

MEMORANDUM FOR THE RECORD

Event: North American Aerospace Defense Command (NORAD) field site visit
Type of event: Interview with CINC NORAD (Commander in Chief NORAD), General Edward "Ed" Eberhart
Date: March 1, 2004
Special Access Issues: Clearance check
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Team Number: 8
Location: Peterson Air Force Base, Building 2
Participants - Non-Commission: Colonel David Hayden (U.S. Army), Colonel Punch Moulton (U.S. Air Force)
Participants - Commission: Team 8: John Azzarello, Geoffrey Brown, John Farmer, Miles Kara, Kevin Shaeffer

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

Background:

Eberhart had been part of the military for 33 years on September 11, 2001 (9/11), and had been a four star general for five years.

Please refer to the attached biography for a comprehensive record of Eberhart's career.

Debate over the relevance of NORAD:

The two major factors that contributed to the declined importance of NORAD's air defense mission were: 1) the Soviet Union development of Intercontinental Ballistic Missiles (ICBMs) – thus changing the likelihood of a traditional bomber/fighter air attack; and 2) afterwards, the relative end of the Cold War threat after the break up of the Soviet Union. A common thought that stemmed from the above factors was that the air defense mission of NORAD could be distributed amongst sites that could perform multiple missions. The priority was to "recapitalize and re-modernize" the forces for the future. Eberhart noted: "I've argued both sides of that." [Note: Eberhart was the Vice Chief of USAF between 1997 and 1999, and thus engaged in the debate over NORAD funding. He seemed in favor of using regular Air Force assets, vice the National Guard, for alert duty. He commented that it could be "cheaper and better" to do so, and would assist with the modernization of the force.]

Asymmetric threats:

Eberhart commented that prior to 9/11 asymmetric threats were seen as part of national security's "away game" instead of its "home game". These threats included cruise missiles, weapons of mass destruction (WMDs), or computer systems threats. Though the classic attrition warfare ascribed to the Cold War was unlikely, asymmetric threats were not seen as a domestic priority for NORAD. Most thoughts on domestic terrorism were tied to the circumstance of the Oklahoma City bombing, and thus a law enforcement issue.

NORAD considered itself least prepared to respond to cruise missiles during the Soviet era. Afterwards, with the disbanding of the Soviet Union, as stockpiles of weapons were less stringently monitored, and as the technology to create a "poor man's" cruise missile became disseminated, NORAD considered it possible for terrorist organizations to employ cruise missiles. This was NORAD's primary terrorist-related concern.

Air Sovereignty in name only:

Eberhart commented that he held the same concerns as General Myers upon his ascendancy to the position of CINC NORAD, which included the notion that NORAD could only provide "token sovereignty" for CONUS airspace. Mainly, the ability to have air traffic control and aerospace control was undergoing a process of atrophy. He commented that it was very difficult to express the importance of the threat before 9/11. They developed a NAASC (North American Air Surveillance Council) effort to address this concern.

The NAASC was able to stop an FAA proposal to disable the ability to track primary targets on radar, and NORAD/FAA attempted to create a funding-sharing arrangement. The money was allotted with the assumption that GPS (global positioning satellite) technology would replace the radar technology. Eberhart stated that NORAD went on record, via the NAASC, for the need to share the air surveillance financial burden across the DoD (Department of Defense) and the DoT (Department of Transportation). He commented: "Without 9/11 we would have likely lost that fight. Everyone agreed, but didn't want to pay for it or thought that new technology would come online" to replace the technical difficulties. Succinctly, Eberhart opined that if 9/11 had not occurred there would have been no financial will to pay for new radar capability.

Joint FAA/NORAD training:

Eberhart commented that prior to 9/11 there was not much interest between the FAA and NORAD to share in exercises. The FAA priority was to serve the economic needs of the air traffic, whereas NORAD at times would be seen by the FAA as infringing on this priority by the use of space in exercises.

Eberhart noted that prior to 9/11 the role of the FAA in national security was to vector NORAD assets towards a target inbound to the Continental United States (CONUS).

Law enforcement events:

Eberhart noted that the role of NORAD in CONUS events is to respond in support of the lead federal agency, just as the National Guard, as part of the military, supports law enforcement in certain events.

NORAD's external focus can be attributed partially to no documented indication of a threat akin to the 9/11 attacks having reached a CINC NORAD.

