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MEMORANDUM FOR THE RECORD

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Participants – Non-Commission: Mike Morse, FAA National Security Coordination Staffer; and Susan Caron, FAA Office of the Chief Counsel

Participants – Commission: John Raidt, Bill Johnstone, and Lisa Sullivan

Background

(Unc) Prior to coming to the FAA in 1986, Morse was in the U.S. Air Force Office of Special Investigations. He dealt with counterintelligence and counterterrorism from 1966 to 1986. In 1986, he moved to the FAA where he assisted in the establishment of an intelligence division for civil aviation security. He named Richard Clarke, Oliver North, and [redacted] as three members of the Administration who were instrumental in establishing an intelligence division for FAA because of their perception that FAA needed help in its overseas intelligence. Initially, FAA's connection to the intelligence community was an online data system, Flashboard, hosted by the National Security Agency. A secure intelligence facility (SCIF) was built at FAA Headquarters to accommodate the division. Between 1986 and 1994, Morse served as Deputy Director and then Acting Director of Civil Aviation Security Intelligence.

(Unc) Morse was made Deputy Director of Aviation Security Operations in 1994. He held a variety of posts within security operations for FAA over the next 7 years, including domestic operations division manager; standards and evaluation division manager and special activities. He was Special Assistant to the Director of Aviation Security Operations from 1999 through 2001. At first, this was Bruce Butterworth, but by 2001 (including 9/11), the Director was Lee Longmire.

(Unc) As of the end of October 2001, Morse was made responsible for setting up an office (Litigation Support Staff) within FAA to coordinate and expedite FAA responses to Congressional and Executive inquiries. He reported that FAA fielded 20-30 calls per day from Hill staffers and members alike. The Administration

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COMMISSION SENSITIVE

COMMISSION SENSITIVE

wanted answers as well. There were 7-8 congressional hearings in a 3-4 week period. His role helped to decrease the impact of the response process on regular FAA operations as much as possible. As the name of Morse's new office suggests, the FAA saw the potential for major litigation as a result of 9/11. Morse and his staff acted as a central repository for all essential and relevant records related to the attacks. Issue papers, records, including all of the email traffic, were saved. All of these materials have been sent to TSA. Morse has most recently moved into the lead role on the National Security Coordination Staff within the FAA. He was instrumental in the set-up and design of this office. The staff is made up of himself and two intelligence officers. National Security Coordination Staff is the entry point for all outside requests to the FAA from the intelligence community on projects, data, and people that might be needed to conduct clandestine projects at home and abroad.

(Unc) On the split between FAA and TSA, Morse indicated that he was directly involved in the development of the Memorandum of Understanding of February 28, 2003 which provided for transfer of functions and personnel to TSA. Morse further stated that he was the "keeper" of the MOU for FAA. In order to maintain a single source for aviation intelligence, Annex 5 of the MOU, TSA agreed to provide FAA with intelligence information. With respect to security, FAA is still responsible for security of its own facilities (including the Air Traffic Control System) and for providing FAA support for clandestine government operations (especially military and intelligence).

(CS) Morse depicted the FAA before 9/11 as strictly a regulatory agency. In that capacity, the organization often "got its nose bloodied" in attempting to exert influence over the industry stakeholders, and to do more than the system would sustain. Civil Aviation Security officials wanted to do more, but absence of public or Congressional support, the security system did "as good a job as it could." This was the greatest weakness of the system, according to Morse. An example he used to describe this point was an attempt by the FAA to institute background checks for those who were given unescorted access to secure areas in airports in the late-1980s. FAA proposals received severe pushback from Congress and the industry stakeholders. The most unpopular ones such as this would often result in legislation (appropriations riders) that would restrict FAA ability to enforce such unpopular proposals. Morse said Karl Shrum (SP?) from FAA policy would remember the specific details of the background investigation issue.

(CS) When asked how it was that the FAA arrived at the conclusion to propose background checks for all employees with unescorted access to the airports, Morse said that the movement followed the crash of flight TWA 800 and came at a time when "the domestic threat level had significantly increased." In addition to TWA 800, he referred to the World Trade Center attack and the Bojinka plot as incidents that combined to finally produce Congressional concern that enabled the FAA to try to raise the security baseline. Morse indicated that some significant improvements were made at this time.

