



**Your on the
Street Reporter**



Uyless Black

9/11 Report

Preface

The first part of this report was written on the fifth anniversary of the 9/11 attacks (2006). I attended a luncheon at the National Press Club in Washington DC to listen to the views of the co-chairmen of the 9/11 Commission, Lee Hamilton and Thomas Kean.

Their report---for a few days, a national best-seller on the book lists---was issued in July, 2004. Its recommendations were endorsed by (at that time) both presidential candidates and almost every member of Congress.

For this luncheon, they shared with the audience the positive aspects that came out of the Commission's work, as well as the problems with getting their forty-one recommendations implemented.

In 2011 these men, acting as co-chairs of the Bipartisan Policy Center's National Security Preparedness Group (NSPG,) released The Tenth Anniversary Report Card. It is an assessment of the progress made (or not made) in realizing the Commissions forty-one recommendations.

Segment One of this report is a summary of the main points covered during the 2006 luncheon.

Segment Two provides a summary of the "Report Card," with some of my thoughts added-in.

The 9/11 Commission Chairmen at the National Press Club Report One

September 11, 2006 and March 28, 2016

Hello from Your on the Street Reporter. Today, Reporter Junior (Allen Hughes, an assistant on my internationally renowned staff) and your reporter visited the National Press Club. The occasion, on the five-year anniversary of 9/11, were speeches by the Chairmen of the 9/11 Commission, Lee Hamilton and Thomas Kean.

For these events, the Club invites news people to share the podium with the guest speakers. Today, Helen Thomas was in attendance. You may know her from the White House Press Conferences. Recently, Tony Snow, Bush's Press Secretary, after listening to Helen's monologue offered, "There's a question in there somewhere." Helen is known to ramble on occasion. Eleanor Cliff of *Newsweek* was also at the head table. You see her on the McLaughlin Report, known for its members shouting simultaneously at each other so no one can understand what they are shouting.

The joint talks by Messrs. Hamilton and Kean, shown in Figure 1, were about the fate of their 41 recommendations and the background about the Commission itself. Thomas Kean started their presentation, "Today (9/11) is a difficult day for me." He then went on to say he thought, "...the Commission was setup to fail."



Figure 1. Chairman Kean and Co-Chairman Hamilton

Mr. Kean informed us that Congress, "...was for the Commission's recommendations," yet not all the recommendations had been put into place. He expressed concern of the time lag (five years) since the attacks and today, "We are still not doing what we should do to protect ourselves."

Problems

Mr. Kean expressed particular concern about the, "problem of first responder communication:" The inability of policemen, firemen, National Guardsmen, and others to communicate with one another. He lamented, "We still can't communicate because of the inability of our government to obtain radio frequency spectrum space." I have a few thoughts on this subject. I've placed them in a sidebar (at the end of this report).

Mr. Hamilton began his speech with the observation, "We discovered some real big defects." No kidding. If you suffer from excessive happy-go-luckiness, read the 9/11 Commission Report. Some of the findings will lead you to wonder where your tax dollars go.

On an upbeat, Hamilton observed the Commission's book kept pace with Harry Potter for a couple weeks. He attributed the strong sales to the high level of public interest in their work. He also added: Having the hearings as an open forum was a very important part of the exercise.

"How did we do it?" he asked, "We talked, and we talked, and we talked. Then we talked some more. ...If you know of any other way to solve a problem, let me know."

Mr. Hamilton said, "It's amazing how much we argued about facts. Facts are not Republican or Democratic...We struck out adjectives and opinions." He offered the thought that, "Washington revolves around what is believed to be true as opposed to what is known to be true."

He closed his speech with, "In the end, the system worked. We got the report out."

Questions and Answers¹

The Q&A session had both speakers responding to the same question. The first dealt with safety and asked them to offer their opinion as to one thing that would make us safer:

Kean: He did not answer the question directly, but stated his major concern was: Terrorists with a nuclear device, "That's my nightmare."

