes. The events of 9/11 also emphasized the need to bolster high rise building safety. We have helped--we've worked with the department of buildings for recent legislative proposals to modify the building code, we are also undertaking now the most significant revision of the city's fire code since 1913.

On the subject of funding, our ability to increase our preparedness depends in large measure on securing adequate funding and we're getting help from the federal government. We feel we need more. Apart for funds for replacing apparatus and equipment lost on 9/11, there was little federal funding immediately to address the department's urgent post 9/11 preparedness needs. At the same time, the department confronted the city's worst budget crisis in three decades, which necessitated fire company closings, civilian layoffs and other significant cutbacks at the fire department.

The outlook began to improve in 2002 when we received \$7.3 million from the Department of Justice to train and equip our ladder support companies and our two incident management

teams. The department received \$54 million in Department of Homeland Security funding in fiscal year 2003, however this year we've experienced the decline with only \$17 million going directly to the fire department. This funding is supporting many of the training specialized equipment acquisition and operational initiatives I have discussed today. However, in order to lead first response and save lives in the most threatened city in the nation, the FDNY requires sustained, sufficient, flexible funding from the federal government, and we realize that would be federal funding formula based on threat analysis and risk.

In conclusion I have to say we're just extremely proud of the accomplishments, the achievements and enhancing preparedness since 9/11 in the wake of the devastation that the department experienced on that day. Indeed, I believe the tremendous heroism exhibited by the men and women of this department on 9/11 has been followed by an equally admirable and necessary effort in the face of overwhelming grief and adversity, to rebuild the department and find a way to move forward to meet the challenges ahead.

As I think I've also made clear, much remains to be done. I'm confident, however, that with adequate support we will not only remain this nation's leading fire department in terms of fire suppression and pre-hospital medical care, but we'll be the model for overall first responders throughout the world to other kinds of challenges we now face. So thank you for the opportunity to speak with you today. I'll be happy to answer questions when the time comes.

MR. KEAN: Thank you, Commissioner.

Commissioner Kelly?

COMMISSIONER RAYMOND W. KELLY: Governor Kean, members of the commission, good afternoon. When I last appeared before you, I talked about New York City Police Department's efforts to defend the city against a terrorist enemy with a propensity to return to the scene of the crime. Since then two more al Qaeda plots involving New York have been uncovered. One involved a scheme to destroy the Brooklyn Bridge, the other would have given al Qaeda the wherewithal to ship weapons into the heart of Manhattan. Last year al Qaeda operatives infiltrated a garment district business whose containers move material from Pakistan to the port of Newark and from there by truck into Manhattan.

Again just last year al Qaeda operative Lyman Faris was in New York City, within walking distance of where we sit today, to engage in reconnaissance of the Brooklyn Bridge for the purpose of taking it down. Faris sent back word to his handlers that, quote, "The weather is too hot," meaning security on the bridge was too tight. The police department is spending \$200 million a year to maintain the kind of climate control that foiled Lyman Faris.

I cite these two terrorist plots as a reminder that New York City remains squarely fixed in al Qaeda's sights. They are only the most recent of multiple attempts, two of which succeeded: the first bombing of the World Trade Center in 1993 and, of course, the horrific events of 2001. New York City remains in the cross hairs and nowhere is the effort to prevent another attack being undertaken with greater urgency. In addition to the dollar cost, this is required that we divert 1,000 police officers to counterterrorism duties every day, and engage in extensive training and preparation.

That includes improved coordination with the fire department, who as Commissioner Scoppetta said, commanders now fly in police helicopters to better manage large fires. We are also providing televised links from our helicopters to fire commanders on the ground. A police captain responds to all fires that are two alarms or higher, and we have ranking officers from both departments serving as liaison in each others' headquarters.

As I discussed in my appearance before the Commission last year, we've taken a number of significant steps to defend the city, I'll briefly elaborate on the progress we've made since then. Beginning in January 2002, we created a new bureau of counterterrorism, and we expanded our intelligence division. We recruited outstanding individuals with extensive Federal intelligence and counterterrorism experience to run them. We've developed a counterterrorism training curriculum for all ranks. In addition we've procured and distributed personal protective equipment for every one of our police officers to use in the event of a chemical, biological or radiological attack.

We've build a state of the art counterterrorism center equipped with the latest computer and communication technology. We staffed it with police officers who speak foreign languages including Arabic, Pashtu, Farsi and Urdu, to track information by al Qaeda and its supporters. We've also tested the foreign language skills of our workforce, registering approximately 275

certified interpreters of 45 different foreign languages among our uniform and civilian personnel.

We offer their services to federal investigators and the intelligence community. We've assigned 250 officers to our counterterrorism bureau. Over 130 of them have been posted to the Joint Terrorist Task Force with the FBI, that compares with just 17 officers assigned there on September 11th. We've also posted New York City detectives to the national JTTF in Washington and to the Department of Homeland Security. Our detectives assigned to the JTTF have taken part in important terrorist related investigations in Jordan, Germany, Kuwait and Indonesia.

This collaboration with our Federal partners has resulted in improved cooperation and information sharing with the FBI and others. We look forward to further improvements as the FBI implements reforms outlined by Director Mueller before this commission last month. In addition to enhancing our domestic law enforcement partnerships, we have posted New York City detectives to Interpol headquarters in Lyon, France, to Tel Aviv, to London, Toronto, Montreal and Singapore. We've also sent our detectives to Guantanamo Bay, Cuba, and to Afghanistan to help interrogate terrorist suspects there.

We're being very proactive internationally in a way the police department never was before, and it's paying off. After the recent terrorist train bombing in Moscow's subway in February and then the March 11 attacks in Madrid we sent New York City police officers to both cities to learn as much as they could. Their information was used to reconfigure the protection of our own subway system. Last year at the beginning of the war in Iraq we implemented a comprehensive security plan known as Operation Atlas. Given the ongoing terrorist threat, Atlas remains in effect today.

Broadly speaking, operation Atlas has tightened the protective net around the city by increasing vigilance at all entry points into New York, and by placing mass transit and other potential targets under much greater scrutiny. We've also deployed our Cobra teams which specialize in chemical, biological and radiological events. All recruits in the police academy now undergo mandatory Cobra training. In addition, we are engaged in Cobra cohort training, as we call it, for 10,000 precinct-based officers. Cohort training, paid for with overtime provided by the Federal Government, involves taking

squads of officers who normally work together, and train them as a team to respond to attacks.

We expect all of this training to be completed in time for the Republican National Convention this August. We have completed the distribution of basic personal protective equipment to over 33,000 members of the police department, and more advanced equipment to an increasing number of officers. Pager-sized radiation detectors are now carried by every police sergeant on patrol. Through our Nexus program we are reaching out to businesses that terrorists might seek to exploit. We want businesses to report any unusual orders or anomalies that might suggest terrorist involvement.

Detectives have paid thousands of visits to businesses throughout the city and beyond to increase their counterterrorism awareness. We also exchanged threat information daily with the city's corporate and institutional security directors through an instant messaging system. Community affairs officers in every police precinct brief members of the public on terrorism awareness and how they can report anything suspicious to our terrorism hotline.

Approximately 20,000 calls have been received since the hotline's inception two years ago. Defending a city against the threat of global terror comes at a steep price. We estimate the annual cost of our counterterrorism efforts to be over \$200 million, as I said. Currently Operation Atlas is costing the city approximately \$1 million a week in overtime. Such expenses could not come at a worse time in terms of New York's fiscal recovery, but these expenditures are dwarfed by the potential cost of not doing enough to defend ourselves.

Regrettably, the flood of federal support one would expect to flow to New York as a result of living in the cross hairs has not materialized. The police department practically alone is defending New York's people, infrastructure and corporate and institutional headquarters from another terrorist attack. The president's 2005 budget request shifts more funding to high-risk threat areas like New York.

However, the list of these areas has been expanded from seven to 80. This means that New York would receive an even smaller percentage of overall homeland security funds than in the past. We don't believe this approach works. As the ongoing principal target of terrorism, New York merits more federal

support. While we appreciate the funding we have received to date, it is less than half of what we need.

We need help with the huge ongoing operational costs the police department occurs to defend against terrorism. The federal government must invest realistically in protecting those areas the terrorists are likely to try to hit again. Along with a few other major cities, New York tops that list. Everything we know about al Qaeda tells us this is true. It is a lesson from our history we simply cannot afford to ignore.

Thank you for the opportunity to testify, obviously I'll answer any questions you might have.

MR. KEAN: Thank you very much Commissioner. Mr. Bruno.