Matrix of primary threats pre-9/11:

One of the primary threats Eberhart was aware of pre-9/11 was the "slim chance" that the politico-military events in Russia would destabilize to the point at which an attack would be initiated. This possibility necessitated constant vigilance over the ADIZ (Air Defense Identification Zones).

A threat that was given priority at NORAD also was its important role as the eyes and ears of the U.S. external drug mission. The primary difference between NORAD's projected missions and the 9/11 attacks, according to Eberhart, was that in fulfilling NORAD's air sovereignty and defense missions, whether in support of other U.S. agencies or not, the threats NORAD was tasked with always originated from outside of CONUS. Therefore, in these circumstances there was more time to respond to the event.

Eberhart commented that NORAD had never "set up" a CAP (Combat Air Patrol) program prior to 9/11 because it was an impractical tactic to respond to the types of air threats NORAD was tasked with defending against. A CAP would not be a practical defense against long range air-to-surface missiles. The only practical and developed response would have been that which NORAD practiced for – to neutralize the ICBM's airborne delivery system before launch. Further, Eberhart noted that the mission to intercept an airborne intercontinental threat at .8 mach does not translate to the law enforcement mission that has now been tasked to NORAD by the President.

Regarding the FAA's role in air defense, Eberhart noted that he believes the FAA thought 1) airport security would have been more robust; and 2) that any hijack would have been a "classic" hijack. Both these misconceptions led to their lack of preparedness on 9/11.

Moving towards 9/11 in history:

Eberhart explained that it quickly became obvious to him after the fall of the Soviet Union, through the old Warsaw pact posturing and the "saber rattling" of Sadaam Hussein, that the world was "far more dangerous" than it had been. But because of the separation of the ocean from these threats, Eberhart had always viewed the military as fighting an "away game" in the Middle East and in Eastern Europe. When he came to NORAD in 2000, he was concerned with ballistic missile defense. He was also concerned

with "finding a way ahead with cruise missile defense", and stopping the atrophy of the radar capability.

Eberhart commented to Commission staff that he still does not know "exactly what the intelligence community had" regarding the possibility of an attack like that of 9/11, but if the intelligence community had had information that postulated a terrorist group would attack an urban setting with an aircraft, then that information would be passed to NORAD. Further, according to Eberhart, NORAD did postulate an air attack from abroad prior to 9/11, but in all the proposed scenarios: 1) the aircraft would be squawking; 2) the airline pilots would be in cockpit control, not the terrorists; and 3) NORAD would have a substantial period of time to react, and to pass ROE through the appropriate National Command Authority.

The Russian threat re-emergent:

9/11 Classified Information

9/11:

Eberhart received a call at 6:45AM MDT (Mountain Daily Time, or 8:45AM EST) from CMOC's Command Director (CD) that informed him of the ongoing circumstance of a suspected hijacking on the East Coast. He was told that this was a non-exercise. He went to his office, and saw the CNN broadcast of the World Trade Center explosion. He asked if the aircraft that was suspected of impacting the World Trade Center was the same aircraft that was a suspected hijack, and was told that they were not. Eberhart commented that there was apparently "great confusion in the system". After the second impact, it was "obvious" to Eberhart that there was an ongoing and coordinated terrorist attack. He attempted to contact the Chairman of the Joint Chiefs of Staff (CJCS), but was unable since the CJCS was airborne at the time. So he immediately contacted higher command authority at the Pentagon. Eberhart stayed at Building 1 (US Space Command, which he was also the Commander of), since he did not want to lose communication. He went to the Cheyenne Mountain Operations Center (CMOC) later in the morning.

After Otis ANGB scramble:

Eberhart had trust in the commanders of the sectors and the authority at CONR, and thus had no involvement with vectoring the fighters. He did note that if he heard (while monitoring the decisions of his commanders) an order he did not agree with, he would counter the order; but for most incidents he has confidence in his commanders. He noted that in cross-border operations he takes more of an active role.

Eberhart stayed in communication with General Myers. He believes he moved his operations to Cheyenne Mountain at approximately 9:30EMT. He believes that as he was

traveling while both Delta 1989 and United Airlines Flight 93 (UAL 93) were ongoing events. He believes he reported to Cheyenne Mountain as UAL 93 was ongoing.

