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MEMORANDUM FOR THE RECORD

Event: Virginia Buckingham, former CEO of MASSPORT

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Team Number: 7

Location: Law Offices of Joseph Savage; Boston, MA

Participants – Non-Commission: Virginia Buckingham; Joseph Savage (Buckingham's attorney); Christopher D. Moore, Goodwin Proctor LLP (Massport attorney)

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

Background

[U] Ms. Buckingham began by making a statement that she had borne the burden of having been unfairly blamed for the events of 9/11, and she pledged full cooperation to the Commission. She supports the work of the commission because it is the job of the commission to put the facts on the table and be objective. She wants to lift the burden on herself and her former colleagues who have been at times blamed for the events that happened on 9-11 at Logan.

[U] Virginia Buckingham served Massachusetts Governor Weld beginning in 1991, first as a spokesperson and later as Chief of Staff. She was retained in the latter by Weld's successor (Celucci) in 1997. In April 1999 she went on leave to have a child, and was appointed by Celucci to head Massport in September of that year. She went to work in her current position as deputy editorial page editor for the *Boston Herald* in January 2003.

Massport

[U] Ms. Buckingham reported that Massport operates infrastructure that is critical to the State's economy, including Logan Airport, Hanscom Field, Worchester Airport and the Port of Boston. In fulfilling this mission, the authority encounters growth and community challenges. For example, runway expansion at Logan has been an issue on both of these fronts for the past 30 years. The authority seeks to serve the public's needs, with safety first, but also with efficiency.

[U] There was no written mission statement at Massport; it was more an understanding that, as the CEO of a Board the Executive Directors, she was to drive the leadership team. When Buckingham arrived at Massport, she made it a priority to develop a business plan. She hired an outside consultant who produced such a plan a year later (in 2000). This

became a key policy-setting document for the organization. She also authorized a security audit by CTI, a nationally renowned security company (more on this below).

Logan Airport

[U] Ms. Buckingham stated that she regarded security at Logan as being at least as good as at other airports, and in some respects better. Airport security director Lawless had "pushed the envelope" on security in going beyond FAA standards. Buckingham indicated "We were where we should have been on security and were pushing the envelope going beyond" on issues like checkpoint screening and environmental concerns. A further example of this was in Massport's instituting finger-printing for background checks around 1998.

[U] Buckingham's feeling was that Joe Lawless (Logan security director) set the national standard for security and she was confident in him. She had one meeting a week with senior operations people, including Lawless. (Lawless reported directly to Tom Kinton.) That meeting was the opportunity for Lawless and others to tell her and other senior leadership what was going on. It was a "go around the table" type of forum.

[U] Buckingham indicated that her understanding was that security responsibilities at Logan were "trifurcated" with the FAA in charge of the airspace, Massport in charge of the airfield and public spaces at the airport, and the airlines responsible for their operations areas and security screening. Her major pre-9/11 security concerns with respect to the airport were: 1) runway safety (they did yearly drills to enhance); 2) perimeter security (with water on three sides of the facility); and 3) bombs (especially a bomb-carrying car at the entrance).

[U] She did not receive intelligence reporting about the fundamentalist Islamic terrorist threat, and she recalled later learning (from press accounts) of a taxi cab driver at the airport who had such affiliations, but which she was not made aware of at the time.

Checkpoint Screening

[U] Buckingham reported that she was concerned about the results from both FAA and media testing of Logan's checkpoint screening operations. Lapses in these operations had led to a couple of terminal evacuations during her tenure at Massport. However, it was clear that screening was an airline responsibility, and though Lawless had developed a plan for Massport testing of checkpoints, this went beyond what was permitted by the FAA.

[U] Lawless had done a memo on Logan vulnerabilities, including screening, and another on the general terrorist threat. It was a general paper, in which the idea of terrorism as a threat to aviation was discussed, but no one she is a ware of contemplated the events of 9-11, and the memo contained nothing specific about a threat against Logan.

[U] Lawless raised the issue of checkpoint testing at an airport station manager meeting in April 2001, but Buckingham was not made aware of the plan until July 2001. She learned that FAA didn't think Massport could do the testing, and the airlines were "unhappy" about the plan. In addition, there were legitimate operational questions, such as how to do the tests with state troopers who may have been known at the airport. Buckingham stated that "Joe (Lawless) is a bulldog. His strength was putting ideas on the table, but his weakness was in the carry through." Buckingham reported that her staff continued to look at how to implement Lawless's plan to have law enforcement officials (LEOs) doing checkpoint testing and that is where matters stood on 9-11.

[U] Buckingham was frustrated that the legal framework was clear on who was responsible for what with respect to airport security, but to the public it was all the airport's responsibility. That was why Massport was concerned with matters such as screening vulnerabilities, baggage handling and passenger waiting time at the gate.