(CS) Morse referred to the "tombstone mentality" of the system as a whole. The industry stakeholders believed the justifications the FAA provided for tighter

COMMISSION SENSITIVE

security measures were not valid. Airlines wanted to see more specific indications of threats. Morse claimed the FAA did a lot to communicate the threat to the industry. Factors that inhibited this communication were the classified nature of the intelligence reporting; the need for the intelligence community to conceal the intelligence methods and sources; and the difficulty of sanitizing the intelligence for the industry in a meaningful way. In addition, he believed that the airline security directors were not highly placed within the companies, and were mainly retired law enforcement officials with limited experience with terrorism and with limited access to current intelligence. Morse cited Larry Wansley at American as an exception, who was well-connected within his company.

(~~SSI~~) Sanitizing the intelligence for the industry stakeholders was done by the ACI and the intelligence provider. Morse stressed that this was a difficult process.

(~~CS~~) Overall, Morse reported that it was slow and difficult to get the security baseline raised. The Baseline Working Group met for the first time on the day TWA 800 exploded, and some of its efforts were relatively quickly diverted into the work of the subsequent Gore Commission.

(~~CS~~) Morse considered the FAA intelligence division to be a strength of the system in that its function was to act as an advocate for the aviation community's intelligence needs within the intelligence community. The intelligence reporting did not, however, lend itself to long-term strategic planning for the system. Where the intelligence division was effective was in disseminating immediate threats in real-time to the right parties. He reported that the ACI had a direct line to the FAA Administrator. Action taken in response to threat reports had a short turn-around time. ACI had a "fair amount" of autonomy with respect to the issuance of Security Directives and Information Circulars.

(~~CS~~) In the late 1980s and the early 1990s, (post-Pan Am 103 crash), Morse said the FAA Administrator and the Secretary of Transportation were "hungry" for intelligence on threats to civil aviation. What made things difficult for the government was that the FAA had merely a regulatory role within the system. Given the cumbersome rulemaking process, Security Directives and to a lesser extent Information Circulars became chosen methods of tightening security measures and increasing threat awareness to the airlines, airports, and all other significant parties. As these instruments (particularly Security Directives) became more common, they became less "popular" with industry, and this in turn led to a slowing down of the process of issuing them. In this time period (late 1980s-early 1990s), Morse indicated that government leadership sometimes became frustrated with the aviation security process because of the lack of threat specificity and the accompanying difficulty of "selling" the remedies to industry, to Congress and to the public.

(~~CS~~) Security Directives were effective to a certain extent, but they were only enacted on a temporary basis. Stakeholders saw the issuance of directives as the federal authorities interfering, rather than advising, on airline and airport operations. Inevitably, this strained the relationship. From the stakeholders'

COMMISSION SENSITIVE

perspective, the government would better serve the industry by providing relevant information rather than loosely qualified Security Directives that the industry must grudgingly adhere to, lest they incur penalties.

(CS) Morse characterized the regulatory process as a weakness in the aviation security system. He went on to say that financially, the airlines were in "dire straits." This contributed to their resistance to security regulations imposed by the FAA. In addition to the rulemaking process, Morse identified deficiencies in the number of inspectors and the lack of a streamlined enforcement mechanism as sources of the FAA's regulatory weaknesses. Without the enforcement authority it needed to ensure security directives were followed, there was little the FAA could do to significantly improve civil aviation security, despite good intelligence the FAA was receiving that it was imprudent not to do so.

(CS) Morse felt that fines and other enforcement mechanisms were not an effective tool in producing better performance. The airlines and airports saw penalties as a "cost of doing business," and Morse quoted one airline security director as commenting that, "We plane for these violations like bad weather." Frequent reductions in the fines frustrated the security inspectors, lowering their morale.

(SSI) On the topic of checkpoint screening, Morse dwelt on the human factor inseparable from this layer of the security system at the airport. With screener turnover as high as 400 percent in some places, there was no room for job performance improvement. Morse indicated that one factor contributing to the high turnover rate is the "failure meant fire" mentality of the checkpoint supervisors.

[REDACTED] A program must be devised to achieve higher performance levels from the screeners.