Langley at Battle Stations:

Eberhart noted that on his communication loop it had "quieted down" before he made the decision to go to the Mountain.

Langley scramble and the rebirth of AA 11:

Eberhart had no knowledge of the circumstance that initiated the scramble of the Langley fighters. He was only made aware of the circumstance recently. [Note: Commission staff believes that a false rumor that AA 11 was still airborne after 8:46AM and headed en route to Washington, D.C. was the cause for the Langley scramble. This is evident through analysis of the NEADS Mission Crew Commander recording from position 2 - MCC Op 2.]

Threat to Chicago:

Eberhart recalls concern over responding with capable assets to an aircraft that was reported headed towards Chicago. Eberhart informed Commission staff that he believed the Sears Tower was a likely target.

American Airlines Flight 77 (AA 77):

Eberhart recalls that General Arnold gave information that a plane "might have been" in the vicinity of Washington, D.C.

Authority for Fighter Intercept Order (AFIO):

Eberhart had no comment on the Langley fighters AFIO (Quad 7s) declaration, and only noted that when a fighter achieves certain levels of mach the weaponry on the fighters may not work upon arrival to a target.

Delta 1989 and the circumstance with UAL 93:

Commission staff represented to Eberhart partial results of its investigation. Eberhart commented that Delta 1989 and UAL 93 may have been interchanged. He commented that he understands that there is "support" for this theory.

Vice President's order:

Eberhart noted that the VP order occurred slightly prior to his arrival at the mountain. He noted that he indicated by the way the order was input through the system that the airliner would have to display a "hostile act" before the order for a shoot down would occur. Eberhart believes that General Findley informed him of the VP order. He

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reacted that to shoot-down an airplane based on its location was an extreme act. He noted that the order had already been communicated down chain, so he communicated to Continental United States Aerospace Defense Region (CONR) that they should still look for a hostile act. He viewed his direction as specificity, not countermanding. Eberhart noted that the burden of making the decision to pass an order authorizing the engagement of a commercial airliner "pales in comparison to the burden on the person who would pull the trigger" – Eberhart used this comment to indicate that he understands that there is "no one who wants to do this less than the fighter pilot". He commented that if the pilot saw "the nose down, no landing gear, high speed" – then this could be construed as a hostile act; but no matter what the circumstance, the pilot would look towards his command for an indication of what to do.

Eberhart assumed that the order was passed to the level of the fighter pilot. "Rules of engagement are only good if those engaged know the rules".

Eberhart spent time in the days thereafter 9/11 on efforts to formulate proper and formal specificity of ROE to be passed to his commands.

Weapons-free:

Eberhart noted that General Worley did not have the authority to give a "weapons-free" order. Eberhart commented that a NORAD pilot is not under Worley's command, and thus would not operate under that order. Further, the Andrews pilots under Worley's command should have known that Worley did not have that authority, and thus would ideally have still looked towards a higher command authority for specificity and direction.

Eberhart commented that a fighter pilot is trained only to become weapons-free after a hostile target is identified.

Eberhart noted that the fighters' command and control (C2) through NEADS rested on his authority; whereas the air traffic control of the fighters rested with the FAA. Eberhart noted that despite the communication difficulties there is almost always a way to communicate through relays to the fighter pilots.

DEFCON 3 declaration:

Eberhart explained that there was a debate over the advantages and disadvantages of declaring DEFCON 3, and believes the Pentagon initiated the DEFCON 3 transition. Eberhart commented that DEFCON 3 was not intended for the attacks of 9/11, and thus could have complicated the response to the attacks. Eberhart did not think it would have "done anything for us" within CONUS. [Commission staff believes General Myers was responsible for DEFCON 3 in order to increase the readiness posture of U.S. global forces in light of the possibility that the CONUS attacks would be followed by attacks on U.S. forces abroad.]

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Eberhart commented that "Transition ROE didn't change what we had already told them (pilots)". [According to the Langley pilots' Commission interview Transition ROE certainly had a significant effect on their thought process.]