COMMISSIONER JOSEPH F. BRUNO: Good morning Governor Kean, or good afternoon, I should say. I appreciate--and good morning to all the Commissioners. I appreciate the opportunity to testify before the Commission today. Although I was not serving in city government in September 11, 2001, I am a former fire commissioner and career public servant with more than 36 years in government. I know first hand the professionalism and bravery that is commonplace among the city's entire uniform and civilian workforce. I lost some very good friends on September 11.

Today, OEM's mission is to plan, prepare for and mitigate emergencies, educate the public on preparedness, coordinate and support response agencies and emergencies, collect and disseminate critical information and seek and obtain funding and other aid in support of the overall preparedness of the City of New York. In a major incident, OEM will coordinate and support the establishment of a unified command post and activate the City's emergency operations center.

Thereafter, our responsibility is to coordinate incident specific emergency support functions. Since information is critical, we keep City Hall and other government offices informed and collect and analyze pertinent information and data. We continue to support the operation by consolidating and processing resource requests, and finally, coordinate and support in recovery and restoration efforts.

Disaster response requires coordination between a myriad of local, state, federal, private and non-profit

organizations. This city is blessed with the most capable and well-trained uniformed agencies in the country, perhaps in the world. Each day, police officers and firefighters cooperate in hundreds of successful operations. Almost without exception, there is absolutely no conflict. They are professionals who know their respective roles, cooperate with each other and perform effectively day in and day out.

This cooperation among agencies to protect the public in the face of disasters has occurred since 9/11, notwithstanding the absence of a formal citywide incident management system. Such examples include the 19th Street explosion in April 2002, the Port Mobil fire in Staten Island in April 2003, the August 2003 blackout, and the Staten Island ferry crash in October 2003.

The Office of Emergency Management has been working in cooperation with the police department and the fire department and other city agencies to develop the Citywide Incident Management System known as CIMS, the adoption of which was announced by Mayor Bloomberg on Friday, May 14, 2004. CIMS creates a common incident management structure for all city agencies, largely based on the national incident command system model. CIMS is fully interoperable with the United States Department of Homeland Security's National Incident Management System known as NIMS, as well as with the State of New York's Incident Management System ensuring that state and federal agencies can seamlessly integrate into New York City's incident command structure.

CIMS establishes roles and responsibilities for primary and supporting agencies and standardizes incident management terminology. Further, CIMS addresses integration of on-site incident management with support functions, such as planning, public information, logistics and resource management, finance and administration, mutual aid and emergency operations center activations. I believe that training, all through the ranks, will be the key to a successful implementation of the Incident Management System in New York City.

OEM will play a central role in that training to ensure its success and as I will mention later, the city will look to the Department of Homeland Security and to Congress to provide us with the necessary resources for the robust training exercises this requires to be prepared. DHS currently does provide us quite a bit of support in that area. I also want to

take this opportunity to clarify some popular misconceptions about CIMS.

What we have adopted is a system for managing emergencies with a common understanding of terminology and roles and responsibilities among all agencies. CIMS utilizes a combined lead agency or a unified operations section. In most incidents, the lead agency is established. In other incidents where multiple agencies are required to act on a variety of emergency fronts, a unified operations post is created. Core competencies of primary agencies will establish lines of authority for prompt decision-making and will form the basis for pre-implementation training. In a chemical, biological, radiological nuclear incident, what we call CBRN and some call hazmat, where terrorism issues must be considered, the New York City Police Department is designated as the primary agency.

FDNY will be empowered through its core competence to conduct life safety operations and mass decontamination in all CBRN HAZMAT incidents. At the heart of this system is our desire to encourage the aggressive emergency response efforts of the excellent city police and fire departments while providing them a management system that makes decisions easier and more logical. Today, New York City has an incident management system that meets all federal mandates. Although the full implementation of such a system will take time and training, Mayor Bloomberg, by issuing CIMS, has taken an historic step in improving the city's ability to respond to, and recover from, all types of emergencies.

One thing that was obvious after the September 11 attack was the need for operational redundancy. The collapse of 7 World Trade Center destroyed the city's Emergency Operations Center. OEM now has a full back-up Emergency Operations Center complete with facilities for the mayor and his key staff to utilize should the need arise. After 9/11, we also were reminded of the need to be mobile and to have the capability of operating from remote locations on a moment's notice. We have upgraded our fleet and added vehicles to enhance our communications capability, including a mobile data center that provides improved connectivity and access to an array of critical data. We can operate effectively from the street corner if we have to.

With the technical and financial support of DHS and FEMA, we have made a significant investment in preparedness planning and the training, drilling and exercises necessary to

ensure that these plans work. Since May 2002, OEM has planned and conducted six major exercises to test and to drill the City's ability to respond to an incident involving weapons of mass destruction. These range from Operation Tripod, a large scale functional biological terrorism drill conducted in 2002, to last weekend's Operation Transit Safe, which involved more than 1200 participants and tested the ability of numerous agencies to respond to multiple explosions in the Bowling Green station in downtown Manhattan.

Working with many agencies and our public and non-profit partners, OEM has prepared various emergency response plans, including generic all hazards plans and incident specific plans revolving around hurricane, snow, debris removal, heat, and biological and chemical terrorism. As we showed with the Operation Transit Safe, an exercise that was motivated by the recent attacks in Madrid, we are able to adjust our priorities and stage exercises in a short period of time.

Our staff has created a number of systems that greatly enhance the city's ability to effectively respond to and recover from disasters. Among them is CALMS, the Citywide Asset Logistic Management System, a citywide inventory and logistics database that brings together all the city's fleet, personnel and equipment information in one database controlled by OEM. We are also developing the Mayor's Information and Contact Conduit to assure a reliable, redundant method to contact and bring essential personnel to the scene of an emergency or locate required resources needed by any agency in our coordination and support function. Data will be maintained for all city and other government agencies, as well as critical utility, non-profit and private sector entities.

Following September 11 and the blackout of 2003, many city agencies were without power and without the ability to utilize their facilities. Mayor Bloomberg has asked that we look at ways that we can provide resiliency for agency operations. To that end, we are prioritizing our work with agencies on business continuity planning.

Educating the public and the need for preparedness and the particulars of what it takes to be prepared is a critical OEM mission. To accomplish that mission, OEM's public education units have distributed more than 1.1 million copies of "Ready New York," published in nine languages: "Ready New York" is a how-to household guide that gives you the particulars for preparedness. In addition, we dispatched teams of "Ready New

York" experts around the city to meet with and train community, civic, labor, professional and a wide variety of other groups. "Ready New York Corporate," a corporate sponsorship and distribution program, is expanding daily as firms reprint the guide with their logo and distribute it to their employees and families. The circle of preparedness widens with each corporation willing to sign onto this program. And later this year, we will roll out "Ready New York Small Business" and "Ready New York for Visitors.

In keeping with the president's Citizens Corps initiatives, OEM coordinates the Community Emergency Response Teams, or CERT, which trains citizens to prepare for and respond to emergencies in their local communities. The CERT program, funded through DHS, will soon have 17 teams of trained volunteers who have been outfitted and have become proficient in how to help emergency service personnel and the public in an emergency. This program, while costly, offers the type of emergency preparedness and abilities that will be needed should a wide-scale disaster occur.

Thank you for the courtesy of allowing me to testify and I also look forward to your questions.

MR. KEAN: Thank you very much.

Questioning will be led by Commissioner Fielding, followed by Commissioner Gorelick.

MR. FRED F. FIELDING: Thank you, Mr. Chairman.

Gentlemen, thank you for being here today and thank you for helping us not only today but in prior experiences with you as we plow through our assignments. This commission is trying to explore ways to insure and improve the coordination within the intelligence community. And we're also trying to look for ways to ensure and improve the coordination in emergency response as well. And some of the testimony and the questioning that's gone on in the past--and I'm assuming that you all were listening to it this morning, because I want to come back to a couple of things.

The questions that are being asked by this panel certainly are not to in any way obscure the phenomenal reaction of your respective entities on 9/11. It's just that we're trying to find facts so that we can do what everyone is now calling lessons learned. Lessons learned are important because

that's what you have to deal with to improve. And among the lessons that we've learned painfully in our reviews over the last months is that turf battles don't assist in obtaining intelligence. Turf battles don't assist in analyzing intelligence, and turf battles don't assist in saving lives. And, candidly, we're concerned. We've heard so much testimony about the rivalries and the turf battles among your respective organizations, not to diminish from the valor and the bravery and the good work of each of them. But we're concerned because, as Commissioner Kelly just said, I mean, we're in the--New York is in the crosshairs. There's no question about it. And anything that diminishes from this effort to be prepared and protect the infrastructure and the citizens of this city and the country can't be tolerated if it can be avoided.

So I would really like to talk about this and I'd like your comments on this. This is either an urban myth that we're dealing with, or candidly, it's a problem and I would appreciate hearing your suggestions and your ideas and any positive steps that you've taken to try to mitigate what may be historic rivalries, may be historic tensions between other emergency response operations, so that we can realistically work out jurisdictional issues.

