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MEMORANDUM FOR THE RECORD

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Participants – Non-Commission: General Richard Myers, Major General Maples

Participants – Commission: Philip Zelikow, Bonnie Jenkins, John Farmer, Steve Dunne and Michael Hurley

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Tenure as CINC NORAD

Myers assumed the post of CINC NORAD in August of 1998. At that time the number of NORAD alert sites was 7, down from 22 at the height of the Cold War. Myers summarized NORAD's day-to-day mission as (1) guarding against the threat of a ballistic missile attack, and (2) providing air defense for the North American continent.

Myers vaguely recalled the 1997 QDR recommendation to further cut NORAD's alert sites – from 7 to 4. He did not specifically address why that recommendation was not carried out by 2001; he described the overall issue as whether NORAD's air defense mission was still relevant, given NORAD's outward focus and orientation.

Myers recalled that prior to 9/11 NORAD was concerned about the FAA's plans to change its radar systems. NORAD shared the interior radar picture with the FAA – through the Joint Surveillance System – and the issue of who maintained this system was important to NORAD.

NORAD's radar coverage in the north was better than its radar coverage in the south, which Myers described as "somewhat spotty." NORAD was not able to "correlate" over 50% of the unknown tracks it picked up – either because NORAD could not get interceptor involvement in time or because it could not track them appropriately. A number of the unknown tracks were pilots flying off flight plans, helicopters servicing oil platforms, or other targets that would just disappear before NORAD could correlate them with the FAA. The situation was well understood "up here," but tolerated because the only external threat at the time was Russia.

In terms of NORAD's mission in 1998, Myers stated that "every country has an inherent right of air sovereignty" and that NORAD had plans on the shelf -- should the threat to the nation change -- to expand its fleet. "We could go up to 3,000 fighters dedicated to

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the defense of the North American continent – that was the plan.” He added that we didn’t see the threat, but wanted to be ready. The mission was air sovereignty.

Myers could not confirm that he told the Chairman, upon taking command of NORAD, that he could provide air sovereignty in name only. He recalled making sure that the people in the Pentagon knew that NORAD could not correlate well over 50% of the unknown tracks it picked up. “I do remember making sure people in this building were aware -- don’t think we’re providing 100% air sovereignty here...we’re looking outward, and a number of those tracks are never correlated.”

NORAD had a drug interdiction mission when called upon to “flight follow.” NORAD would be handed off an aircraft, follow it, and report where it landed.

Myers did not recall the work of the “Role and Mission” team, nor its briefing with UBL on the cover. He stated that in connection with the internal radar issue, “I saw a letter I put out talking about a potential terrorist issue...that’s why you would want these radars up...it’s kind of a future issue.” (NB: Hard to catch complete quote; no follow up on this subject).

Myers was asked if during his tenure as CINCNORAD anyone in NORAD ever postulated an air breathing terrorist threat of any kind. He responded “no, not to my knowledge, never.” Myers was also not aware of any exercises during his tenure that postulated the use of suicide aircraft. That would have raised the ROE issue, he said, which only came up in connection with the Payne Stewart aircraft. “I don’t recall ever doing anything vis a vie terrorists or any of that business – it would have raised this whole ROE – I might be mistaken and I just don’t remember, or maybe it was happening and I didn’t know about it – but I doubt it.”

In the case of Payne Stewart, NORAD requested authorization from Washington – from the President – to shoot down the aircraft before it flew into a major city. Myers recalled that such authority was granted, but the issue became moot when the aircraft went down in a field.

Myers could not recall any involvement in air space controls associated with National Security Special Events (e.g., Atlanta Olympics, NATO 50th Anniversary, Genoa G-8).

Myers was asked about the 1998 PDB that explicitly referenced an aircraft laden with explosives crashing into a city. Myers stated, “it doesn’t ring a bell – not at all.” He also reaffirmed no recollection of any postulated threat scenario involving a terrorist using an aircraft as a bomb. Myers had no explanation for why other agencies – such as the Secret Service – were thinking of the possibility of an air threat to the White House while the entity charged with air defense of the nation was not thinking of a threat to the National Capitol Region.