This subject is not going away using the present methods for fighting terrorism. As I've stated in these reports several times, if the Palestinian situation is not resolved, there will continue to be terrorists attacks that use this issue to justify their murders. I doubt that the resolution of this issue will translate into "no bombs." I make this statement because irrespective of Palestine, America is dubbed as the great Satan for its global assertions. But I'm certain not resolving the issue *will* translate into "bombs."

The continued stalemate between the Jews and the Muslims in this part of the world is akin to that old TV commercial: A seedy-looking mechanic is holding a beat-up oil filter in his hand, and a smoking car sits in the background. He's advising the viewer not to ignore an obvious problem, "You can pay me now, or pay me later. But sooner or later, you're going to pay me."

Hamilton's answer posed the question of why their recommendations had not been adopted. He then added his concern that the radio spectrum, "...can't be freed."

¹ Unless within quotation marks, questions and answers are paraphrased.

Question: What could the Commission have done better?

Kean: We didn't keep in closer contact with Congress. We didn't reach out more, and it later became a "...problem of support."

Hamilton: Yes, but, "...by and large, we got it right." Then he added, "When it comes to Congress, not sure we hit it right....Maybe beyond Congress's ability to achieve...."

Both men expressed concern that the U.S. intelligence community does not have the clout---relative to the Department of Defense---to be effective.

Question: There was clearly a lot of incompetence implied in the report, but no specific finger pointing as far as accountability. Why not?

Hamilton: We did not have such a mandate. And if we had gone that way, it would have been, "a very long list...even myself."

Kean: Many Americans did not do their job right, not just on that day, but in days before. Finger pointing would do no good.

Then an observation from **Hamilton:** It's weird that something as simple as a transponder in an airplane can't be stopped from being turned off. They also expressed concern about the poor state of our human intelligence (HUMINT).

(The lunch was not all that pleasant. Pretty depressing. A delicious salmon steak helped get me through the Q&A. Reporter Junior was holding up OK for a rookie.)

Both men mentioned that putting law enforcement and intelligence into one agency (FBI) is a very bad idea. No one offered the reason for their opinion. This notion is beyond me. My early Navy experience was in intelligence but I've never been involved with law enforcement---expect for occasional Shore Patrol duty in Asia. Anyway, I'm not sure that in this age of terrorists' cells and stealthy operations, intelligence and law enforcement can be separate activities. I look forward to hearing your opinions.

They spoke of the magnitude of their task, of a limited budget and staff. "Questions piled in every day. One woman claimed to be the lover of Atta (one of the 9/11 terrorists). We told her he was dead, and she seemed quite surprised."

One of the more entertaining exchanges was about the ABC television show about the 9/11 events that aired this week. **Kean** thought it was pretty good. **Hamilton** had not watched it, but said he did not like the ring of "docudrama."

Hamilton added, "News and entertainment are getting dangerously intertwined." **Hamilton** was not happy about the program and said, "I got calls after the screening from Democrats complaining about the show."

So what gives? It turns out Kean was an advisor to the program but Hamilton was not. Sour grapes?

Reporter Junior has this to say about the incident, "I took it that Lee Hamilton was miffed because he is a Democrat and would have provided balance to the 9/11 docudrama. His tone was definitely not happy and he believes his Democratic brothers were right in being miffed at a portrayal that was not true, at least from their standpoint."

Thanks for the insight Junior. Your check's in the mail.

Both Kean and Hamilton expressed concern that America, as Kean said is, "...not talking to the Arab world." They closed their presentation with an explanation of the aid we gave to Indonesia after the tidal wave disaster. Before our aid, America's "approval" rating by Indonesians was 25%. After our aid, it was 60%.

They said that America is losing the war for hearts and minds in most parts of the world, thinking military action and voting translate into instant success. They think the ferreting-out non-national terrorist cells will require more international allies than ever before.

We can be thankful this reality is becoming an operational concept in the current administration. Better late than never.