So, gentlemen, whoever would like to start?

COMMISSIONER KELLY: Well, I would say that the competition--the whole issue of rivalry is overblown. There is mostly friendly competition. Just last Sunday, we had a football game, for instance, between the police and the fire department.

MR. FIELDING: Who won?

COMMISSIONER SCOPPETTA: Don't tell the score.

COMMISSIONER KELLY: That's why I brought it up, by the way.

(Laughter.)

MR. FIELDING: Executive privilege.

COMMISSIONER SCOPPETTA: He wants to give you last year's score too.

COMMISSIONER KELLY: You can guess who won. But I think there have been some incidents. They've been few and far between. They've been overblown. But I think that the system we're adopting now will go a long way to address some of the public's concerns and I guess some of the real issues concerning turf. I don't want to say they don't exist, but I think they are overblown. But this is a management system. It envisions incident commanders for the agencies that respond to a big event, and it envisions a unified command structure where the executives of these agencies get together and make collective, collaborative decisions.

So it is an issue that's out there. Again, I think it's overblown. It makes good copy. There have been some frictions. I think this system that we're adopting will help to reduce the friction that does exist.

COMMISSIONER BRUNO: If I could add something to that?

MR. FIELDING: Please.

COMMISSIONER BRUNO: I mean, I have experience, having been fire commissioner as well and with the fire department for over six years. There's no question that there are some issues that exist between individual firefighters and police officers on occasion. However, they respond more than 1,000 times a day in this city together. They cooperate and they act appropriately and they protect the people of this city in an aggressive way. So there may be a number of incidents that occur, but when you look at the overall system it works extremely well. And taking account of that, that is the purpose we--this is why we designed CIMS the way it is.

We wanted to take account of a system that generally works, that basically works, virtually all of the time. And we wanted to take that and add a management structure on top of it and two of the finest agencies no doubt in the country, I believe in the world, and allow those agencies to be as aggressive as they have to be to deal with the incidents they have to deal with and put a management structure which, by the way, complies in every respect with the federal government's NIMS program.

Now, what we do is--one of the first things we do, we put them together in an operation section, where they have to talk to each other and will be with each other. And then we train them--we're going to train them. We're going to issue

SOPs, standard operating procedures. OEM will be involved heavily in that training. And over time, I don't think one piece of paper can do anything. A piece of paper is just that. It requires management, responsibility, training. Over time, that will work. The parties will be together. They'll work together. They'll know it works better and it will be better. And, by the way, it works already.

Additionally, we have taken a look at what agencies do best. We don't want to subjugate or minimize the role of any agency here. These are terrific people and the city requires them to do the job they do every day. And so we take them and we look at any incident. And those incidents that--by the way, in the document you've received, the matrix, most of the incidents are individual incident types and there are lead agencies assigned. In multiple agency incidents we look at core competencies. What did the agencies do?

In an airplane disaster, for example, there is fire, there is patient care, perhaps there is search and rescue, there is a crime scene investigation. There may very well be evidence preservation, there may be evacuation, even water rescue. And we look--who has the competency in these areas. And so in those core competencies, the agency, with the experience and with the competency, leads the other agencies. So in an incident like the World Trade Center or in an airplane disaster, where the fire is--if PD or police department is assisting the fire department, the fire department is in control. They operate and they direct the operations of all agencies.

When you get to the crime scene aspects, if there's terrorism issues, the police department controls and directs, and the fire department would assist. And that's how it goes down. Now, I understand that there's some concern about that issue that may not be clear. But I listened to Commissioner Kerik and Commissioner Von Essen, who I know very well, and frankly in any incident, that's just how things work. And putting these folks together in an operation section forces them and makes them get into a management system, buy into and manage into it, where they are together all the time, and they make these decisions together. I think--I'm sure others will have other questions for me along those lines, but that's the outline of what we did with the CIMS program. I think it's logical. It works upon and builds upon what we already know about the strength of these agencies. And it manages them in a better way, and training, et cetera, will do a lot more toward it!

MR. FIELDING: Commissioner Scoppetta, do you think it's going to work?

COMMISSIONER SCOPPETTA: Well, I would say that the document that has just been published is a very important framework for informed decision-making. But its effectiveness is going to depend on our training together, good judgment, good management, actually working it out as best we can under artificial circumstances, and also under real events. And I should say, Commissioner Bruno touched on several incidents where it required a lot of involvement on the part of police and fire together, and I think two of them at least we thought were terrorist activities when it began.

There was an explosion on West 19th Street in the basement of a building, and the Staten Island barge explosion at Port Mobil suggested terrorist activity. The agencies worked extremely well together. Everybody did their job. There was no friction.

I have to endorse what Commissioner Kelly said. A handful of incidents have been overblown and made it seem as though these agencies simply can't work together. Why don't you guys get your act together, because we have over 1,000 incidents, as many as 1,500 incidents in any 24-hour period, the fire department does. Hundreds of those involve the police. You don't read a single word of friction or contention because it works well. Those that don't, and you get somebody exercising poor judgment or being over-aggressive, we'll read about it, I know.

MR. FIELDING: Well, obviously the responsibility is sitting right at that table to make it work. But I'm curious--

MR. KEAN: This is the last question, Commissioner.

MR. FIELDING: Thank you, sir. I'm not from New York but I'll work on it. (Laughter.) The last panel, you may have heard the testimony. They described how Mayor Giuliani's incident commander delineation came about. He walked into a room, each made their pitch and then the mayor decided. How was this recent delineation decided?

COMMISSIONER SCOPPETTA: This was a long discussion first chaired by John Odermatt, Commissioner Bruno's predecessor, and then taken over by Commissioner Bruno. We had --certainly Commissioner Kelly and myself met with OEM together.

We also had a team of people who were advancing the position of each department, and upon Commissioner Bruno's arrival, it picked up--we made some headway and picked up some steam, so we ended up with a document that was just published.

It does conform with the National Incident Management System. It does, in certain instances, allow for a single incident commander. And it does in many instances require a group of primary agencies to decide together who will be the chief operative on certain aspects of the incident. That's where I think we'll need a lot of training and a lot of experience and some good solid judgment at management.

MR. FIELDING: I'll leave my fellow commissioners to follow up on that.

Thank you, Mr. Chairman. Thank you all.

MR. KEAN: Okay, thank you.

Commissioner Gorelick.

MS. JAMIE S. GORELICK: Thank you, Mr. Chairman, and thank you again to the members of the panel. You've appeared before us before, you were enormously helpful to us before, and we appreciate you coming back.

Let me, before I follow up on Commissioner Fielding's questions, just try to tie down a couple of things. This is a question for Commissioner Kelly. Do we now have in the 911 system a central repository for all information collected by whoever would be relevant, and someone whose responsibility it is to ensure that instructions consistent with all of that information are given to people who call in, and that information from them is fed into that loop.

COMMISSIONER KELLY: Yeah. We have a platoon commander that's in charge of the 911 system. That platoon commander has hotline contacts to the fire department, to EMS, to our own operations section. The operations section works directly for the chief of the department. They're a clearinghouse of all immediate information. So there is that capacity, which didn't exist, quite frankly, on September 11th, to talk to other agencies, to get real-time information about what's happening. Kind of an overview of what's happening. Of course, they also have access to the radio frequencies as well, so this platoon commander has information coming in from a variety of sources.

They then have the ability to tell the call takers what's going on. Let's say we wanted to put out information, an example being--well, I don't want to get into the fire because there is also other dispatchers, which by the way, the mayor is working to--has an initiative for a public service answering system that will merge all of our dispatching and call-taking systems. Right now we have a police call-taker who hands calls off to a fire dispatcher if it involves a fire. But let's say we wanted to give callers about a particular emergency instructions to do a certain act. We can now--we can do that.

MS. GORELICK: What you have--just to be very clear. I mean, probably among the most serious problems that we have found is that people who did the only thing that they could do, which was to call 911, got bad information, and the information they tried to pass on went nowhere, or seemingly went nowhere. And so my question to you, without going into detail is, is that fixed now?

COMMISSIONER KELLY: Yes. We have the capability of giving information to our call-takers.

MS. GORELICK: And do you have somebody whose responsibility that is?

COMMISSIONER KELLY: A Platoon commander, 24-hour--we have a captain, a police captain. We have 1,200 people in our 911 system. We have a captain on duty 24 hours and platoon commanders.

MS. GORELICK: And you mentioned that there is now a proposal to merge the fire department dispatch system and the 911 system. Is that correct?

COMMISSIONER KELLY: Yes. You know, it's going to take a while for that to happen, but the mayor, through our Department of Information Technology, as the lead agency, is crafting a plan where we will have a public service answering system that--with also redundancy, another two locations--that merges the police, fire, EMS, call taking and dispatching.