[U] In conclusion, Buckingham indicated that despite the frustration, no one thought the vulnerability was as great as it was. (In Buckingham's recollection, the last major security incident at Logan was in the early 1970s and might have been an explosion.) If they had realized the degree of vulnerability, "God damn it, we would have told Congress to turn this threat to national security over to the Federal government."

[U] Buckingham was not aware until her she left Massport of a reported FAA proposal to do joint testing at Logan with Massport, which Massport reportedly turned down.

Airport Security Consortia

[U] Ms. Buckingham did not recall discussions about Massport setting up a consortium at Logan along the lines recommended by the Gore Commission. However, she indicated that Lawless would be better able to answer that question. She recalled that LAMCO (Logan Airport Management Council) was a forum for the key stakeholders, and she speculated that FAA and the airport station managers may have thought that this was the appropriate forum to fulfill the Gore requirements on collaboration.

Media Reporting of Security Vulnerabilities and Intelligence

[U] Ms. Buckingham thinks that it is a good thing to expose vulnerabilities by "shining a spotlight" on them because this will produce corrections and turn weaknesses into strengths. She added that she believes the aviation security system's approach to security, both before 9/11 and today, is a weapons-based one, which was and is being exploited (box cutters can still get through, based on media reports). She stated that in her experience there was never an attitude of "we can't stop it so why bother trying."

[U] Buckingham's personal belief is that it is better to focus on stopping the people – an intelligence matter which lies beyond the scope of the airport operator. Lawless did raise a concern with Buckingham that the FBI was not being a partner in sharing information relevant to Logan, a problem which he and she felt was not unique to Boston.

Logan Security Priorities and CTI Security Audit

[U] Buckingham thought that Logan should have had surveillance cameras; she couldn't believe they didn't have it in place. The matter came to her attention in regard to concourse evacuations that inconvenienced thousands of passengers, and that could have been prevented if they could see who had caused a security breach. She learned that Lawless had pushed for such cameras prior to her arrival, and during her tenure it had finally been funded. It was her recollection that Logan was in the process of preparing to install cameras at the checkpoints and terminals when 9/11 occurred.

[U] With respect to budgeting, Buckingham reported that in general, the head of each Massport facility would have to make judgments on what was doable and operationally a priority and then submit a "wish list" to her and the Board. On security, she didn't feel like she had "enough information to make those judgments solely based on Joe's (Lawless's) position. He had a lot of ideas and he was great but he did not prioritize." CTI was hired to do an audit on security precisely to help make judgments on setting priorities. Massport started talking with CTI in March 2001, first with respect to portal issues (which was initiated by Lawless) and then (March of 2002) with an overall security audit (which both Lawless and Buckingham pushed for). Separate contracts were signed for each.

[U] Lawless and Buckingham both wanted the outside expert to come in. Just as Buckingham started at Massport (late 1999), there were a few stories in the *Boston Globe* by their aviation reporter on security violations at Logan. She felt like this was an issue she wanted to deal with coming in. The *Globe* reporter, whom she knew, directed her to Art Kinsman at the FAA, and he recommended CTI as the best at doing what Buckingham wanted done.

[U] Buckingham reported that pre-9/11, the Massport Board's priorities were Logan modernization (especially runway capacity) and customer service, with environmental issues at a slightly lower level. "Massport considered they were doing what they were supposed to," according to Ms. Buckingham.

Security and Customer Satisfaction

[U] Ms. Buckingham stated that everyone at Massport recognized that security and safety were the core of their mission. She thinks that the Fox TV reports on Logan security vulnerabilities stand out like neon lights in retrospect, but pre-9/11 what she was called to testify on before Congress were delays and customer satisfaction issues. That was what was driving the public policy debate that summer. These were also the issues raised by the public when she appeared on radio talk shows at that time; security was "never" brought up.

[U] Buckingham reported that the Massport Chairman of the Board, Mark Robinson, wanted to determine how to lessen the time spent going through security at Logan in

order to improve customer satisfaction. In response, in late 2000 Massport staff developed a Guaranteed Passengers Standards program, which established goals for passenger processing times based on the airlines' own standards, and devised a system for Massport to monitor the airlines' performance. As Massport staff observed the process, they realized the problem was inadequate staffing at the checkpoints and the goal was to "embarrass" the airlines into hiring more staff, with a potential threat of removal of gates for those who did not comply.

[U] According to Buckingham, the program did help to alleviate overcrowding, and was never an effort to move the passengers too fast for adequate security procedures. (She pointed out that the standards were derived from the airlines' own guidelines.) She recalled that they never even had to do even the most modest reprimand to enforce compliance, but the airlines were "furious" that Massport was "treading on their turf" and were afraid about possible adverse publicity resulting from any reported non-compliance. However, Ms. Buckingham indicated that the airlines never raised security concerns about the program.

