



## **Second Interim Report of the National Commission on Terrorist Attacks Upon the United States**

Thomas H. Kean, Chair, and Lee H. Hamilton, Vice Chair

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The National Commission on Terrorist Attacks Upon the United States—the 9-11 Commission—continues to work, and we intend to report to the nation no later than our statutory deadline of May 27, 2004. We will speak this afternoon about our access to documents, what we have done, and what we plan to do. We will outline some of the investigative and policy questions before us.

### **ACCESS**

We turn first to the issue we left open at the time of our July 8 report. Are we getting the help we need so that we can complete our job in the time allotted to us by law?

- Since our July report, Executive Branch agencies have significantly improved their performance in responding to our document requests. There are still pending requests, and many documents have yet to be produced. Key agencies have assigned additional people to produce documents. Agencies initially slow in responding, including the Department of Defense, have worked hard to assist the Commission.
- While there have been some unnecessary delays, we now have over 10,000 documents in hand, and have access to documents from the Executive Branch numbering more than two million pages. This is already more than four times what was provided to the Congressional Joint Inquiry. The flow of documents to us continues.
- Production appears to be nearing completion in the critical area of high-level agency records on policy deliberations if all current commitments are met. The Executive Branch agencies have agreed to produce these records. Some have been slow. We have received many of these documents only recently. We have been assured that the remainder will be made available in the next two weeks. If they are not, we will not hesitate to inform the public.
- The Commission has obtained access to many of the key White House and National Security Council documents we have sought from this administration and its predecessor. The access we already have is on a unique breadth and scale.

Pending requests seek additional sensitive documents. We have been conducting extensive negotiations so that the Commission gets the additional information it needs. Although we have received certain assurances, we are still negotiating with the White House. We will inform the public promptly if the Commission does not receive the access it needs.

- The CIA and the Departments of State, Defense, Justice, and Homeland Security have generally been responsive to the Commission's requests. In many cases this has required some extraordinary efforts, which we appreciate. In the case of some particular requests, agencies have been unable to locate any responsive documents, or only a few where we would have expected there to have been more. In all cases, we will obtain certifications by senior responsible officials as to the completeness of their production.
- The FBI has provided the largest amount of material to the Commission. It also has the largest number of documents relevant to our work. We have needed to create very unusual working arrangements to facilitate the Commission's access to the remaining FBI information we need to receive. The Bureau has agreed to these procedures and, from the top, has expressed a firm commitment to make them work.
- There are many more agencies we could mention in the public sector, including at the regional and local level. We have also been obtaining documents from some private firms. Again, in general, these agencies and firms have been responsive to our requests.

#### **WHAT WE HAVE DONE**

We have just passed the second anniversary of the attacks. No one has waited for answers longer than the families of the victims. We thank them for their patience and support. We are working to earn their patience. Let's talk about what we have been doing.

- We and our staff of 65, in two offices in Washington and one in New York City, have been evaluating the mountain of documents in our possession.
- We have received 87 briefings from agency officials.
- We have conducted more than 200 interviews of individual witnesses.
- We have heard from 58 policy and fact witnesses in our public hearings.

Our interviews are not just in Washington. We are going to FBI Field Offices, military bases, airports, air traffic control facilities, and immigration checkpoints, and interviewing first responders from across the country.

## WHAT WE PLAN TO DO

- Our public hearings will continue, although we will defer the factual hearings in order to permit the staff work necessary for those hearings to be fruitful. Instead, we will focus the remainder of our hearings in this calendar year on important policy issues.
- In October we will explore questions of organization and leadership. Should we restructure the intelligence community and create a Director of National Intelligence? Should we change the way we prepare and issue warnings of terrorist attacks?
- In November we will hear testimony on best practices for emergency preparedness.
- In December we will examine reforms by the FBI and whether we need a new agency to gather intelligence in the United States, what some have called an American version of Britain's MI-5. We will look at whether our nation is striking the right balance of security and liberty.

Based on what we learn in our document review and classified interviews, we will begin a series of public hearings on factual issues in January with the principal figures of the Bush and Clinton administrations. We will hear testimony, including from Cabinet-level officials, on how they did their jobs in the run-up to the 9-11 attacks and—in the case of current officials—how they see their jobs today.