MS. GORELICK: We will probably want to get an update on that before we make our final recommendations.

COMMISSIONER KELLY: Sure.

MS. GORELICK: Commissioner Scoppetta described the progress that has been made within the fire department in terms of the interoperability of the radios and the communications intra fire department and also between the fire department and others. Does the police department have the same system?

COMMISSIONER KELLY: We have a different system. But our system worked well and worked well on 9/11, because I wasn't in government at the time. But it worked well on 9/11, with the exception of overloading on certain frequencies. In other words, the radios functioned but people were talking--

MS. GORELICK: Over each other.

COMMISSIONER KELLY: --over each other. We have a different system. We have a system that's a UHF system that's based on repeaters. We have almost 200 repeaters throughout the city and it's a very effective system.

MS. GORELICK: Is your system fully interoperable with the fire department system.

So that individuals who respond to the same event and the same place and see different aspects of it can communicate with each other. Or does it require translation out back to each department and over laterally to the other?

COMMISSIONER KELLY: The short answer is yes. I can tell you how it's--

MS. GORELICK: I asked you an either/or question. How can you answer me yes?

(Laughter.)

COMMISSIONER KELLY: Well, yes, we have that capacity. But there is interoperability channels. We monitor the interoperability channels on our radio frequencies by our dispatchers. There is also kind of an improvement of that with certain units. This is kind of inside baseball, but there's a tactical unit in which certain fire units, say rescue units and emergency service units can communicate directly to each other. So we have interoperability, which works sort of on a--the interoperability channels, we'll say, that works on a command level, and this tac unit that can work on a--in essence, firefighter to police officer level, if needed.

MS. GORELICK: Well, without taking up more of our time right here, again, I think that's something we'll want to drill down on and understand, because I think among all the other major problems that we saw, that inability to communicate on scene effectively--

COMMISSIONER BRUNO: Could I add something to that?

MS. GORELICK: Certainly. I didn't mean to leave you out.

COMMISSIONER BRUNO: No, that's all right. I just wanted to say, this new CIMS program, the management system, puts them together in the operations section. They are right next to each other in that box. So the personal contact will go a long way. Even if there is a problem of interoperability, they'll be talking to each other.

MS. GORELICK: Well, thank you for that helpful segue, because actually I was going to turn to the new system. I must just comment that it seems highly complex and dependent upon all the individuals being able to get to one place physically and then all of them being able to agree upon who should do what in a situation which is likely to be highly confused and fairly urgent. And I'm not talking about the routine fire or police department matter.

So I would like you to answer the question, what happens if the relevant individuals cannot get to the same place so that they can have this conversation? And what if there is not time to have the conversation or personalities that are likely to agree? I mean, it just strikes me, and I think us, as unnecessarily complex. And one has to worry that the reason for the complexity is the inability to otherwise agree. Would you comment on that?

COMMISSIONER BRUNO: Sure. For one, we're talking about command at the operation section. We're talking about high-level people who do get to the scene. But assuming they had difficulty getting to the scene and had to set up in other areas, that's what they do currently if they are not at the same operation section, which they may not be at, and they will operate and they do very well and protect the city very well. So we think the system, even as it exists right now, works very well. This, of course, in its management structure, requires them to get there, and these are firefighters and police officers. They get there. They get there.

MS. GORELICK: All right. You've got them on scene, now they don't agree with each other.

COMMISSIONER BRUNO: Well, the question--

MS. GORELICK: I was just giving you a hypothetical.

COMMISSIONER BRUNO: No, I understand it. No, I understand that exactly. If they don't agree with each other, we understand that's always a possibility. Whether I say or anyone says it's an airplane disaster, consequently the fire department is in charge. Well, they may not agree with each other at that point, who's going to do what--

MS. GORELICK: Yes. And if that person is the mayor, then they salute.

COMMISSIONER BRUNO: When the mayor is there, there's no issue.

MS. GORELICK: Okay. The mayor's not--

COMMISSIONER BRUNO: That's incident command. That's overall--let me--can I explain the structure just a little bit to you?

MS. GORELICK: Sure.

COMMISSIONER BRUNO: There's an incident command, which is a unified command. At that level, Commissioner Kelly would be there. That might be on or off the site. Commissioner Scoppetta might be there, the mayor might be there handling the overall incident. What we're talking about right now is the operations section, which is the guys on the line--the folks on the line, I should say, who are dealing with the emergency, directing the troops out.

At that section, one, we may very well have direction coming from the Incident Commanders as to fire department, you're going to be handling this, et cetera. Police department, you're going to be handling this. But there's something we don't have at incident command which would be a nice thing to have. You don't have in every incident--it may be a multi-agency incident, but it may not have a full incident command. You have an operations section. These are two ranking people. There are very few disputes with regard to these folks. What

you're hearing about that there are disputes is lower level people who are arguing about who should rescue who, who should do what.

So in that section we're going to deal first with putting them together, they start communicating on a regular basis. They train, they set up SOPs. We have a joint after-action review segment of this program, which means if there's a problem after any incident that we recognize, we will sit down and go through it and work out the training required to make sure that doesn't happen again. And if there is requested a joint after-action review, OEM will coordinate that after-action review in this program.

Is it possible that people will not agree? Well, one thing these departments know is they know what they do well. If it's fire, they know what's happening. If it's search and rescue, they know what they're doing. Fire is doing that. If it's crime scene investigation, perimeter control, evacuation or other things the police department does, they know what they do.

Can there be a dispute? Both agencies have somewhat duplicate capacity to work at operations. We understand that. And that's something that perhaps in the future has to be looked at. But that's not a bad thing for the city of New York. It's a good thing.

MS. GORELICK: I'm going to make--

COMMISSIONER BRUNO: I didn't mean to dominate it.
(Laughs.)

MS. GORELICK: I'm going to make an observation here and you can comment, if you wish.

COMMISSIONER BRUNO: Sure.

MS. GORELICK: I'm going to take Commissioner Scoppetta at his word that the hard part here is going to be in the execution, and that you're going to need lots of training around the complex circumstances. So my comment is one might wonder whether a certain level of arbitrariness in deciding who is in the lead might not be better. That's one observation. Number two, you were at this for a very long time, trying to get to this matrix.

COMMISSIONER BRUNO: No, I've been at it four weeks.

MS. GORELICK: Not you personally.

COMMISSIONER BRUNO: (Laughs.) I got it done in four weeks.

MS. GORELICK: Not you personally. The city has been at it for a very long time.

COMMISSIONER BRUNO: Yes. Absolutely, absolutely. I agree.

MS. GORELICK: And there is a reason that it has not come to agreement. We are not privy to those discussions and we don't know what those reasons are, but it is a cause for concern. That's my second comment. And my third comment is, if we've heard it once, we've heard it a dozen times today. This system you say comports with the national incident command model, or is largely based on the national incident command model, or is consistent with it or comports with it. It makes me worry that it really doesn't, honestly, because there is real clarity in the way the national system is described, that is one person is in command.

My red light is on and I can push this New Yorker bit just so far, but I have to tell you, I remain troubled by the timing, both how long it took to get the system in place and the timing of its issuance last Friday, the number of jump balls listed on the matrix, Commissioner Scoppetta's comments about needing training, which I certainly agree with. And not that we have a say in what you do, but we do have the ability to comment. And I would just suggest to you that we need a lot more of an understanding about whether this is a bona fide effort to clearly delineate who has responsibility in the most difficult circumstances.

COMMISSIONER BRUNO: Well, maybe I'll just comment very briefly on that. It's certainly a bona fide effort. That's for sure. I've been involved in it a relatively short time as OEM commissioner, but I have lots of experience in city government and with the department. For one, these agencies work very well together right now, as I've said. They handle emergencies as they exist. I know you're smiling about that, but the fact of the matter is they do work very well together.

MS. GORELICK: Well, I'm not smiling because I--

COMMISSIONER BRUNO: Oh, okay.

MS. GORELICK: I'm just smiling.

COMMISSIONER BRUNO: They do work very well together. I just hope that you don't believe that they don't. They work very well together. They protect the city day in and day out with very little problem. And at 9/11, there was no lack of cooperation between the agencies. There were other problems, which you've raised, but there was not a lack of cooperation. These folks did the job together and they suffered together. There's no question about that.

As far as NIMS is concerned, NIMS recognizes unified command and the incident structure. If you look at NIMS, you'll see that. Unified command is precisely what I'm suggesting here, and that is in certain incidents, it recognizes the talents of various agencies. It will come together and make a decision as to how to deal with an incident, a major incident. And then they will tell their troops from each of the individual agencies, you go out and handle that fire here. Police department, you go out and handle this aspect of it.