Myers reiterated that, in connection with the issue of maintaining FAA internal radars, there was talk about the future potential of a terrorist threat as a rationale for “trying to

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get people to address the FAA/AF radar funding issue in a more robust way." Aside from that NORAD took its cue from intelligence, and Myers has no recollection of any intelligence during the period regarding terrorist air threats. Usually the PDB issues are recycled back through stuff -- you see if somewhere -- and that didn't happen in 1998. "It would have really stood out" if the PDB information would have come to his attention.

Myers confirmed that from a technical radar standpoint, NORAD had pretty good coastal range, and that the activity on 9/11 was within the radar area that was accessible to NORAD. Yet Myers stated that NORAD was looking outward, and anything that happened in the interior of the country was a matter for FAA or law enforcement.

In terms of the lash up between FAA and NORAD radar capability, Myers stated that there were a series of exercises each year involving coordination between the two systems. He did not recall any problems coming to his attention. NORAD's main concern with the FAA was that it was coming to the conclusion that it did not need "skin paint" capability, and that was inadequate to NORAD's task.

Myers did recall problems with NORAD's command and control software. The system was very old and was contracted to be replaced, but the contractor did not perform. The issue was how many tracks the system could handle at once; NORAD kept modifying the equipment to allow more inputs but it needed a new system. Myers was personally involved in trying to get NORAD better equipment.

In a hijacking situation, the FAA would call upon NORAD to (1) follow the target (2) describe the actions the target was taking (3) and be in proximity if the target crashed. An example would be NORAD's involvement in the Payne Stewart incident. Myers stated that NORAD controllers would vector the fighter, but acknowledged that from a communications standpoint it would require a great deal of coordination with the FAA.

Myers acknowledged that prior to 9/11 NORAD exercised hijack scenarios with the FAA, including the capability to vector a fighter to a target and communicate with the fighter. Myers was not aware of any problems with communications between the fighters and the sector/region, nor was he aware of any problems in the "lash up" with the FAA. The only problem he recalled prior to 9/11 was the command and control issue regarding the controllers' equipment, which could only handle a finite number of tracks.

Myers was asked whether he felt he had enough alert sites when he assumed command of NORAD. He stated that he made sure people were aware NORAD could not correlate all unknown tracks. However, given NORAD's external focus, given the plans to ramp up to several thousand aircraft if the threat changed, given the training and readiness standards, and given the threat NORAD knew about, Myers was comfortable that "we were OK." In other words, given the mission assigned to NORAD by the Unified Command Plan, and given the hijack agreement with the FAA, he had enough resources to do his job. In hindsight this proved not to be true, but at the time he thought they were

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okay. Pressed further, Myers stated that "I thought we were at the minimum of what was required to fulfill our mission."

Myers was asked about General Arnold's statement that he had a "big problem" with the FAA's claim that it didn't have a national security mission. Myers' reaction was that the issue was a resource one; the FAA saw a path where it didn't need these (internal radars) anymore, and NORAD saw a path where it did. This got to be a huge bureaucratic issue of who would pay for the radars -- DoD or DOT?

Myers had no recollection of any call for a special air defense plan for the National Capitol Region during his tenure. NORAD was not "hooked into" any of the White House defenses -- they were the function of the Secret Service -- and NORAD was not tied into the Service's notification or command and control. It is now.

"Day Of" 9/11

On the morning of 9/11 Myers was on Capitol Hill. He left Capitol Hill after learning that the Pentagon had been hit, and recalls seeing smoke pouring from the building as he made his way back. Myers estimated his arrival time at the NMCC to be around 1000 or 1010.

General Eberhart phoned Myers as he was coming out of the Senator Cleland's office. Myers believes he took the call from Senator Cleland's outer office, and that it was after the second tower had been hit (sometime between 0903 and 0930). It was a short conversation. Eberhart updated him on the situation (i.e., two towers hit, several hijack codes in the system), and informed Myers that NORAD would be scrambling fighters. The issue of ROE was not discussed. Myers mainly listened and responded that he needed to get back to the NMCC because he could not communicate from a cell phone.

