

The National Commission on Terrorist Attacks  
Upon the United States

Public Hearing

March 31, 2003

Testimony of Mindy Kleinberg

My name is Mindy Kleinberg. My husband Alan Kleinberg, 39 yrs old, was killed in the WTC on September 11, 2001. As I testify here today about the 9/11 attacks, I will begin by saying that my thoughts are very much with the men and women who are involved in armed conflict overseas and their families who wait patiently for them to return.

This war is being fought on two fronts, overseas as well as here on our shores; this means that we are all soldiers in this fight against terrorism. As the threat of terrorism mounts here in the United States, the need to address the failures of September 11 is more important than ever. It is an essential part of “lessons learned”.

As such, this commission has an extremely important task before it. I am here today to ask you, the commissioners, to help us understand how this could have happened; help us understand where the breakdown was in our nation’s defense capabilities.

### **Where were we on the morning of September 11<sup>th</sup>?**

On the morning of September 11<sup>th</sup> my three-year-old son, Sam, and I walked Jacob 10, and Lauren, 7 to the bus stop at about 8:40 a.m. It was the fourth day of a new school year and you could still feel everyone’s excitement. It was such a beautiful day that Sam and I literally skipped home oblivious to what was happening in NYC.

At around 8:55 I was confirming play date plans for Sam with a friend when she said, “I can’t believe what I am watching on TV, a plane has just hit the World Trade Center.” For some reason it did not register with me until a few minutes later when I calmly asked, “what building did you say?” “Oh that’s Alan’s building I have to call you back.”

There was no answer when I tried to reach him at the office. By now my house started filling with people--his mother, my parents, our sisters and friends. The seriousness of the situation was beginning to register. We spent the rest of the day calling hospitals, and the Red Cross and any place else we could think of to see if we could find him.

I'll never forget thinking all day long, "how am I going to tell Jacob and Lauren that their father was missing?"

They came home to a house filled with people but no Daddy. How were they going to be able to wait calmly for his return? What if he was really hurt? This was their hero, their king their best friend, their father. The thoughts of that day replay over and over in our heads always wishing for a different outcome.

We are trying to learn to live with the pain. We will never forget where we were or how we felt on September 11<sup>th</sup>.

But where was our government, its agencies, and institutions prior to and on the morning of September 11th?

### **The Theory of Luck**

With regard to the 9/11 attacks, it has been said that the intelligence agencies have to be right 100% of the time and the terrorists only have to get lucky once. This explanation for the devastating attacks of September 11th, simple on its face, is wrong in its value. Because the 9/11 terrorists were not just lucky once: they were lucky over and over again. Allow me to illustrate.

## **The SEC**

The terrorist's lucky streak began the week before September 11<sup>th</sup> with the Securities and Exchange Commission, or SEC. The SEC, in concert with the United States intelligence agencies, has sophisticated software programs that are used in "real-time" to watch both domestic and overseas markets to seek out trends that may indicate a present or future crime. In the week prior to September 11th both the SEC and U.S. intelligence agencies ignored one major stock market indicator, one that could have yielded valuable information with regard to the September 11th attacks.

On the Chicago Board Options Exchange during the week before September 11<sup>th</sup>, put options were purchased on American and United Airlines, the two airlines involved in the attacks. The investors who placed these orders were gambling that in the short term the stock prices of both Airlines would plummet. Never before on the Chicago Exchange were such large amounts of United and American Airlines options traded. These investors netted a profit of several millions after the September 11th attacks.

Interestingly, the names of the investors remain undisclosed and the millions remains unclaimed in the Chicago Exchange account.

Why were these aberrant trades not discovered prior to 9/11? Who were the individuals who placed these trades? Have they been investigated? Who was responsible for monitoring these activities? Have those individuals been held responsible for their inaction?

## **The INS**

Prior to 9/11, our US intelligence agencies should have stopped the 19 terrorists from entering this country for intelligence reasons, alone. However, their failure to do so in 19 instances does not negate the luck involved for the terrorists when it comes to their visa applications and our Immigration and Naturalization Service, or INS.

With regard to the INS, the terrorists got lucky 15 individual times, because 15 of the 19 hijackers' visas should have been unquestionably denied.