And, by the way, if you have duplicate capability, which you do--let's assume we have duplicate capability in a HAZMAT incident, which we--not zeroing in, but let's just say we do. PD may be the primary agency in that area. The fire department has its capability as well, and it will work in its core competency of life safety operations and mass decontamination. But in any incident, the agency will have direction from that--all agencies have direction from the agency that has competence.

So if it's a fire-related issue of patient care and transport or fire suppression, any other agency working with them will follow their direction. So there's no confusion about who's in charge of that operation and no incident is one operation. No major incident is one operation. There's many incidents going on simultaneously. That's my belief in it, and I do believe in the system.

MS. GORELICK: Thank you.

MR. KEAN: Thank you, Commissioner.

I've got just a couple of questions. First of all, thank you for your sense of urgency and for the progress you've

made. I hope that sense of urgency is also shared by your colleagues in other cities around this country. It's important. One thing I noticed, though, all three of you, we've talked for something over half an hour. None of you ever mentioned the Department of Homeland Security. Commissioner Kelly, I noticed that you even at one point said that you have the responsibility and have been protecting the critical infrastructure of the city. That just struck me, the sentence, because in the legislation that's what the Department of Homeland Security is charged with doing.

And I--since we're going to finish up here with Tom Ridge tomorrow, I wondered what progress has the Department of Homeland Security made and how do they help you and what should we ask him to do that would be most helpful to you in the city, beside just give you a lot more money?

COMMISSIONER KELLY: Besides?

(Laughter.)

That gets tough. We have an excellent working relationship with the Homeland Security agencies, if you will: certainly Secret Service, Coast Guard, Customs. We work very closely with them. Homeland Security is really the conduit for significant resources for the city, certainly in the part of the business that we're in.

So that's what we need, and quite frankly, the formula that we're concerned about is a product. It's not a product of legislation, it is Homeland Security rules and regulations. They've determined that 40 percent of the available money--as we speak now, three-quarters of 1 percent goes to each state equally. The next 40 percent goes to every state, based on population. New York State is third in population. Then the remaining 20 percent is disbursed on a threat-based analysis, which is very hard to pin down. So we need Homeland Security to take a hard look at that.

Now, as I said in my prepared remarks, the president's budget looks to change some of that, but at the same time it has increased the number of locations in this threat matrix from seven to 80. So we need more resources from Homeland Security. They are establishing their own capacity to analyze and distribute intelligence. We work with them in certain obligations as far as infrastructure protection. But there are

some start-up issues with Homeland Security that they are certainly willing to agree to. We talked to them. You know, they understand that there are challenges.

But I would say they are very client friendly. They want to help. You know, we are working with them on a lot of other issues, but the primary one for us right now is the huge operational expenses that we incur every year. It's one thing to give us equipment, it's one thing to give us some training courses, and we appreciate that. But it costs us a lot of money to do the things that we feel that we have to do to protect this city.

MR. KEAN: So it would be fair to tell Secretary Ridge tomorrow that he's doing just great as far as New York City goes, except for the money.

COMMISSIONER KELLY: That's right. (Laughs.) Just that minor issue.

MR. KEAN: Yeah. Let me ask you one more question. You're collecting now, I gather from your statement, a lot of information on people who may be al Qaeda or terrorist operatives who may be in and around New York City. One of the problems before 9/11 was the sharing of information. How do you share that information now with the FBI or the Department of Homeland Security or other federal entities? And do you feel that they're sharing their information properly with you?

COMMISSIONER KELLY: Yes. We do share our information with the FBI. We have a linkup. Obviously the Joint Terrorist Task Force is a very important vehicle for that. We have 130 detectives, investigators, assigned to it. We have a big intelligence division of almost 500 people. We are gathering information. We do share that information with the FBI primarily through connection with the Joint Terrorist Task Force. We also share information to Homeland Security and to TTIC, the Terrorist Threat Integration Center. So we are sharing information.

Yes we are getting information from federal authorities. We get our information primarily through the Joint Terrorist Task Force.

MR. KEAN: Is that good enough? Have you had any complaints in that area? Are you getting everything you need?

COMMISSIONER KELLY: As I said, again, in my prepared remarks, Director Mueller I think is doing a great job. He is attempting to improve internal communications in the FBI, and I think we will be the beneficiaries of that when that happens. We'd like to know investigative information from all over the country if it impacts on New York. We've had, I think, certainly no complaints as far as threat information is concerned coming to us, but we'd like to know more information than perhaps we've gotten in the past--investigations that might impact on New York. And I think with the improvement of their internal IT systems, that they'll be able to know what they know, so to speak, in a more effective way, and then transmit that to us.

MR. KEAN: Thank you, Commissioner.

Commissioner Ben-Veniste.

MR. RICHARD BEN-VENISTE: Thank you, Mr. Chairman.

Commissioner Scoppetta, we've known each other for quite some number of years, when we were both in the U.S. Attorney's Office here in Manhattan together. You were then and continue to be way older than I am.

(Laughter.)

COMMISSIONER SCOPPETTA: I knew this was going somewhere.

MR. BEN-VENISTE: There was another kid in that office who'll be testifying tomorrow. One of the things that we observed, following up on Chairman Kean's last questions, when we work with both federal and NYPD law enforcement agencies, mostly FBI, was that it was a one-way street. The FBI rarely shared information. Now we are in a posture where we're dealing with a threat that involves a very highly skilled and motivated adversary. Al Qaeda has been compared to the kind of entrepreneurial quick-moving operation as our Silicon Valley has produced. In a very positive way, this is the evil analog. Last time you were before us, Commissioner Kelly, you talked about the fact that things regarding sharing with the FBI were better than they had been. And given the baseline, that would not be difficult to improve upon. We share--I think I can speak for the whole commission--we share your high opinion of Director Mueller and what he is trying to do with the FBI. And I appreciate your response to our chairman in connection with some

of the areas in which relations have improved. I'd like to get very specific with you, because we're at a point where we're beginning to make our recommendations. What specifically would you have changed on a going forward basis that's not in place now, other than obviously the question of allocation of resources, which is pretty much not their bailiwick?

COMMISSIONER KELLY: I'd like to see more integration of the Joint Terrorist Task Force. Right now our component is pretty much appended to the FBI component, and it's not as integrated as it should be. And there are other task forces that exist in the federal government that do that. For instance, the Drug Enforcement Task Force, the OCDETF task force model. I think we'd be getting more out of it as a city and I think we would also help the quality of investigations, you know, the total investigative product that is developed if, in fact, we were fully integrated into the task force.

MR. BEN-VENISTE: Well, I understand your point about receiving information relating to operations or information or intelligence that is gathered relating to other parts of the country, perhaps even overseas, where your people could benefit. My own sense is that the FBI could benefit if more smart people that are looking at this and thinking outside the box and connecting the dots and so forth. But aside from that, can you be specific? What kind of things should the FBI be doing now to help in the total effort that are not yet accomplished?

COMMISSIONER KELLY: Well, again, I've read Director Mueller's testimony. I think that he's certainly moving in the right direction in a lot of areas. The allocation of resources to counterterrorism perhaps should be an area that is looked at.

MR. BEN-VENISTE: Within the FBI, you mean?

COMMISSIONER KELLY: The percentage of agents devoted to the terrorist threat.

MR. BEN-VENISTE: We're certainly looking at that. But in terms of your interaction with the FBI, and looking at the distinction between good intentions or good ideas and what's now the reality of the situation? The more concrete you can be, the more concrete we can be.

COMMISSIONER KELLY: More specific case information or information that relates to New York, directly or tangentially to New York, we'd like to know about it. And we've made that

feeling known and talked to the director about that. So I'm hopeful that that's going to take place as a result of their improved technology, because there are issues and have been recognized for a while that cases that are going on in other parts of the country affecting, say New York, are not being told to us, and we're not informed of it. But, I think, again, headquarters and the FBI, if you will, may not fully be aware of them.

So my understanding is the director is addressing that aggressively. The information is going to come in to a centralized repository, and that it will hopefully go out to cities and agencies that have a vested interest in it. So that's what we're looking for. And, again, I think the integration of the Joint Terrorist Task Forces is important. It's important to us.

MR. BEN-VENISTE: It's a matrix and a procedure but not yet operational from your standpoint?

COMMISSIONER KELLY: Yes. That's right.

MR. BEN-VENISTE: Okay. That's helpful. Thank you.

MR. KEAN: Thank you very much, Commissioner.

Commissioner Kerrey.

MR. BOB KERREY: Commissioner Kelly, I'm sure you've heard many times people say, well, we just didn't connect the dots, and that's how 9/11 happened. And there's some truth in that. I mean, this was in a lot of ways unimaginable. But I want to identify four dots where I think both the legislative and the executive branch missed something it should have caught, all the way back to 1998, through September 11th.