(SSI) When asked what he thought the mission of civil aviation security was before 9/11/01, Morse said it was "to keep bombs off of planes... Before Pan Am 103, all we could talk about was hijackings." After Pan Am 103, FAA Security was concerned most about the possibility of a sophisticated explosive device getting on a commercial flight. He candidly admitted that screening at the checkpoint did not do a good enough job to prevent it, observing that "screening is inherently tough." The deployment of EDS machines marked the FAA's best effort to address the problem that it saw as the biggest, most probable threat to the industry.

(CS) Neither the FAA nor the industry was prepared for the type of attack the country faced on 9/11/01. None of the security measures in place could have prevented it.

(CS) Morse said that before 9/11/01, it was not FAA's role to actively provide protection for the aviation industry. Exceptions, where a direct federal security role was in place, included putting K-9 teams at airports, maintaining the small Federal Air Marshal program, and conducting research and development.

COMMISSION SENSITIVE

(CS) Compliance with FAA regulations and procedures was what FAA was looking for from the airports. Essentially, this is what the Special Assessment teams covertly tested for at airports.

(CS) Morse was asked to discuss the "Common Strategy," the doctrine and training materials developed by the FAA, in consultation with the FBI and ATA, and provided to the industry on how to deal with hijackings. The strategy, which he indicated was "easily misunderstood," was many years old, dating back to around 1980, and was also the subject of an FAA/FBI MOU which had last been updated in 1997. Morse said the point of the strategy, which was incorporated into the training video shown to pilots and flight crews during training, was to "optimize actions taken by a crew to resolve hijackings peacefully." It was geared toward a systematic delay through appeasement of the hijackers. Appeasement was employed to prevent the hijackers from doing anything rash. Morse said that over time, history had shown that the longer a hijacking persisted, the more likely it was to have a peaceful resolution. One reason for this might be that the hostages had time to develop relationships with the hijackers.

(CS) The Common Strategy operated on the assumption that hijackers issue demands, most often for asylum or the release of prisoners from jail. Morse admitted the scenario which played out on 9/11/01 was not imagined when designing the strategy; they thought that "suicide wasn't the game plan" of hijackers.

(CS) Prior to the 1996 Atlanta Olympics, the FAA tried to update the "Common Strategy" video used by the airlines for training its flight crews because of changes in aircraft and communications which had rendered the old version obsolete. Over the years, some of the carriers, such as Continental and American, had developed their own updated training materials to supplement the antiquated FAA video. The training itself had always been the responsibility of the airlines. Morse would sit in on training sessions from time to time. Morse indicated that the training materials developed by American Airlines "mocked" the Common Strategy, apparently in an effort to use humor to get the point across. Commission staff has not viewed the American Airlines training materials.

(SSI) As part of its efforts to update the Common Strategy, FAA gave the training film to the FBI to review (1996-1997) because the content of the video was based on a Memorandum of Understanding between the FAA and FBI on delegation of responsibilities in the event of a domestic hijacking. The Bureau reported back that it had "lost track" of the Common Strategy principles. Morse said that the FBI had not been keeping track on incidents of hijackings abroad or the changes in technology that could be used in or would be relevant in a hijack situation.

(SSI) Morse reported that at that time, the FAA and the FBI "renegotiated" the Memorandum of Understanding that had established the Common Strategy. The FBI came back and said that the substantive content of the video was not, in fact, irrelevant; it was pretty good. However, it agreed the tape could use updating for the benefit of the viewers. The idea of suicide hijackers never entered their discussions. Looking back, Morse realizes now that in their discussions, key factors

COMMISSION SENSITIVE

weren't considered such as the communications improvements over the years (air phones, cell phones, ACARS messages, etc). It goes without saying that on 9/11/01, these communication tools were instrumental to our understanding of what happened that day.

(CS) Around 1999, some of the airlines, particularly US Air's Security Director Laura Gimlet, were also concerned that the FAA training materials were substantively irrelevant and used obsolete equipment. Since many of the airlines, including US Air, were on the verge of bankruptcy, an effort was made on the part of the airlines and FAA to work together to finance a new video.