Relationship with FAA Officials

[U] As far as Buckingham knew, Lawless's relationship with FAA officials, including Steve Luongo and the FAA Regional Office, was "fine." She was aware that sometimes they were concerned about him "going too far," for example with extensive background checks (about which FAA sent him a letter asking him to stop). Pre-9/11, Buckingham herself didn't have any contact with the FAA CASFO or FSM at Logan. Right after the hijackings, Luongo was involved in meetings with her. Pre-9/11, she had a lot of contact with Jane Garvey and with the Regional Director on funding for the new runway. This was a sensitive issue in the community, with the local Democratic leadership (which Garvey had once been part of) opposed.

The Day of September 11, 2001

[U] Buckingham wrote a magazine piece for the *Boston Globe* in September 2002 detailing what 9/11 was like for her. That morning she was enroute to the airport to fly to DC to meet with Jane Garvey about the Logan runway issue. She heard the report about the first WTC crash on the radio, but didn't know at that point that it had originated in Boston. At that point, she received a call from her office and she thought she would still go on the trip because there was still no clear idea about the crash. However, after the second plane crash she got the report that it might have been from Boston so she went to the office. She doesn't remember who gave her the message. She saw the TV footage of the crashes for the first time when she arrived at her office.

[U] Ms. Buckingham recalled that it took hours for UAL 175 to be identified, but that they knew a lot about AAL 11 fairly quickly (mostly from the airline itself). Overall, she felt they weren't getting clear information from the FAA.

[U] Once the Logan involvement was clear, the emergency response plan was implemented. Both the family assistance center (for victims' families) and the emergency Operations Center were operational by 9:30 AM. Every level of government, every agency, every first responder organization was represented in the Operations Center. That is all part of the emergency protocol. The focus at that point was to secure the airport and to provide information to victims' families and to stakeholders.

[U] Once the ground stop occurred, it was Buckingham's recollection that every aircraft was to be secured and searched. She believes this was done and that the order was originated by the FAA. She recalled that there were reports of some other suspicious items found on the other flights as well as misinformation, such as a third flight out of Logan that had lost contact and another flight out of Logan that supposedly had box cutters. She termed this a lot of fiction and never heard any follow-up on such reports. She was confident that if anything had been substantiated, she would have heard about it.

Immediate Aftermath of 9/11

[U] Buckingham reported being frustrated by a number of "ridiculous directives" emanating from the FAA right after 9/11 (including a ban on plastic knives). Sec. Mineta formed 2 task forces on what needed to be done but composed of the usual people. She reported that she wanted to get counter-terrorism experts telling them how to handle terrorism. Instead, it was more "let's get them back up as soon as possible" from the national leadership, and the airports reopened with little change. She was one of the first to call (in a letter to Chip Barkley) for federalizing the checkpoints.

[U] In Buckingham's view there seemed to be little recognition at the national level of the seriousness of the threat. She recalled a conference call with Garvey and other airport operators shortly after 9/11 in which the main topic was how about to handle the transportation of college and pro football players. This was an example of FAA's attitude. On the other hand, Massport decided to keep Logan closed longer than required by the FAA in order to satisfy itself that the airport had been adequately secured, such as by searching all the vents, and deploying specialized LEO teams.

[U] As other airports re-opened, Buckingham felt that the FAA's "checklist" for re-opening and its Security Directives were still inadequate, with the main push being simply to re-open the system. Therefore, Massport had its own checklist on top of the FAA requirements. Logan was finally re-opened at 5AM on the 15th. Buckingham reported that there had been a group effort of Massport senior management to develop the necessary checklist, with full support from the Board to "do what you think is right"

[U] Buckingham reported that the details of the hijackers' tactics were unknown for awhile. Thus Massport became embroiled in what know appear to be side issues because no one knew how it happened for many days. She did recall hearing from American that box cutters had been reported in the calls from the people on Flight 11, but she didn't remember who she talked to at American about this report. She recalled hearing one media report that a hijacker had a bomb strapped to his body and another that reported

that pepper spray was used to disable passengers. She never heard anything about the use of a gun.

[U] As far as she recalled, the FAA and FBI refused requests by Massport to join them at post-9/11 press briefings on the hijackings. "We were out there by ourselves, answering questions they didn't have answers to. They had an obligation to Massport and the public. They hid." In Buckingham's view, this allowed a lot of misinformation to spread which did a disservice to the victims' families and the hard working people at Logan who deserved to know what was going on.

[U] Buckingham learned, but not until after 9/11, that the hijackers had apparently undertaken prior surveillance of Logan. Afterwards, one of the hijackers' cars was discovered in the parking garage and the electronic record kept by the airport disclosed that the car had been in and out of the garage on several occasions.