First of all, Bin Ladin was training terrorists in Afghanistan. Indeed, we heard from former FBI Director Pickard that at one point he was training more people than the FBI was training new agents. And we didn't attack him except for once, after we were attacked in August of 1998 and again in the Cole. And I think we should have, could have, and we're negligent as a result.

The second one--the first three are historical, by the way, and the fourth one leads to your final point that you were making in your testimony. The second is that we are focused

overseas rather than domestic. Why? The FBI knew that members of this Islamic army were in the United States of America. The CIA allowed at least two on the watchlist to come into the country. Neither the INS, nor the consular offices appeared to me to make much of an effort to try to make certain that al Qaeda had a difficult time getting in or staying in the United States. They should have, could have, didn't and were negligent. I'm saying Congress and the executive branch. Next, in the area of hijacking, at the very least should have said, you know, the word "hijacking" has been mentioned a few times. And the FAA should have communicated, I think, to the Port Authority and said, at least start doing some scenario analyses. Maybe something could happen. They should have they could have, didn't and I think were negligent.

The last one is the one you were talking about. It was a mistake not to pay attention to New York City and say it's the most likely target.

Attacked in February 1993. The landmark was an attempted attack in 1993 and 1994. We had ample reason to believe that New York City, as the financial and media capital of the world, was going to be the target, and we didn't give it primary attention. And I think C-SPAN's camera is still rolling. I want you to talk to the country now, because I understand as a former member of Congress how hard it is to separate out a single city and give it, I think, what it deserves now: unique attention.

You've identified two additional times when attempts were made in New York City. It's a unique situation. And God help Congress and the administration if a third time this city is attacked and more people die than are necessary and more people die on the spot than are necessary, and we're left again saying--

(Applause.)

MR. KEAN: Please.

MR. KERREY: --we're left again with hearings where, you know, we've got to say, well, we asked for resources and didn't get them. So I'm going to ask you a series of questions. And one of the problems, as you know--I mean, one of the problems is I can't just maintain what I need now, I've got to surge maybe 20, 25 percent more in a crisis than what I'm going to need in normal circumstances. So the question is, do we have

enough resources in New York City's hospitals to be able to handle a biological attack with I would say more than 10,000 casualties coming in at the same time? Do we have the capacity in New York City in our hospitals to be able to handle such an incident?

COMMISSIONER KELLY: Well, certainly--it would certainly be a huge challenge, and I would have to say--and I'm not totally familiar with all of the hospital resources that we have, but I would say no.

MR. KERREY: So would I. By listening both to the American Hospital Association and the General Accounting Office, their analysis nationwide is very negative, and it's got to be just as negative in New York City. And dealing with St. Vincent's down the street, knowing what their problems are, my guess is that we would be under capacity and then more people would die than necessary as a consequence. The second one is in the area of communication. Do you have the capacity, if an attack were to occur, you know, let's say in the next few days, to command the air, to command the harbor, to get the--to have the kind of visual control that we've heard repeatedly that was missing on the 11th of September, to be able to know what's going on on the scene and as a consequence be able to direct the resources. Do you have the kind of communication and the resources necessary to fund that communication system that you'd like to have, as a former colonel in the United States Marine Corps, and the kind of resources you would expect if you were leading a company in Vietnam?

COMMISSIONER KELLY: Well, if I understand you correctly, to control the harbor you say?

MR. KERREY: Yes, sir. I presume that if you're commanding this thing and there's an attack with multiple sites and multiple casualties, that you're going to want to have command of the air and of the water to be able to know what's going on and to be able to direct resources accordingly.

COMMISSIONER KELLY: Well, we rely, of course, on other agencies. Coast Guard, for instance, we have a close relationship with them. We have 25 of our own harbor launches here. When you look at--when you go by the United Nations, if you go by the World Financial Center, go by the Brooklyn Bridge, you'll see New York City police launches there. So in terms of our waterways, to be narrowly focused on that issue, I think we're in reasonably good shape, certainly for a municipality.

MR. KERREY: But are you going to be able to get the air resources so that you know what's going on on the ground, because we've heard repeatedly that one of the problems here is you go to the location or even at the command site and you simply don't know. You've almost got to watch commercial television to figure out what's going on.

COMMISSIONER KELLY: Well, we have seven helicopters and we have the capability now of sending pictures certainly to our headquarters on the ground and also to fire headquarters and certain--

MR. KERREY: That we didn't have before.

COMMISSIONER KELLY: We didn't have that before. We are getting new Agusta helicopters. They're replacing some of the ones that we have. That will increase our capacity to do that. And, you know, you said we are now taking fire executives up in the air to help us manage a fire. We practiced that. We know where to pick them up, we know how to get them up in the air. We do that on a regular basis. So giving us a quicker, more comprehensive view from the air is something that is now in place and will get stronger.

MR. KERREY: I'm going to tell you ahead of time one last question, because I'm going to let you look into the camera and make the case to the country. Because it seems to me the most difficult case of all is to say that Congress should authorize an appropriate, some fraction of New York City public safety's budget. Because if we don't do it, you're simply not going to be able to come up with the resources to be able to do it. We all remember after 9/11--God, the Yankees were cheered at Comiskey and at Fenway. The country felt like this was their city. New York City was attacked because they were trying to attack the nation, and the chances are it's going to get attacked again. This is not just a local issue, this is a national issue. And I wonder if you could make the case.

(Applause.)

COMMISSIONER KELLY: This is the financial--

MR. KEAN: First of all, I'd ask the audience, please, if you'll let the hearings continue. We lose time when you do that.

MR. KERREY: And that's the last question I've got, Commissioner Kelly.

COMMISSIONER KELLY: Well, this is the financial communications capital of the world. We have national and international assets here, if you will, and we're spending our dime to protect those assets. We're spending at a significant rate. So, yes, I think it is clearly justified to increase significantly the resources that are coming to this city to pay ongoing operational expenses for protecting America. This is the core, as I say, of the significant industries in this country. If something happens here again, it obviously reverberates throughout the world. We still haven't recovered from the economic impact of September 11th.

MR. KERREY: Thank you.

MR. KEAN: Commissioner Lehman.

MR. JOHN F. LEHMAN: Thank you. It's been very encouraging to hear the real progress that's been made and the lessons learned applied. But I think to a certain extent your predecessors, and to a lesser extent, you have been--we've been talking past each other on the concerns raised by my colleagues earlier. I personally have no doubt that the existing processes that have built up over a long time, as refined in the new instructions, will work just fine in dealing with the ordinary course of the thousand or so events you have to respond to every day.

What we're focusing on is exactly what we just talked about. We are in the crosshairs here. And if an event like al Qaeda has carried out elsewhere and planned, in addition to carrying out, multiple events around the city with high casualties, we, I think have not been convinced that the changes made can deal effectively with that in command, control and communications. And that is why the issue of who is going to be in charge in the "fog of war" under this kind of multiple attack we think needs to be addressed more forcefully than it has in this new reform.

As Commissioner Kerrey said, you're a combat Marine. You know that in every Marine battalion there is an entire company just of communications experts, because the Marines have learned the hard way that in the "fog of war," when you're under attack, things don't work and you've got to have a graceful degrading, as they say. You've got to have backups. You have

to have workarounds. If the single side band won't work, you've got to send somebody with a landline. You switch to ATF if you have to. If necessary, you write a note and send a runner. I don't see any such cross-agency understanding of the importance of communications under attack and dealing with it in a robust way with equipment and training that can withstand the inevitable Murphy's Law things that go wrong. And I don't see the authority anywhere in the city government yet, and one would hope it would be in OEM, to do the interface work, to do the rationalization. You all remember when the invasion of Grenada took place, the Army couldn't talk to the Marines. They had different radio frequencies, radios and multiple radios that couldn't interface.

That's been fixed in the military because there's now an authority with real clout to rationalize the communications and to see that they're robust and interoperable across agencies. It's that lack of line authority that seems to be missing not for the day-to-day crises that you all manage extremely well, but when the next attack comes. So I'd like to get your comment on why we couldn't apply some of the lessons from these military events of the past that have had the same kinds of problems that led to dysfunction and should be able to be applied here.

COMMISSIONER KELLY: I think this system that we're talking about now, the unified command system, does I think address a lot of concerns, at least in my mind, because it talks about getting command elements together, talking together, working collaboratively. Certainly in a major event that's what you want. We don't want high level separate command posts. We want to communicate face-to-face ideally. That's really the best type of communication.

Unless I'm missing something, I think if you're talking about radio systems, we're working to address--we do have interoperability now, but as far as big picture decision making, you want to make that together. And we do have an incident commander in the city, and that is the mayor. This is a very strong mayor government here, and maybe some people on the commission may be not aware of that, that mayors throughout the country don't have the authority that this mayor has.