Myers did not recall making any decisions or taking any actions between the time the second tower was hit and the time the Pentagon was struck. He received word that the Pentagon was hit as he was getting into his car on Capitol Hill. People were evacuating as he arrived at the Pentagon. He instructed the driver to go to the River entrance and asked where the command center was operating; he was told the NMCC was up and running and went there. Myers stopped briefly outside the Pentagon and spoke to Deputy Secretary Wolfowitz, who said he was relocating for continuity reasons.

Upon arriving at the NMCC Myers first tried to obtain situational awareness. There had been two attacks on the World Trade Center and one on the Pentagon. His first thought was "what's next"? By this time the NMCC had initiated the Air Threat Conference Call (ATCC). "The first thing we heard about was an airplane inbound to Washington -- over Pennsylvania or up in that way somewhere-- and that there were fighters going to intercept it." Myers was thinking "what don't we know about" and inquired if the FAA had grounded all aircraft. Myers was also focused on the location of the Secretary. He stated he had only been in the NMCC for a short period of time when the Secretary arrived (sometime between 1015 and 1030).

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Myers' staff evacuated the building and relocated to an alternate site; only his executive assistant stayed with Myers in the NMCC.

Myers' source of information was the ATCC. Myers was informed that the FAA was not on the ATCC until 1015, and that there was no evidence NORAD was effectively tracking aircraft inbound to Washington at that time. He replied, "I was not aware of that...I have in my mind that in fact we could pair fighters against the inbound from the north, northwest...whether the FAA was there or not I don't know; they were there later."

At approximately 1015 the DDO stated on the ATCC that the Vice Chairman wanted to know who was controlling the fighters over Washington. The FAA answered Washington Center, and Myers was asked about this exchange. He stated "there was probably a break down in terms." Myers wanted to know whether the fighter aircraft were under NORAD sector control. "My assumption was - maybe wrong - that NORAD would have been at that point, given all the hijack codes that were up....NORAD was doing that."

Myers acknowledged that it was not the job of Washington Center to control fighters - only air space. The FAA's answer was not a bad response, however, because Washington Center could vector fighters to suspect aircraft. "I just wanted to make sure there were fighters up, and if there was another aircraft inbound to Washington that we had a chance to intercept it - the answer I recall was yes."

Myers was asked to focus on the first hour that he was in the NMCC - because those would have been the "life or death minutes" - and asked what actions/decisions/confirmations were made regarding (1) NORAD's affirmative control over its fighters, and (2) the authorities NORAD was conveying to its pilots. Myers could not recall. He stated that he spoke to Eberhart many times that morning, but could not remember exact times. He believes at one point he had an open line with Eberhart.

Myers also could not recall if he was monitoring the ATCC when the PEOC relayed the guidance that the Vice President had authorized the shoot down (approximately 1013 and 1019). He was asked whether this guidance from the PEOC was sufficient for him from a chain of command perspective. He stated yes, at the time it was good enough. "You make several assumptions; that he's in contact with the people he needs to be in contact with."

Myers was asked whether, after learning of this guidance from the PEOC, he communicated with NORAD to (1) inform them of the Vice President's authorization, and (2) ensure that they understood their instructions. "To the best I can recall, I'm not sure I didn't have that conversation with Eberhart on this, probably...I don't remember...that being a simple issue we worked our way through it."

Myers was informed of the Commission's findings that the Langley pilots were not vectored toward the inbound aircraft, and had not received any guidance regarding shoot down. He was asked whether this was surprising to him. "It depends when in the time

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sequence it would be, because it was a very confusing morning; there were all sorts of reports...from the geometry I understood on the phone, I thought they could get there in time."

Myers stated that "in this initial period" he did not do anything to ensure that effective rules of engagement were communicated to pilots. He added that a fax was sent out later in the day, but not in the initial period.

Regarding the false reports of inbound aircraft, Myers described NORAD as "very helpful - best as I recall - in saying no that's not correct...my best recollection is they had a better sense of ground truth than some of these other inputs we got...otherwise I would have been diving under the table."