Most of the 19 hijackers were young, unmarried, and un-employed males. They were, in short, the "classic over-stay candidates". A seasoned former Consular officer stated in National Review magazine, "Single, idle young adults with no specific destination in the United States rarely get visas absent compelling circumstances."

Yet these 19 young single, unemployed, "classic overstay candidates still received their visas." I am holding in my hand the applications of the terrorists who killed my husband. All of these forms are incomplete and incorrect.

Some of the terrorists listed their means of support as simply "student" failing to then list the name and address of any school or institution. Others, when asked about their means of support for their stay in the US wrote "myself" and provided no further documentation. Some of the terrorists listed their destination in the US as simply "hotel" or "California" or "New York". One even listed his destination as "no".

Had the INS or State Department followed the law, at least 15 of the hijackers would have been denied visas and would not have been in the United States on September 11th, 2001.

Help us to understand how something as simple as reviewing forms for completeness could have been missed at least 15 times. How many more lucky terrorists gained unfettered access into this country? With no one being held accountable, how do we know this still isn't happening?

### **Airline and Airport Security**

On the morning of September 11th, the terrorists' luck commenced with airline and airport security. When the 19 hijackers went to purchase their tickets (with cash and/or credit cards) and to receive their boarding passes, nine were singled out and questioned through a screening process. Luckily for those nine terrorists, they passed the screening process and were allowed to continue on with their mission.

But, the terrorist's luck didn't end at the ticket counter; it also accompanied them through airport security, as well. Because how else would the hijackers get specifically contraband items such as box-cutters, pepper spray or, according to one FAA executive summary, a gun on those planes?

Finally, sadly for us, years of GAO recommendations to secure cockpit doors were ignored making it all too easy for the hijackers to gain access to the flight controls and carryout their suicide mission.

### **FAA and NORAD**

Prior to 9/11, FAA and Department of Defense Manuals gave clear, comprehensive instructions on how to handle everything from minor emergencies to full blown hijackings.

These "protocols" were in place and were practiced regularly for a good reason--with heavily trafficked air space; airliners without radio and

transponder contact are collisions and/or calamities waiting to happen.

Those protocols dictate that in the event of an emergency, the FAA is to notify NORAD. Once that notification takes place, it is then the responsibility of NORAD to scramble fighter-jets to intercept the errant plane(s). It is a matter of routine procedure for fighter-jets to “intercept” commercial airliners in order to regain contact with the pilot. In fact, between June 2000 and September 2001, fighter jets were scrambled 67 times.

If that weren’t protection enough, on September 11<sup>th</sup>, NEADS (or the North East Air Defense System dept of NORAD) was several days into a semiannual exercise known as “Vigilant Guardian”. This meant that our North East Air Defense system was fully staffed. In short, key officers were manning the operation battle center, “fighter jets were cocked, loaded, and carrying extra gas on board.”

Lucky for the terrorists none of this mattered on the morning of September 11<sup>th</sup>.

Let me illustrate using just flight 11 as an example.

American Airline Flight 11 departed from Boston Logan Airport at 7:45 a.m. The last routine communication between ground control and the plane occurred at 8:13 a.m. Between 8:13 and 8:20 a.m. Flight 11 became unresponsive to ground control. Additionally, radar indicated that the plane had deviated from its assigned path of flight. Soon thereafter, transponder contact was lost – (although planes can still be seen on radar – even without their transponders).

Two Flight 11 airline attendants had separately called American Airlines reporting a hijacking, the presence of weapons, and the infliction of

injuries on passengers and crew. At this point, it would seem abundantly clear that Flight 11 was an emergency.

Yet, according to NORAD's official timeline, NORAD was not contacted until 20 minutes later at 8:40 a.m. Tragically the fighter jets were not deployed until 8:52 a.m. -- a full 32 minutes after the loss of contact with flight 11.

Why was there a delay in the FAA notifying NORAD? Why was there a delay in NORAD scrambling fighter jets? How is this possible when NEADS was fully staffed with planes at the ready and monitoring our Northeast airspace?

Flight's 175, 77 and 93 all had this same repeat pattern of delays in notification and delays in scrambling fighter jets. Delays that are unimaginable considering a plane had, by this time, already hit the WTC

Even more baffling for us is the fact that the fighter jets were not scrambled from the closest air force bases. For example, for the flight that hit the Pentagon, the jets were scrambled from Langley Air Force in Hampton, Virginia rather than Andrews Air Force Base right outside D.C. As a result, Washington skies remained wholly unprotected on the morning of September 11th. At 9:41 a.m. one hour and 21 minutes after the first plane was hijack confirmed by FAA, Flight 77 crashed into the Pentagon. The fighter jets were still miles away. Why?