So we do have a strong mayor, both position-wise and the incumbent now, but we want to have that face-to-face capacity at a high level to make decisions in complex situations. We can think of all sorts of scenarios where we

have CBRN, we have conventional explosives throughout the city. We certainly, in the police department, have structured our operations for multiple events. We have a standalone concept where all of our borough commands and commanders are--when they get the signal, they can operate independently and they can operate as their own police department. All of our resources in that area fall under the commander.

So we've been thinking about this. We have a schematic that tells each of our executives where to go in the event of a major attack or catastrophe. We've thought about this, we've addressed this in terms of multiple events or sequential events in the department. The police department and the fire department, we do different jobs, you know. Ninety-nine percent of the time we're not involved. But on the big ones, I think you want to get together and have--the mayor and the mayor's top-level people should be together making those decisions. I think it addresses some of the communication concerns that you have, sir.

MR. LEHMAN: Thank you.

MR. KEAN: Commissioner Roemer?

MR. TIMOTHY J. ROEMER: Thank you, Mr. Chairman.

Having represented the University of Notre Dame for six terms in Congress, I wanted to ask you the important question, who won that football game between the fire department and the police department on Sunday.

COMMISSIONER KELLY: Well, you notice I brought it up, so--

MR. ROEMER: Okay, what was the score.

COMMISSIONER KELLY: --the police department won.

MR. ROEMER: Okay. On a much more serious note, I want to thank all three of you for your time and your testimony today. You've been very helpful.

Commissioner Kelly, you've been asked a couple of times about the sharing of information, particularly intelligence information, with the FBI. I'm curious about how you share it with people below you and across from you at the fire

department. Let's say you have very important information. Do you have a top-secret security clearance?

COMMISSIONER KELLY: Yes.

MR. ROEMER: And do your chiefs underneath you have that same top--

COMMISSIONER KELLY: Some do.

MR. ROEMER: Some do and some don't?

COMMISSIONER KELLY: Right.

MR. ROEMER: So what I'm curious about is that al Qaeda has evolved into this lethal, agile, poisonous, venomous, quick-acting and very smart army against the United States. They did the World Trade Center and attacked it with a van of explosives in 1993. In 1998 they simultaneously attacked two embassies in Africa, killing 224 people. Then they tried a sea operation against the USS *Sullivans*. Didn't work very well, but they came back and attacked the USS *Cole* and killed 17 sailors. And then they came back to the World Trade Center again, this time with airplanes and this time killing 3,000 people. They are going to continue to evolve and adopt and do new things to come at us in New York City and other places.

And what I worry about is that we are not working in the same way with sharing information, using our first responders as sources and then getting information down to them, because I would bet that many of those people that you need to get some of this information to are not cleared, do not have top-secret security clearances. So how do you prepare and train and get people ready in the fire department for the threat that you might be hearing about as al Qaeda evolves in the next year --in the next two years.

COMMISSIONER KELLY: Are you talking about the fire department or internally in the police department?

MR. ROEMER: I'm talking about you in the police department and then over to the fire department.

COMMISSIONER KELLY: Well, we do a series of things in the police department. First let me talk about that. We have information bulletins that we put out on a regular basis, goes out through the entire department. We have intelligence

officers who are assigned through our intelligence divisions to precincts who give briefings, put out the information. Now, they're not--we're putting out obviously unclassified information and we're giving out that information. And I think we do a reasonably good job of it. We do a fair amount of training, telling officers what to look for.

One of the big frustrations, of course, we all know, is the lack of specificity in terms of information coming down a pike. It just doesn't come neatly packaged. So we're putting out information that's pretty much public source information to the officers in the field. As far as the fire department, Nick and I have had some conversations, when we get information about something of particular concern. You know, we'll have that conversation and I'll talk to the commissioner. But it doesn't come in, you know, in a nice neat form that's so easy to transmit. Say there's a--you know, the raising of the alert level in the country. And obviously the fire department does some things on their own.

MR. ROEMER: Do you have the numbers for how many people are top-secret cleared underneath you, how many people there are and how many are cleared and how many are not?

COMMISSIONER KELLY: I do. I would say--you know, obviously Joint Terrorism Task Force folks and others, we probably have 75.

MR. ROEMER: Seventy-five?

COMMISSIONER KELLY: Fifty to 75. That are not cleared? Or are cleared?

MR. ROEMER: Yeah, I'm asking for the number that are underneath you and then the number that are cleared with top-secret security clearances.

COMMISSIONER KELLY: The total number of people that report to me.

MR. ROEMER: Total number and then--the total number underneath you and then the number that are cleared that you could share that information with with your clearance level.

COMMISSIONER KELLY: I'm going to say about--the total number who are cleared, about 50 to--you know, we keep getting clearances. It takes about 10 months to get them. So I'm going

to say anywhere from 50 to 70 who are cleared. The size of the agency are you talking about? We have 36,000 uniformed officers and 15,000 civilian employees.

MR. ROEMER: And I would assume, Commissioners, that you have top-secret security clearance.

COMMISSIONER SCOPPETTA: I have had. I don't know if it's still active.

MR. ROEMER: May not be.

COMMISSIONER SCOPPETTA: I rely entirely on the police department for our intelligence.

MR. ROEMER: You don't have your own intelligence?

COMMISSIONER SCOPPETTA: We have a representative at the Joint Terrorism Task Force and he has top security clearance.

MR. ROEMER: But you're not sure if your clearance is active or not?

COMMISSIONER SCOPPETTA: He's given me information that he thought was relevant for the fire department to know about, so I'm not sure whether it's active.

COMMISSIONER BRUNO: Just so you know, at OEM we have top-secret clearance, one of our personnel. I will soon be top-secret cleared. MR. ROEMER: We certainly hear when we discuss this issue with people across the country that there are problems with the amount of time that it takes to clear people and the number of people at the lower levels that can be cleared and get the information so they can be trained and they can be anticipating where al Qaeda goes next and how they come at us next time.

Commissioner Scoppetta, a quick question for you. Hypothetically, let's say that those planes on September the 11th, 2001 had not gone into the 88th floor, the 92nd floor, but they had gone into the 50th floor or 55th floor. We have found that the fatality rates above the fire line were significant lethal, almost comprehensive of those number of people. We've heard this morning from Mr. Reiss and Chief Morris that progress made on both rescue above the fire line and helicopter rescue had not evolved as quickly as it should. Where are we today if

hypothetically some kind of terrorist attack took place on the 30th floor of a 60-floor building? How would we try to make sure that those 30 floors above the fire line of the attack have a coherent policy to rescue people or get people out of those buildings?

COMMISSIONER SCOPPETTA: I guess you're referring to evacuation plans.

MR. ROEMER: Yes, sir.

COMMISSIONER SCOPPETTA: And I think that has to be on a case-by-case basis, whether you evacuate a building or not. Traditional and popular wisdom is that we keep people from going up in buildings, and so we would keep people, of course, below the fire floor. We would not want them to go up, try to go on roofs to try to get down. Those above the fire floor, we would be attacking the fire and trying to get them a path down. Helicopter rescues, first of all, fire department doesn't have any helicopters. We have a protocol with the police department that allows us access to get our firefighters to fires using their helicopters, and that if it was a building that we could land on, we have that as well.

There are--we think every high-rise building, every large building, ought to have an evacuation plan to begin with. I know my own experience with some of the corporations that we deal with that have been helpful to us since 9/11 that they not only had evacuation plans but they drilled on them a regular basis, much to the consternation of many of their tenants. But it turned out to be enormously helpful on 9/11. JP Morgan comes to mind in their building. So we would be in favor of having mandatory evacuation plans for high-rise buildings. But if you have a fire above--if you have people caught in a high-rise building above a fire floor and you talk about the 50th floor, you have an enormous challenge for firefighters.

MR. ROEMER: Why not get your own helicopters?

COMMISSIONER SCOPPETTA: Well, where do I sign the requisition? (Laughter.) We've relied on the police department helicopters in the past, but we don't have a helicopter unit trained and so forth. That would be an enormous undertaking, and given our fiscal constraints right now, I suppose--not I suppose, but I would prefer to rely on PD helicopters and use that money for a host of other things, some of which I've touched on.

MR. ROEMER: Does Mayor Bloomberg's new policy, announced Friday, address this particular incident command issue that you would be able to coordinate this and communicate this very quickly?

COMMISSIONER BRUNO: Absolutely it does. Absolutely it does. And precisely--in an incident of that magnitude, you would have incident command operated. You would likely have Commissioner Kelly, myself and Commissioner Scoppetta there. And those things would be done at the highest level. But even if not, they would be done at the ranking officer level and could be coordinated immediately in the operation's post. We're there all day.

MR. KEAN: Senator Gorton.

