



Statement by the 9-11 Commission

October 15 – As we have previously stated, the general level of cooperation by Executive Branch agencies with the Commission has improved over the last several months, and the Commission now has many of the documents it needs. Over the past two weeks, however, as a result of field interviews conducted by our staff, the Commission has learned of serious deficiencies in one agency’s production of critical documents.

On May 7, the Commission requested from the FAA all documents related to the FAA’s tracking of hijacked airliners on 9-11, including without limitation all communications with NORAD. As of early September, the Commission was assured that the FAA’s document production was complete, and therefore scheduled interviews in New York, Boston, Cleveland, and Indianapolis. Over the course of these interviews the Commission learned that various tapes, statements, interview reports, and agency self-assessments highly material to our inquiry inexplicably had not been included in the FAA’s production. Once this issue came to light—just in the past few days—the FAA provided the Commission with dozens of boxes and materials that its representatives now claim satisfy our request, and they pledged the FAA’s full cooperation. While the staff has not yet had the opportunity to digest these materials fully, it is clear that the FAA’s delay has significantly impeded the progress of our investigation and undermined our confidence in the completeness of the FAA’s production.

This disturbing development at one agency has led the Commission to re-examine its general policy of relying on document requests rather than subpoenas.

We have voted to issue a subpoena to the FAA for the documents we have already requested. This will not only underline our specific concerns about the serious problem created for the Commission by the FAA’s failure to respond fully to our document requests, but will also put other agencies on notice that our document requests must be taken as seriously as a subpoena, and that they must review the efforts they have made so far to assure full compliance. In the absence of such assurances, additional subpoenas will be issued.

Finally, we want to express our growing concern about whether delays such as that we have encountered at the FAA will prevent the Commission from completing its work and issuing its report within the time frame set by statute. The Commission will continue to evaluate whether it will be necessary to ask the Congress to extend the statutory deadline.

AL FELZENBERG, DEPUTY FOR COMMUNICATIONS
National Commission on Terrorist Attacks Upon the United States
Office: 202-401-1725 • Cell: 202-236-4878 • Fax: 202-296-5545
afelzenberg@9-11commission.gov