9/11 Classified Information

Post-9/11:

Eberhart noted that the events of 9/11 were discussed at the tactical, strategic and operational levels of NORAD. Time-distance warning was recognized as a factor that "complicated the day"; which led to the DEN line, liaisons between the FAA and the military and greater radar inter-operability. Further, the alert base missions were evaluated in conjunction with key infrastructure and major population centers. Certain "air defense levels" were developed that could be implemented within time intervals (twenty minutes being the quickest possible escalation of an air defense level). This led to recommendations towards "tiered air defense alert levels" – levels that serve a long term goal for appropriate responses provided to the president given escalating air defense threats.

Eberhart noted that it is necessary for the data link system – which allows for target identification to be passed from one ID system to another – to be implemented directly from the FAA to NEADS, and from NEADS to the intercepting fighter aircraft.

Timelines of events on 9/11:

According to Eberhart, the timelines developed for NORAD of the 9/11 attacks indicate that there were difficulties with notification and with communicating rules of engagement (ROE). Eberhart commented that though those timelines "were not exactly correct" they were used to address the operational faults of the day.

Eberhart stated that in "no way" were the timelines created as a "falsification of the truth", and that they were compiled with best intent. Commission staff represented to Eberhart the timeline facts that have been compiled by its research. Eberhart, after being presented with these facts, commented that he does not know who was tasked with compiling the timelines for NORAD, and that whenever NORAD is shown that there is something wrong with the timeline, they adjust it. He commented that "no one has ever

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discussed that with me before”, regarding the differences between the NORAD official timeline and the facts uncovered by Commission staff. [Note: Upon further interviews at NORAD, Commission staff learned that Eberhart was briefed on the NORAD timeline in advance of Commission interviews, and this briefing was based on the timeline delivered to Commission staff on February 23, 2004. Eberhart denied in the course of this interview that he had ever been exposed to the aforementioned timeline.]

Eberhart also stated that the newest NORAD timeline [delivered to Commission staff on February 23, 2004] was likely the result of his “standing order” to correct the record of events whenever possible.

Commission May 2003 Hearing:

Eberhart reviewed the prepared statement prior to it being sent to the Commission. He has also reviewed a transcript of the hearing, but said he had no role in creating the timeline that was presented. Eberhart stated that he spoke with General McKinley following the hearing, and was not pleased with the hearing.

Recommendations:

Eberhart stated that the “biggest challenge right now is what are they (terrorists) thinking about doing that we’re not practicing for or equipped for”. Eberhart commented that within that challenge there is a dilemma between confidence for the American people, deterrence against the aggressor, and the ground truth of capability.

Eberhart also noted that he has concerns over a “complacent crew” who might have terrorist intentions.

Eberhart believes that the effort to unify the language between the FAA and NORAD has been successful. He is worried however that over time this relationship may become less proactive.

Eberhart commented that the National Guard ownership of the NORAD mission is appropriate, and that there is no reason to move the mission back to the active duty military. Eberhart noted that for the “budgeted years” there is enough resource to execute the current NORAD mission.

Eberhart commented that he has found the quality of the intelligence information sharing to be “very good”. He has found great value in interrogation of terrorists at Guantanamo Bay and in law enforcement intelligence sharing.

Eberhart commented that he knows of no need from NORAD for a change in *Posse Comitatus*, but that if a need presented itself then it will be changed.

Eberhart commented that there is currently a scramble plan that has been developed so that fighter pilots know exactly how to reach the likely air patrol areas

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unless they are paired with a specific target. These efforts have been coordinated with the FAA.

Eberhart "personally thinks" that the ground to air defense measures that are in place currently are appropriate, and that the efforts made to implement such measures on individual event bases are ongoing, considered for each event, and also appropriate.

9/11 in American history:

Eberhart commented that he hopes that in the future the war on terrorism will be won, and that there will be no animosity to a specific ethnicity. He believes that the U.S. will know it has won when the roots – poverty and unemployment – of the problems that spawn terrorism are attacked.

Follow up:

Eberhart was not aware that NORAD issued the Commission a new timeline after its CONR interviews. Eberhart reviewed General Arnold and Colonel Scott's prepared statements for the Commission hearing in May of 2003. General McKinley briefed Eberhart on the hearing. Eberhart did not focus or participate in any high level reconstruction of the attacks for review and release to the American public immediately thereafter 9/11. He answered Commission staff that he was not involved in any effort to "spin" the events of 9/11. Eberhart answered Commission staff that there is no reason in his knowledge that Commander Marr would not represent the ground facts of the 9/11 attacks.

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