MR. SLADE GORTON: Commissioner Kelly, your answer to one of the subjects that Commissioner Gorelick raised was highly encouraging, and I'd like to follow up on it and get more details. And the background is that one of the agonizing parts of the staff report this morning was the fact that almost the only place that any normal citizen did call on September 11th or could call was to call 911 and learn what to do. And calling 911 on September 11th was a pointless exercise. The 911 operators were clueless. They didn't know as much as someone sitting at home watching television about what was going on for the entire hour and 40 minutes, until both towers had collapsed. Apparently there was no one whose responsibility it was to keep the 911 operators informed.

Now, as I understand your answer to Commissioner Gorelick was that either you had cured that situation or were about to cure it, that there was now someone in the police department, some office or officer, whose responsibility it was to keep 911 operators up to date with real-time knowledge during the course of an emergency as to what the status of the emergency was and as to what kind of advice to give to people who called in who were potential victims. Did I understand your answer correctly in that connection?

COMMISSIONER KELLY: Yes. There has been for some time obviously supervision, a platoon commander in charge of the operators. Now that person, that position, has immediate access to information from the fire department, from the Emergency Medical Service, which is now a part of the fire department but a separate operation, from our own operations unit, operations

division, which they monitor. They work directly for the chief of the department, so they have the--that position has the capacity to get--you know, to keep updated on the big picture and the ability to direct information to the call-takers as to what to give out.

MR. GORTON: Okay. And they can get that information not just from the police department but from--

COMMISSIONER KELLY: The fire department.

MR. GORTON: --Emergency Management and they're getting that from the fire department.

COMMISSIONER KELLY: Yes, sir.

MR. GORTON: So this is a situation which, as far as you're concerned, you have cured now.

COMMISSIONER KELLY: Cured is an awfully strong word.

MR. GORTON: Well, 911 operators--

COMMISSIONER KELLY: We raised the capacity.

MR. GORTON: --at least have a method of having up-to-date information and presumably are told to give up-to-date advice.

COMMISSIONER KELLY: Yes. Yes, sir.

MR. GORTON: Thank you.

Commissioner, Scoppetta, is not--do I understand, however, that it is still the formal policy of the fire department to advise people under fire circumstances in towers or circumstances like those we faced in 9/11 to stay in place, that you have not changed that advice, even though you know perfectly well from experience so far that people aren't going to stay in place. They're going to get out as quickly as possible. Is it still the formal policy of the fire department that they should stay in place until rescued by firefighters?

COMMISSIONER SCOPPETTA: Well, first of all, we'd like to see--as I said earlier, all high-rise buildings have evacuation plans, so we would have some--I think we'd have some guidance. On the other hand, I think each one of these

situations requires an individual assessment by the Incident Commander and the chief fire officer on the scene, telling people below the fire floor they can either go down or stay in place is still pretty good advice. Telling people not to go up to rooftops is also still pretty good advice. But one doesn't preclude the other. That is, it doesn't preclude total evacuation, if circumstances seem to call for it.

We have high-rise fires all the time. They're confined to a floor or so, and everybody else staying in place is the safest thing to do. When you're going up, you're going up into the smoke and the fire as well. If you go and try to get to the roof, well, the smoke is trying to find its way up there as well. So we tell people, close the doors, seal with wet towels, keep smoke out, if they're in a part of the building that appears to be safe.

Having said all of that, each one of these situations is a case-by-case assessment, and 9/11 and the World Trade Center is as aberrant, as enormously unprecedented as the fire department could ever have faced. Typically--I'm talking about a typical high-rise fire--that is the advice we would give.

MR. GORTON: It's easy to understand why you tell them not to go up when they're below--certainly when they're below a fire. But do I still get it that the normal, not aberrant, not 9/11 situation is one in which your general advice is still going to be to stay in place unless there are contrary instructions from the fire department?

COMMISSIONER SCOPPETTA: Generally speaking we would say that if we were certain that the people that we're talking to are at a safe distance from the fire--if the fire's on the 35th floor of a high-rise building, we're not telling people on the 25th floor that they have to get out, if it's a fire that we are sure we're going to get under control and it's not an airline--an airplane collision into a building. Typically these are fires that are started--an electrical malfunction, a stovetop fire that then spreads through the apartment. We deal with those all the time and our firefighters will get up there and be able to handle it.

A mass evacuation of a large building can lead to enormous difficulties for the people trying to get out. And I think it works and works well when you have evacuation plans that have been drilled on, and very few apartment buildings, for example, large apartment buildings, do that kind of thing.

MR. GORTON: Thank you, Mr. Chairman.

MR. KEAN: Commissioner Thompson will be our last questioner.

MR. JAMES R. THOMPSON: Commissioner Kelly, I'm sure that you and Commissioner Scoppetta and Commissioner Bruno have studied the occurrence of September 11th to a large degree. Do any of you have any concrete example or report any reliable information that any competitiveness or rivalry between the police department and the fire department interfered with the efforts on September 11th?

COMMISSIONER KELLY: No, sir.

MR. THOMPSON: Mr. Bruno?

COMMISSIONER BRUNO: No, I do not.

MR. THOMPSON: Mr. Scoppetta?

COMMISSIONER SCOPPETTA: No, I don't think so.

MR. THOMPSON: Okay. Both Commissioner Roemer and Commissioner Ben-Veniste have referred to the characteristics of Usama Bin Ladin and al Qaeda: smart, entrepreneurial, flexible, lethal. I place New York City in a very high rank of risk, as I'm sure everyone here does. But it occurs to me that one of the faults we have sometimes is fighting the last war. And if al Qaeda and Usama Bin Ladin are as flexible, smart, entrepreneurial as everybody believes, I'm trying to get the rational basis for assuming that New York City will be the target again for the third time, rather than Chicago, Los Angeles, Boston, Orlando, Miami, or perhaps a coordinated attack between a number of cities not involving bombs or explosives or airplanes.

So when you say that the federal government has increased the number of high-risk places from seven to 80, I assume without increasing the pie, and therefore New York will get a smaller piece of the action. How do we solve that except by putting in massive resources into the pie, making the pie bigger? Because it's hard for me to see how we can safely make the assumption that New York should get a huge share relative to the other cities if al Qaeda and Usama Bin Ladin are up to what we think they're up to.

COMMISSIONER KELLY: Well, I would say that it's the consensus of the intelligence community that New York is at the top of the target list. I think it is the highest value substantive and symbolic target. When you talk about the so-called chatter, New York is mentioned more than any other place and when people in other countries talk about the United States they talk about New York.

We had a threat that involved the bridge in the Godzilla movie and that's the Brooklyn Bridge. So New York is America to a lot of the rest of the world. And again, it's clearly the opinion, the collective opinion of the intelligence community, that New York is close to the top if not at the top of the target list.

And what has happened in the dispersal of these funds is that city after city gets added, including transportation districts. That's how it went from 50 to 30. And once you get on that list, it's very difficult in the real world to remove a city from it. So it went from seven, as I said, to 80. I don't know how you solve that unless you put another layer of money in it, but the reality is the pie got smaller and now there's a lot more pieces. So we're spending the money here.

MR. THOMPSON: One of the things we haven't mentioned today that concerns me greatly is the fact that this area is home to a very extensive port system. Only a very, very small percentage of the contents of freighters coming into the ports in this area are examined. To examine many more may slow down the nation's economy or require just incredible sums of money. Are you satisfied with the way we're protecting this area's ports and harbors now against the threat of a device, an explosion or a nuclear device coming in on a ship?

COMMISSIONER KELLY: No, sir, not--

MR. THOMPSON: And what do we do about it?

COMMISSIONER KELLY: Well, again it's--a lot of it gets down to money. And we also need better manifest information and a much better sense of what's coming in on a timely basis of what's being shipped out. We have some people--we being the U.S.--have some people through Customs Service--I used to be commissioner of Customs--have men in Rotterdam and other ports.

That program I think has to be significantly increased. I think probably right now it's still fairly symbolic and not nearly large enough to make a significant difference. But we need better information as to what's leaving. We need more inspections of containers before they leave other ports to come into the United States, and we need more inspections here.

All of that ultimately gets down to money, resources and people, and technology. I don't think we have the technology really to do some of this yet. I think a tracking system of where containers are is also something that--I think that's doable. But I know when I was in Customs the major shippers resisted that. That was pre-9/11. I don't know what their outlook is right now. So to answer your question, I certainly think we need a lot more work in that area.

MR. KEAN: Thank you very much, Commissioner Thompson.

I want to thank the panel very, very much for their contributions to the hearing. I thank each and every one of you.

I once again ask the audience to remain seated briefly so that our witnesses may depart. I'd like to thank all the witnesses who appeared here before us today for their time, their expertise and their insight.

This hearing will reconvene tomorrow morning at 8:00 a.m.

END.