(SSI) In late 1999 or early 2000, the topic of updating the training materials for the Common Strategy was raised at a meeting at ATA Morse attended with the airline security directors. The FAA needed the air carriers to invest in the project. Morse reported, "It did not go well;" no one wanted to help. For instance, no airline wanted to loan a plane to the project for filming, and there was little enthusiasm from ATA. In spite of this reaction, FAA proceeded with plans to update the Strategy, primarily through planning on use of current plane outfitted with current communications devices (including ACARS and cell phones). In response to a question, Morse indicated that at this time (2000 and early 2001) he was "not so sure" the basic doctrine was still sound.

(SSI) In 2000 and 2001, Morse held a number of meetings on updating the Common Strategy with groups such as military counterterrorism forces and "U.S. government specialists" on how to "absolve an aircraft" in the event of hijacking; several with FBI; the State Department; and with representatives from the airline carriers. He indicated that there existed a "disconnect" between the military and the FBI on tactics in the event of a hijacking, but the hijacking model was the same (i.e. non-suicide).

(SSI) In May 2001, a meeting was held in Quantico to bring all interested parties together to discuss updating the Common Strategy. It included three airline captains with security clearances, ATC representatives, other FAA representatives, but not NORAD. The suicide hijacking model was not formally discussed, but discussions did take place on the imperative of keeping hijacked planes on the ground, and they did seek to develop techniques for the crew to disable aircraft to achieve this goal.

(CS) Morse reported that ATA continued to "drag its feet" on revising the training materials.

(CS) In the summer of 2001, the joint project to update the Common Strategy was underway and they began filming the new training video. A highjack exercise was conducted in collaboration with the Miami FBI Field Office, Miami Dade County Police Department, the SWAT team, and Varig Airlines, utilizing a 767. The underlying doctrine was still under development at this time, and was not finalized before 9/11/01. The video and all of the materials have been turned over to TSA.

COMMISSION SENSITIVE

(SSI) When asked how he assessed the possibility of a suicide hijack mission, Morse said that in the back of his mind, he was aware of the possibility of the event (based on incidents in the 1970s and 1980s), but he stressed that he never saw any specific intelligence on a suicide hijacking plot. Morse admitted that he feared hijacking could become a popular tactic with terrorists again. When they looked at the Air France hijacking, authorities suspected and feared that explosives may have been used in that attack. Other possible terrorist tactics, [REDACTED] a commercial flight, are hard to prevent. Today, man pads are a viable threat to the industry.

(SSI) Morse indicated that he intended to raise some concerns about the possibility (albeit unlikely) of the suicide hijacking tactic in the Common Strategy update.

(SSI) The FAA and industry's treatment and attitude towards knives and knife detection has not changed significantly since before 9/11/01. The 4-inch standard was set in part because knives of shorter length were legal in all of the U.S. (except New York state which had a 3 inch threshold) and were thus not regulated. Furthermore, they could not have prohibited anything smaller than a 4-inch blade even if they wanted to because the machines are not sophisticated enough to detect them. Finally, their thinking at the time was that, giving the experience with hijacker motives and tactics up till that time, short-bladed knives were not seen as a menacing, credible means of controlling passengers or flight crews. A question of, "where do you put your energies?" had to be considered when deciding what went on the prohibited items list. Bombs could easily be disguised as laptops and ball point pens could be used as just as lethal a weapon as a small blade, whether prohibited or not.

(SSI) The Checkpoint Operations Guide (COG) was developed by ATA and RAA, approved by FAA, and then sold by ATA and RAA back to their members. FAA wanted to insure that the COG didn't fall below the minimum standards called for in the Air Carrier Standard Security Program (ACCSP). Morse remembers that ATA was particularly focused on prohibiting or restricting items which looked "menacing." [REDACTED]

[REDACTED] Beyond these actions, given its role at the time there was not much more the FAA could do with respect to knives, according to Morse.

(SSI) The Inter-agency Intelligence Committee on Terrorism (IICT) was sponsored by the National Security Council. The FAA Intelligence division had a seat on the Committee. The Committee discussed guidelines for the intelligence community as a whole. It defined terms and priorities, functioned as a nexus point for the different agencies, and fostered analyst-to-analyst exchanges. It also did periodic threat assessments.

(SSI) FAA intelligence thought the intelligence community needed to be more responsive to the aviation industry's need for intelligence on the domestic threat

COMMISSION SENSITIVE

level. As a result, the DCI's (Director for Central Intelligence) staff provided a report on threat estimates which the FAA used to establish evidence that the baseline budget needed to be raised for security. This contributed to the overall effort to raise the baseline for the FAA.