So the hijackers luck had continued. On September 11<sup>th</sup> both the FAA and NORAD deviated from standard emergency operating procedures .Who were the people that delayed the notification? Have they been questioned?

In addition, the interceptor planes or fighter jets did not fly at their maximum speed. Had the belatedly scrambled fighter jets flown at their



maximum speed of engagement, they would have reached NYC and the Pentagon within moments of their deployment, intercepted the hijacked airliners before they could have hit their targets, and undoubtedly saved lives.

## **Leadership**

### **Joint Chief Of Staff**

The acting Joint Chief of staff on Sept 11<sup>th</sup> was General Richard B. Meyers. On the morning of September 11<sup>th</sup>, he was having a routine meeting. The Acting Joint Chief of Staff stated that he saw a T.V. report about a plane hitting the WTC but thought it was a small plane or something like that. So, he went ahead with his meeting. "Meanwhile the second World Trade Center was hit by another jet. Nobody informed us of that," Myers said. By the time he came out of the meeting the Pentagon had been hit.

Whose responsibility was it to relay this emergency to the Joint Chief of Staff? Have they been held accountable for their error? Surely this represents a breakdown of protocol.

### **Secretary of Defense**

The Secretary of Defense, was at his desk doing paperwork when AA77 crashed into the Pentagon.

As reported, Secretary Rumsfeld felt the building shake, went outside, saw the damage and started helping the injured onto stretchers. After aiding the victims, the Secretary then went into the 'War Room'.

How is it possible that the National Military Command Center, located in the Pentagon and in contact with law enforcement and air traffic controllers from 8:46 a.m. did not communicate to the Secretary of Defense also at the Pentagon about the other hijacked planes especially the one headed to Washington? How is that the Secretary of Defense could have remained at this desk until the crash? Whose responsibility is it to relay emergency situations to him? Is he then supposed to go to the war room?

### **President**

At 6:15 a.m. on the morning of 9/11, my husband Alan left for work; he drove into New York City, and was at his desk and working at his NASDAQ Security Trading position with Cantor Fitzgerald, in Tower One of the WTC by 7:30 a.m.

In contrast, on the morning of September 11, President Bush was scheduled to listen to elementary school children read.

Before the President walked into the classroom NORAD had sufficient information that the plane that hit the WTC was hijacked. At that time, they also had knowledge that two other commercial airliners, in the air, were also hijacked. It would seem that a national emergency was in progress.

Yet the President was allowed to enter a classroom full of young children and listen to the students read.

Why didn't the Secret Service inform him of this national emergency? When is a President supposed to be notified of everything the agencies

know? Why was the President permitted by the Secret Service to remain in the Sarasota elementary school? Was this Secret Service protocol?

In the case of a national emergency, seconds of indecision could cost thousands of lives; and it's precisely for this reason that our government has a whole network of adjuncts and advisors to insure that these top officials are among the first to be informed--not the last. Where were these individuals who did not properly inform these top officials? Where was the breakdown in communication?

### **Was it luck or No Fault Government**

Is it luck that aberrant stock trades were not monitored? Is it luck when 15 visas are awarded based on incomplete forms? Is it luck when Airline Security screenings allow hijackers to board planes with box cutters and pepper spray? Is it luck when Emergency FAA and NORAD protocols are not followed? Is it luck when a national emergency is not reported to top government officials on a timely basis?

To me luck is something that happens once. When you have this repeated pattern of broken protocols, broken laws, broken communication, one cannot still call it luck.

If at some point we don't look to hold the individuals accountable for not doing their jobs properly then how can we ever expect for terrorists not to get lucky again?

And, that is why I am here with all of you today. Because, we must find the answers as to what happened that day so as to ensure that another

September 11<sup>th</sup> can never happen again.

Commissioners, I implore you to answer our questions. You are the Generals in the terrorism fight on our shores. In answering our questions, you have the ability to make this nation a safer place and in turn, minimize the damage if there is another terrorist attack. And, if there is another attack, the next time, our systems will be in place and working and luck will not be an issue.