Myers was not aware of the Secret Service's radar system. He also did not recall any involvement in the decision to scramble aircraft from Andrews. He wanted to have eyes in the air that morning, and would have thought it a good idea to scramble Andrews if someone would have brought it to him.

Myers described himself that morning as focused on what else could be happening in the world in conjunction with this attack. He was not focused on these "little incidents"; he knew there was an aircraft inbound to D.C., but thought NORAD could handle it. He tried to look beyond it, directing others to call commands overseas, to check on ships at Norfolk, to try and determine how widespread the threat could be.

Myers was asked his opinion of whether Flight 93 would have hit its intended target in DC had it not been forced down over Pennsylvania. "I think the answer is it would have been intercepted and forced down somehow." He sourced this opinion to a discussion with General Eberhart.

Myers has seen after-action type "analysis" by NORAD, but he would not call it an after-action report. The materials he saw included information about notifications from the FAA, which Myers noted were delayed on 9/11. Myers was asked to look into whether NORAD had done an after-action review, and if so to provide it to the Commission.

Myers inquired if Eberhart had been interviewed, and stated that he should have a very different perspective on the day. He stated, "I'm not just worried about air defense, I'm worried about defense with a big D."

Turning back to the shoot down order, Myers was asked whether the Secretary of Defense, when he arrived at the NMCC, was already aware of that order. Myers replied no, his impression was that the Secretary was the person who worked that issue when he arrived at the NMCC.

This response created confusion given Myers earlier statement that the PEOC guidance to the ATTC was sufficient for purposes of the chain of command. He was asked, "either you had it or you didn't have it; either the Vice President's authorization was good

enough or it wasn't. Myers stated, "I think it was...my recollection is that before we got the Vice President's authorization, the Secretary and I had this conversation. And I made him aware of the authorization we were going to need if we had an aircraft coming in." Myers backed away from this statement, saying "maybe my recollection was wrong," after learning that the PEOC guidance came at approximately 1013, when the Secretary of Defense was not (likely) in the NMCC.

Myers offered that if the authorization was announced on the ATCC, NORAD could have relayed it to the pilots through Washington Center "and that's all that would be required." He acknowledged this was merely speculation, and that he had no knowledge this in fact happened. Myers repeated that somehow "I have in my mind" that NORAD could have dealt with the inbound aircraft, but that this was more "general recollection" and not specifics.

Myers was asked to respond to the observation that the 9/11 Commission should not have to answer these questions about whether Flight 93 would have reached its target - the Air Force and NORAD ought to have the answers. Myers stated that after 9/11 they started working the forward piece "really hard" - how to improve the lash up with the FAA - because this threat had not gone away. "We were looking forward, not so much backward, and that's probably our fault." There was also the issue of a second war. "Given this wasn't a NORAD mission to begin with, you could say they did the best they could...it wasn't adequate, but that wasn't the mission they were given, it was an FAA mission."

Myers committed to calling General Eberhart and obtaining whatever analytic work had been done on the subject.

Regarding the decision to go to DefCon 3, Myers stated he did not recall if that issue was run by the President before the decision was made to go to Level 3. He stated that they "got out the book" and reviewed the various levels, and the Secretary spoke to the Vice President about the issue. He did not recall anything after that.

Myers was asked to rate our air defense posture today against suicide aircraft in whatever form they may take (e.g., general aviation, cargo, etc). He answered "very good," with the exception of a complicit air crew; in that case there is not much you can do. If a terrorist air crew gets off the ground, with an explosive laden plane, follows all instructions and on short final to some airport pulls the gear up and turns it into something, the military does not have much capability to stop them.

With respect to the National Capitol Region (NCR), there is "limited capability," but not much. Myers stated that in an ideal world you would want to expand the ADIZ or "keep-out" zone around the NCR, yet it involves a balancing of risks. He stated that he recently talked to Eberhart about this subject, and thought you could make a good case for expanding the "keep-out zone" in light of recent threats. If you wanted to be absolutely safe you would have to ground all general aviation aircraft. Myers stated they have

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raised this issue a number of times with the Secretary and others, citing exercises in the NCR which point out the need for "a little more stand off time" around the NCR.