(CS) Morse was home sick on the morning of 9/11/01. At 8:30 a.m., his wife called and told him about the first plane that crashed into the World Trade Center. He immediately started in to FAA headquarters. It took him approximately one hour to get there by car. Along the way, he heard all of the rumors and false alarms (he mentioned the supposed car bomb at the State Department which was widely reported that day). By 10:00 a.m., he was at headquarters and went to the Command Center, where he stayed for the next 24 hours. The Command Center was run by Lee Longmire that day. Initially, Peter Falcone may have been in charge of the Center when Morse arrived. Morse spent the better part of the day acting as a "dispatcher" of sorts for the primary net.

(CS) Longmire, Falcone, and Morse rotated in and out of positions on the dais, facing the staff members answering calls. A "SCIF" adjacent to the Command Center was where secure video and teleconference communications took place that day, between national leadership, FAA, and the military. Fran Lozito, a FAA representative to one of the air carriers, manned phones from the Command Center that day; as did Janet Riffe, who was on (among other calls) the primary and tactical nets that day. Riffe was the Primary Security Investigator for American at the time.

(CS) The primary communications net was unclassified and was used by air carriers and air traffic controllers involved in the incident. The tactical net was used for discussions of deploying assets. Intelligence was another communications provider in the sense that it linked people through the internet.

(CS) Because the crisis unfolded and ended relatively quickly, the Command Center's function quickly changed to consequence management. They were worried about deploying resources. Questions they needed answered pertained to what kind of cargo the flights had on board, whether or not any law enforcement people were on board, the physical lay-out of the planes, the amount of gas in the tanks.

(CS) Before 9/11, it was the Command Center's job in a crisis to direct the activities of law enforcement in response to a hijack. It was organized that way because FAA provided the expertise to determine what could and could not feasibly be done to thwart a hijacking underway. Law enforcement does not have such expertise. (Morse reported that the FBI was not necessarily pleased by this arrangement.) The Associate Administrator for Civil Aviation Security (ACS-1) was responsible for coordinating FAA's response to a hijacking. On 9/11/01, the lead FAA staff were Lee Longmire, who served as Director, and Morse, who served as Information Manager.

(CS) Information gathered on 9/11 at the Command Center was compiled for the Administrator. Most of the information was kept together in what is now room 312 A at FAA headquarters. Penny Anderson led the effort to sort through the

COMMISSION SENSITIVE

information on the four separate hijacks including all of the miscellaneous reports (including many "red herrings," as Morse called them). It was in this room that the "butcher paper" was hung on the walls to keep track of information as it came in. Morse did not think the paper still exists. If it did, he thought he would know about it.

(CS) Morse recalled that Lee Longmire questioned Janet Riffe (sometime between 10 and 12) on her initial report of a gun being fired on one of the hijacked American flights, based on reporting from American. Morse informed Commission staff that Riffe was talking to all of the air carriers that day, not just American. Morse recalled that Riffe, at the time, indicated to Longmire that, "I think I got" the information on the gun, indicating some uncertainty on her part. In subsequent discussion, American Airlines denied they were the source of the information.

(CS) Morse said, "It is almost impossible to overstate the chaos of that day." He added that Janet Riffe may have been in one of the most "stressful roles that day." No one had ever anticipated the number of attacks at the same time.

(CS) Morse was not sure who typed up the information from the butcher paper (he thought it might have been [redacted] (sp?)) that day for the Administrator's briefing book. The report of the gun was still in there for several hours, but was subsequently destroyed when it was determined to have been erroneous. Administrator Garvey informed Morse that she never saw the briefing book report on gun usage. Morse speculated that someone within FAA "pulled it off the hard drive and leaked it to the media."

(CS) Morse indicated that they started getting more information during that day on the weapons which may have been used in the hijackings (from media and other accounts) and "it was clear we had short-bladed weapons involved."

(CS) The GAO Office of Special Investigations did an investigation on the gun issue. Morse recalled that the FAA had received a written response from them concluding that a gun on board Flight 11 was highly unlikely, given the information their investigators were able to uncover.