Side notes from 2016: A respected journalist and expert on the Middle East who appeared on the Charlie Rose show offered her opinion that America is disliked and or disrespected by practically every political leader over there. Same goes for ordinary citizens. Should we care? Absolutely. The asymmetrical war we are waging now (and for who knows how long) will require as many parties in our corner as we can possibly muster.

Our "bring 'em on!" hubristic mentality has been a disaster. We are indeed bringing them on, but we are bringing on them into our lands. Taking a cue from several centuries of imperialistic colonialism, they have begun to emulate us.

Your on the Street Reporter

A Proposal to Fix the First Responder Communication Problem

Unlike some other countries, the United States government has auctioned-off significant parts of the radio spectrum to the private sector. One example is the bandwidth used by your cell phone during a call. Is the government going to invoke Imminent Domain and snatch back this bandwidth? Of course not. It would disrupt our important chats....chats we seemed to have been able to do without until a few years ago.

Anyway, the frequency spectrum---the radio bandwidth---is huge. And many other parts of the spectrum could be used for a National Network for First Responders. But this initiative might mean private institutions and government bodies would have to relinquish parts of this space.

Giving up precious, expensive radio spectrum space is akin to giving up earth's turf. One does not do it willingly. Any agency or private enterprise that has been allocated this bandwidth is not going to step forward and say, "Here is several billion dollars worth of bandwidth. I am giving it back to the American people!"

However, Uncle Sam has spectrum space available.

The problem of insufficient bandwidth for a National Network for First Responders is not a technical problem. It is a political problem. It is a problem of political will.

The major technical problem is that many first responders' communications systems "speak different languages." (They use different communications protocols.) These differences might exist between, say, two police or sheriff jurisdictions in adjacent counties.

Changing the Nation's first responders' radio communications equipment to use common protocols would be (a) very expensive and (b) politically difficult (because of turf battles).

Nonetheless, I think this problem can be solved by implementing a national plan to migrate from closed (proprietary) systems. The base technology is already in place: (1) The cellular, mobile phone networks, and (2) the Internet protocols. It is not necessary to reinvent the wheel, especially when a wheel is available that is known to work, and work well. (Certainly, variations to this wheel can be made, as stated in point 5.)

Add (3) encryption (which is also readily available in Internet standards, and (4) rules/procedures for how the system is to be used (granted, a big chore, as it would require cooperation among national, state, and local agencies, but doable), (5) a portfolio of generic protocols to serve as a platform for specific applications, and we have the problem under control.

An ongoing obstacle is the age-old turf battles between government agencies. The ability to communicate among first responders will require the sharing of a lot of information, and will require a lot of "open" data bases. In the past, the FBI has been reluctant to share files with CIA, and vice versa. Same goes for the DIA. This situation must change.

Nonetheless, the technical problems are really not that complex. As said, it's a matter of political will.

National Security Preparedness Group (NSPG) The Tenth Anniversary Report Card Report Two

November 5, 2012

It's been a long time since the 2006 luncheon at the National Press Club. Granted, only six years have passed, but it seems longer. Many waves of troubled waters have passed under the bridge. Many acts of terrorism have occurred. All of us now realize that 9/11 changed America's social, political, and military landscapes.

Are we safer than those times in 2001? Has the enactment of the 9/11 Commission's recommendations curtailed our civil liberties?

This report will bring you up to date about the progress made on the forty-one recommendations that were made by the 9/11 Commission. I have not included these recommendations in this report. They are readily available via the Web.

Success Highlights According to the NSPG

The NSPG cites changes and improvements as a result of the government acting on the recommendations. The group says, "Progress among national agencies, and between the intelligence community (IC) and the military in the field has been striking...The level of cooperation has never been higher."



The report claims: Airline passenger screening has been intensified and has greatly improved. The lists for fly or no fly have been refined. Scanners are more accurate, leading to some protests about the invasions of privacy regarding precious body parts.