- We will hold a hearing in January on the immediate response to the hijackings by those responsible for our air security system and by our nation's leaders.
- We will hold a two-day hearing at the end of January on border and transportation security issues. We will look at watchlists, visas and foreign visitors, immigration law enforcement, and aviation security.
- We will hold a three-day hearing in February on law enforcement and intelligence collection inside the United States. We will hear from the Justice Department, the FBI, Homeland Security, and state and local officials.
- Later in February, we will hold two more days of hearings, on terrorist safe havens and permissive environments, then and now, and we will look at broader issues of international cooperation.
- In March, we will hold four days of hearings. We will hear from senior officials, then and now, at Defense, CIA, the State Department, Treasury, and the National Security Council staff.

- In April, we will hold hearings telling the story—as authoritatively as we can—of the 9-11 plot and what happened on that day. We will look at emergency response, at the local and national level.

Taken together, our plan is for 14 days of hearings between January and April. We will hear from some 55 senior officials, past and present.

At the end of May we will release a report to the nation. We will want it to be as widely available as possible. That public report will be backed by a number of volumes of detailed monographs.

## QUESTIONS

As we get access to so much information, many are anxious to hear what we have learned. We understand their impatience. Yet we are engaged in what may be the largest investigation of U.S. government actions and policy in American history. Waiting for the right answers is better than rushing to judgment with the wrong ones.

The questions we must answer begin with the past.

- We are developing a full depiction of the conspiracy to attack this country; how the plotters analyzed our weaknesses, the strategies they developed, the actions they took, and those who helped them.
- We must understand the enemy that chose war against America.
- We are seeking to understand militant forces within the Islamic world, and the religious, governmental, and financial institutions—and ideologies—that support them.
- We are evaluating the events and policies that may have contributed to the development of this threat.
- We are considering how we collected and analyzed foreign intelligence. The CIA was created in part to avoid another Pearl Harbor. Generations of experts worked on better ways to warn against surprise attacks. We are exploring how, or whether, those methods were employed to warn against this one. We are also exploring the way intelligence efforts were conducted within the United States, and how well our foreign and domestic agencies combined their efforts against a transnational enemy.
- We are analyzing the policies our leaders crafted to combat terrorism and prevent such a devastating attack. What actions were chosen, or readied, with the tools of diplomacy, military power, or more secret means—whether against terrorist sanctuaries or terrorist finance?

- We are assessing how America's other defenses performed as well, looking at how terrorists penetrated our borders and how they boarded and seized four commercial airliners.
- We are reconstructing the events of September 11, minute by minute, so that we can see the strengths and weaknesses in the way the air traffic control system, our air defenses, the national command authorities, and local emergency responders understood and responded to the attack.

In addition to describing the facts and circumstances surrounding the attack, our report will emphasize the most important policy recommendations. We want recommendations that can be implemented, work in the real world, and make a difference. And we will not go away the day after we release our report. We will work hard to explain our recommendations and win support for them.

We do not bring our recommendations before you today. That work remains to be done. However, we are clear about some of the central policy questions we will need to address:

- Is the Intelligence Community organized properly to carry out the war on terrorism? Does the Director of Central Intelligence need greater authority over agencies and resources?
- Is our military properly organized to defend us at home as well as defeat our enemies abroad?
- Do we have a government-wide, unified strategy for counterterrorism with the best balance of diplomacy, law enforcement, financial measures, military action, covert action, and public diplomacy? Are we meeting the challenge today and are we postured well for the future?
- What are the best methods of identifying, tracking, and disrupting terrorist funding, and how effective have we been in getting cooperation from key foreign governments?
- Which reforms in our immigration and border system since September 11 have made Americans more secure, and which hold the most promise for the future?
- Has the FBI carried out enough reform and the right reforms? Or do we need a new domestic intelligence agency?
- Do we have the proper policies, resource levels and risk management priorities to protect our aviation and other transportation systems?

- What measures have been taken to improve agency cooperation across federal, state, and local levels, how effective are they, and what more needs to be done to respond to future attacks?

We certainly will take up additional questions as our work progresses, but we know that these key policy questions are before us.

#### **LOOKING BACK—AND FORWARD**

The Commission is not choosing between examining the past or the future. We are doing both. We are looking backward in order to look forward.

We will try to learn how and why America was attacked so that we can suggest ways to keep such a tragedy from happening again. You have our dedication to that effort.

Thank you for your time and attention, and we would be pleased to respond to your questions.