(CS) Having brought down the flights, Morse conceded that there is no way to know for sure if other aircraft were involved in the plot that day. Morse speculated that the most senior level people in the secure video teleconference in the SCIF would have discussed procedures for the planes to follow once they landed. Morse himself could not say what steps had been taken by law enforcement or security at that stage. Jane Garvey, Monte Belger, and Lynne Osmus would have been involved in any such discussions, along with ATC officials and other senior DOT officials.

(CS) Morse said that someone in the Command Center had spoken with ATA about what they could or should tell their members. Morse's experience in the past had

COMMISSION SENSITIVE

been that ATA was helpful in disseminating information in emergencies, and that they would willingly take on such responsibilities.

(CS) No comprehensive After-Action Report was ever completed by the FAA. Everyone was working day and night on emergency measures. The potential for other attacks was real. Months later (March/April), an attempt was made to complete a report, but the creation of TSA was underway and it was increasingly difficult to get all of the principles in one place to discuss what happened and generate "lessons-learned." Morse reported that Larry Bruno, the security regulatory manager, was initially tasked with writing the 9/11/01 After Action report. He found it impossible because people could not make time to cooperate. Willie Gripper then tasked Morse with the assignment, at which point Morse indicated that to accomplish the mission would require that higher level officials made it a priority.

(CS) In separate areas of interest, intense studies were completed. And operationally, these led to a great deal of change as a result of 9/11/01. An example of this is the DEN (Domestic Events Network), which was formed that day and has remained operational 24-hours a day ever since.

(CS) In Morse's opinion, rapid congressional action quelled the FAA's internal enthusiasm for identifying lessons-learned. After a drastic organizational overhaul, lessons-learned by an out-moded bureaucracy quickly became irrelevant.

(CS) Today, FAA's security responsibility is limited to its own assets and personnel. It still owns and operates the national air space, which in Morse's words, "remains vital to public safety." Airport towers, TRACONs, and circuits are also important assets that are under the protection of FAA. In this regard, FAA has a role in supporting national security activities (including military, law enforcement, and intelligence). In addition, air traffic controllers have an added security component to their jobs since 9/11/01 in implementing certain TSA functions, such as restricting the use of national airspace.

(SSI) Morse feels that Osama Bin Laden's network of terrorists have a preoccupation with aviation. The U.S. government needs to be familiar and well trained on the workings of the aviation system in order to protect it; these training operations need to go on outside of the public view.

(CS) Morse feels that it is better the country has taken security responsibilities away from the air carriers because they were all unwilling to absorb the overhead in such a highly competitive market and they were never very good at doing security. "They were happy to contract out screening to the lowest bidder" and didn't like all the data entry time and cost of working the CAPPS system. Furthermore, long-term considerations seemed to not have much impact on the airlines' behavior with respect to security.

(CS) Morse does not see the evidence that the newly federalized aviation security system is being tested and examined with the same rigor that it was before 9/11/01. He said critically, "TSA is being expected to inspect itself;" implying that one agency

COMMISSION SENSITIVE

cannot be expected to perform both functions very well. In the old system, testing of the security measures was done by multiple parties: the airlines themselves, the private security companies involved, and FAA assessments. Airlines still have obligation to check the security of the plane's cabin before and after takeoff, but for the most part, they have been relieved of security responsibilities.

(CS) Morse described the old system as having been "junked" in the changeover to the current system. He worries that the new structure has minimal knowledge of aviation and little expertise in regulatory affairs. His initial impression is that TSA is doing a worse job in regulation and inspection and "in many respects, security is now worse." He believes that TSA's expedited rulemaking authority is a good thing, but that the agency needs a better management focus to fix problems with inspection, enforcement and compliance.

(CS) Morse recommended that a strong and independent testing mechanism be established for the aviation security system. He said TSA has hired talented and hardworking people with law enforcement backgrounds and no aviation or regulatory expertise. The regulatory function of FAA did not survive the transfer to TSA. Key people have left appointments since TSA's inception. Morse believes this is due to the tendency to underestimate the complexity of the skill-set needed in leadership roles for regulation of aviation in this country. He warned, "When all you have is a hammer, everything looks like a nail." Morse concluded that law enforcement is not a "cure-all" for the system of transportation security in this country.