We passengers can attest to the claim of increased "intensity," as suggested in the figure to the left.² Each time I pass through a security checkpoint to board a plane, I silently curse bin Laden.

The Group did not cite progress meeting each recommendation. It did state that as a result of the 9/11 Commission, the United States is safer now that it was in 2001. Rather, the Group focused on recommendations that have not been sufficiently addressed. The remainder of this report is devoted to the three major points of the Group's opinions and judgments...with a few of mine thrown in.

² I clipped this cartoon from *The New York Times* and forgot to annotate the date. I searched the Web but could not find the name of the cartoonist, who did not help my cause with his/her cryptic signature. If you can read this name, let me know and I'll repost this report.

Civil Liberties and Executive Power

The potential for governmental overreach is enormous. To that end, the 9/11 Commission recommended the creation of a Privacy and Civil Liberties Oversight Board to monitor actions across the government.

It has not been created. At the risk of sarcasm, this Board would intrude on the Big Brother turf of the White House, the intelligence agencies, the Department of Defense, and Congress. They do not wish to have oversight over their oversight. In the meantime, the current system spreads its wings into the nooks and crannies of our citizenry. However well-intentioned, we citizens contribute to a growing intrusive security apparatus in this country. Here are some examples:³

The North Texas Fusion System labeled Muslim lobbyists as a potential threat; a DHS analyst in Wisconsin thought both pro- and anti-abortion activists were worrisome; a Pennsylvania homeland security contractor watched environmental activists, Tea Party groups, and a Second Amendment rally; the Maryland State Police put anti-death penalty and anti-war activists in a federal terrorism database; a post 9/11 center in Missouri thought that all third-party voters and Ron Paul supporters were a threat; and the Department of Homeland Security described half of the American political spectrum as “right wing extremists.”

Many citizens are uneasy that Uncle Sam, however well intentioned, might gradually overreach to a point of finding ourselves in quasi-Orwellian environment. My stand on the matter is simple: Trust Uncle Sam but with a security ombudsman looking over his shoulder while looking after the interests of an individual citizen.

The NSPG group said, “If we were issuing grades, the implementation of this recommendation would receive a failing mark.”

Congressional Reform

This recommendation from the 9/11 Committee reads as follows, “Congress should create a single, principal point of contact of oversight and review for homeland security. Congressional oversight for intelligence---and counter terrorism---is now dysfunctional.”

Congress’ rules and its antiquated committee structures result in fragmented decision making because of “concurrent and overlapping” jurisdiction among its committees. Simply put: Congress is dropping the ball.

The NSPG cites several examples showing the ineptitude of our lawmakers that have created deadly serious ambiguities relating to which governmental organization is responsible for what. Such as: Where the buck stops for such critical operations as screening cargo shipped from abroad.

³ Rittgers, David, (2011-02-02), “We’re All Terrorists Now,” February 2, 2011 and extracted from a Wikipedia summary.

You read me correctly. One of the most vulnerable parts of America's security is being held hostage to the lawmakers in Congress who (a) will not relinquish their power and influence by virtue of sitting on these committees, and/or (b) do not have the time or energy to focus on the cargo screening issue because they are spending much of their time looking for money for their next campaign.

Charles Dickens and Little Dorrit raise their heads from their graves to witness the vaunted United States Congress operating with the bureaucratic mentality of Dickens' British government Circumlocution Office:

The Department of Homeland Security (DHS) must respond to "the enquiries of more than 100 committees and subcommittees." The effect:

In 2009 and 2010, DHS provided more than 3,900 briefings and DHS witnesses testified more than 285 times. This amounted to many thousands of hours of work, often duplicating efforts, and cost taxpayers tens of millions of dollars.

In addition, funds to various IC organizations are authorized by different committees. Birds chirp for seed. Humans chirp for money. An IC organization kowtows to where the money comes from. For the war on terrorism, it should come from a single source.