[U] Buckingham was aware of the story about a Middle Easterner who was given a tour of the Logan tower and that it had been investigated and discounted. She cited it as an example of something that had nothing to do with 9-11. He was a pilot innocently given the tour and they found him and talked to him after the fact

Post-9/11 Flight to Saudi Arabia

[U] She was aware of the charter flight from Saudi Arabia that left from Boston containing Saudi officials and Bin Laden family members. Her recollection was that it happened on September 19th, after the airspace was reopened. She recalled that there still may have been a restriction on aircraft flying in from certain countries. Buckingham wanted to make sure it was properly cleared and her concerns were over who was to fly out and whether the security rules were being flouted. She recalled that the flight came to Boston from Canada. Kinton called the State Department etc and the response he got was to "let them go." She was also told there was going to be FBI "observation" of the flight. Later she read that the flight had made many stops around the country.

After Action Reports and Investigations

[U] Ms. Buckingham remembered that the FBI was in the Logan operations center at some point on 9/11. They were directing the investigation. She had a conversation with the special agent in charge (Charlie?). Buckingham was concerned that the FBI and the FAA might have specific threat information that Massport needed to be aware of before reopening. Both agencies assured her there wasn't anything specific to Logan.

[U] Buckingham does not believe Massport did an after-action report as such. That role was quickly taken over by the Carter Commission appointed by the Governor of Massachusetts. She indicated that in the process Massport became embroiled in a political firestorm, and the focus became Massport management rather than the hijackings themselves. (This was the point at which she was removed from her position at Massport, and was a tumultuous and painful time for her.)

[U] Buckingham did not recall any requests from the FAA for after action reporting, and she never saw the CTI security audit before she left Massport (November of 2001).

Carter Commission

[U] Buckingham viewed the Commission as a political exercise by a Governor under fire to get the issue "off her plate" and was a product of "media frenzy." The Commission's chief recommendation was to replace the executive director with someone with more experience. Buckingham disagreed with this and the Commission's other major recommendations. But she had already left the authority, and he did not take the Commission's recommendations seriously.

[U] In Buckingham's view having a policy oriented leadership team (which she considered to be her own approach) at Massport is appropriate because of experienced, expert operational managers at the facilities. Her job was not to make sure planes were landing properly. Rather, she was the interface with the community, elected leaders, senior stakeholders and the public, and she believes she operated effectively in that capacity.

[U] Buckingham believes that the Carter Commission and other reports have shown a misunderstanding about roles and missions. Even within an airport there should be a mix of partnership and leadership. She added that "whether or not I was given a written job description, it had nothing to do with the attacks on 9-11. It would not have prevented it." Now, as part of the media, she doesn't think it would have changed the perception of her performance even if it was clearly stated that her role was one of interfacing with the community.

[U] Overall, Buckingham felt that a major problem with the pre-9/11 aviation security system was that responsibilities were so divided. It would have been much clearer if one entity was in charge of the entire "kit and caboodle."

Recommendations

1. Focus security on stopping bad people. The orientation toward stopping weapons is always going to be inadequate. [redacted]

2. Given the threat as reported all the time, treat airport security as a national security issue, with a true federal system of information-sharing. While she had called for the federalization of checkpoint screening, from her observations it looks like all that was done was putting a different logo on the jacket of the screener and that it was basically the same system with some different people operating it.

9/11 Closed by Statute

3. The aviation and airport culture needs to change. She was frustrated with that culture at the time and still is; she thought of herself being an outsider was a plus in that she would challenge the system in a way the insiders didn't. The aviation and airport culture was very much a "don't think outside the box" mentality and especially didn't buck the airlines. The result, according to Buckingham, was minimal compliance with FAA requirements. She does not think that Massport took that approach. Other airports are fighting measures like in line baggage screening, while Logan is one of the few in the country that met the original deadline even as Congress was relaxing it. Buckingham reported that the Air Transport Association (ATA) was ferocious if an airport tried to step outside the normal bounds, and they threatened to withdraw their support for the Logan runway expansion if the airport didn't back down on their checkpoint screening initiative. In her view, if 3000 people dying didn't shake up the establishment, the responsibility for security needs to be put in the hands of people that understand the threat.

4. Port security, with its cargo and cruise industries, has challenges similar to aviation security. While the Coast Guard is in charge of security on the water, the overall authority for port security is unclear. Buckingham believes such authority should be given to a single national security authority, without waiting for a disaster, like a biological agent or explosive in a cargo container. It should be treated as a national security threat and handled by a federal agency.

Conclusion

[U] Buckingham pointed to the fact that the same tactics used at Logan succeeded at three other airports (Portland, ME; Dulles; Newark) as indicative of the national vulnerability, and compelling evidence the hijackers didn't single out Logan. The political culture in Boston has led some to ignore that reality, but to give the impression that Logan was somehow different, and more vulnerable, does a disservice to everyone. She herself was publicly blamed and lost her job unfairly because of this, and it means a lot to her to set the record straight.