Radio Spectrum and Nation-wide Interoperability

My sidebar in segment one of this report made the claim that the problem with the creation of a seamless nation-wide security network (wireless) was a matter of political will and not because of technical barriers.

This deficiency was one of the most alarming findings to come out of the Commission in 2004. Those of us who have worked in the wireless communications industry have been aware of the problem, but the issue is so caught-up in politics and Congress is in deadlock mode. (What else is new?)

The deadlock is easy to explain. The implementation of this network stalled in Congress because, "of a political fight over whether to allocate 10 MHz of radio spectrum---the D block---directly to the public safety for a nationwide network or auction it off to a commercial wireless bidder who would then be required to provide priority access on its network dedicated to public safety during emergencies."

Read the last sentence again. Notice the phrases "its network," "priority access," "emergencies." Meaning: The commercial vendor could use the spectrum space for anything it wishes (after all, it would be *its* network). The national security network would be *piggybacked* onto the spectrum during *emergencies*.

Result? *A part-time national security network.*

The heavy hand of K Street Lobbyists is evident. The idea is preposterous. Rather, the next section contains my thoughts on how to resolve this problem.

I'm having this report sent to the relevant Congressional committees and the SEC in hopes someone will read this next section. (I tried this tack before, with limited success.) If any readers know of contacts, please forward this report to them.

For the general reader, this may be too detailed. If so, skip to the next section.

An Approach for Creating an Effective, Integrated National Security Wireless Network

- The government should continue to own the spectrum space.
- Private enterprise would still be heavily involved and make a ton of money:
 - (a) The government would have no development teams. All hardware and software would be developed by the commercial industry.
 - (b) The government would oversee the development and management of the network.
- Private industry would be required (if it wishes to participate in a staggering windfall of revenue) to be members of working committees (technical, not political in nature) with members of equal standing from governmental state, local, and national wireless networks. These committees would work along the same basis as the Internet Request of Comments (RFC) groups and the International Telecommunications Union (ITU) groups.
- They would publish specifications for the national network with three primary goals:
 - (a) Identify sub-systems applications that could be applied across different types of network operators (police, fire department, for example).
 - (b) Identify sub-system applications that would have to be tailored to the network operator if the generic applications (in (a)) would not work. But this process would require a rigorous review process for exceptions.
 - (c) In all applications, there must be the capability of interworking between them, similar to the Internet internetworking protocols
- Publish the specifications for a bidding process from private industry.
- Keep the coffers of Super PACs and the palms of Congress members out of this process. Have only *one* congressionally-based point of contact and authority to interact with the public and private leaders of this effort.

Overhead, Bureaucracy, and Acceptance of Curtailments?

One consequence of 9/11 is the time required to do the paperwork for most any petition to the federal government. It is now more difficult to do business overseas, or even to bring in money from a foreign land for investments in America's businesses. There are now more blanks to fill-in on IRS forms. Who knows (besides the intelligence industry) how many "spooks" have become part of America's social landscape?

I came across this quote while walking through the Spy Museum in Washington DC. It is relevant to this report: "Simply put, it is possible to have convenience, if you do not want security. But if you want security, you must be prepared for inconvenience." (General Benjamin W. Childlaw, December, 1954).

I think American citizens understand and accept this truism. Nonetheless, it is important that the Blues of our country also understand that a sizable part of the world's population is not user-friendly as regards America. Why this is a fact is a discussion for another time. For now: we drop our guard on protecting our security to our own peril.

It is also important that the Reds of our country keep in mind the strength of our nation rests in the Bill of Rights. Within reasonable limits---bounded by sunset clauses requiring certain laws to expire---some "inconveniences" are necessary for our own well-being.

However, disregarding the Bill of Rights is defeating the very reason America exists in the first place.

Side bar: Sure enough, the U.S. courts declared some of the warrantless surveillance operations of the U.S. Government violated the Fourth Amendment. The U.S.A. Freedom Act has corrected some of these excesses, a topic covered in other articles on this blog (Go to Series 5: Privacy and Security in the Internet.)