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MEMORANDUM FOR THE RECORD

(R)

Event: John Steven Hawley, TSA Liaison to the Department of State (DSITA)  
Diplomatic Security / Intelligence and Threat Analysis

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Team: 7

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Participants (non-Commission): John Hawley, TSA; and Brandon Straus, TSA Counsel

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**Background**

[U] John Hawley started his career at the FAA in 1991. He was hired by Mike Morse to work in the intelligence watch as a duty officer in Indications and Warnings. He read traffic, press, and email, and put together daily intelligence briefs, information circulars. Another aspect of the job was to assist in the dissemination of documents. In 2000, he was assigned to the State Department.

[U] He added that staying in the Watch as long as he did (9 years) was not unusual. Rotating out to policy or operations was difficult the Watch was always short of personnel. They were constrained by budgetary and clearance issues.

[U] The liaison posts were created out of a recommendation from the Gore Commission in 1998. David Albright was the first to go to State for FAA, then Chris Glasow, then Jack Salata, then White, then him. Typically, the rotation lasts 2-4 years. The position was a part of the intelligence division at FAA, and now at TSA. His primary focus remains Indications and Warnings. Basically, this implies sending emails to Regional Security Officers (RSOs) to follow up on indications and threats received in other ways.

[U] Indications and Warnings looks at intelligence through several different lenses. When applied to aviation, Hawley said he takes a broad view. Before joining the FAA, he worked the [redacted] at the NSA, where we [redacted] He was also in the reserves, which required him to take two weeks active duty, such as at the Coast Guard's intelligence facility in California, where he was exposed to drug smuggling issues (circa 1996-1997). He reported to have returned to the FAA from that experience with a broader view of issues that impact aviation security because of the close association between drug

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smuggling and terrorist activities. For example, smugglers would often uncover part of a plane to conceal drugs in structure, thereby jeopardizing the flight.

[U] As a means of broadening their perspective on issues that impact aviation security, Hawley prepared data and intelligence on the drug smugglers' use of aviation in a presentation. FAA thought this issue was something it could not adequately address because of manpower and financial issues.

**Liaison Posts and Intelligence Sharing**

[U] Hawley characterized his experience at State Department as an "eye opener," compared to his exposure at the FAA. He said there was more intelligence "coming across" at State. He was like a "kid in a candy store." He couldn't believe what he was seeing and thought "shouldn't FAA be aware of this?" Sometimes intelligence items would be slugged to the FAA, sometimes they weren't. What FAA needed to do was update the list sent to the intelligence community in order to receive more intelligence.

[U] Potentially prompted by the USS Cole bombing, an updated list in 2000 (sent to the JIC) was delivered to the intelligence community. There were previous updates. He indicated there was a recognition on the part of the FAA of a changing threat environment.

[U] It was noted to Hawley that the FAA was a consumer of intelligence, as is State Department. He was asked what the difference was in the flow of intelligence from the field to the two agencies, and between the two agencies themselves.

[U] Hawley said the difference is huge. Indications and Warnings, which is a part of the intelligence community has a pipeline to DOS. FAA is not a formal member of the intelligence community and has no link to I and W.

~~[CS]~~ "IRIS" is not in the SCIF at FAA. Now it has a "CT" link. When Hawley first started there, everything was paper copies of the traffic. FAA did not have a "soft" CT link until the late 1990s.

[U] As liaison at State, Hawley would constantly email Robert White (the FAA liaison to CTC at CIA) about what intelligence reports to send to FAA. CIA resisted efforts to share any information with FAA on UBL (Usama Bin Laden).

[U] There were also reports that Hawley thought the FAA should receive from FBI that were not shared. He said that he came across circulars with specific names that Jack Salata (the FAA liaison to FBI at the time) thought were not significant to the FAA. Hawley suggested that Salata was "firm about it; he didn't want to discuss it."

[U] Hawley went on to say that White, the liaison to State prior to him, had been fairly aggressive about getting relevant intelligent shared with FAA. According to Hawley,

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people at CIA were disturbed by White's persistence; they "wanted to know who he was and why he wanted things sent from CIA to FAA."

[U] "ORCON", which stands for Originator Control, meant that the source agency for a piece of intelligence controlled the dissemination of that information to all consumers. This meant that Hawley at State may see something produced by FBI or CIA that he thought the FAA should be made aware could not pass the information on himself. For this reason, he frequently pressed the other agency liaisons on the issue.

[U] Salata was concerned about document fraud in light of WTC in '93. He expressed this in a memo sent to Claudio Manno. He wasn't the only one looking at this. He interacted with others who were certainly cognizant of the issue.

**Knives**

~~[CS]~~ Hawley did not recall the 1992 memo from ACI to the "700s" concerning the use of knives in hijackings by terrorists. He said that [redacted] was on the day watch, and he might recall such a memo.

**FBI**

~~[CS]~~ Greg Ahern was the first liaison to FBI. He would complain to Pat Durgin that the Bureau wasn't sharing anything with him. Initially, Salata was "shelved" in the same way.

~~[CS]~~ In Hawley's opinion, Jack Salata worked hard. He was good at his job. Hawley said at one time, Jack Salata was considered "persona non grata" (his badges were taken away) at FBI because he shared some information regarding an investigation. "Jack was not a detailee, rather a detainee," Hawley quipped.

~~[CS]~~ Hawley said that Salata managed to ingratiate himself and got his position moved to the Radical Fundamentalist group. "That was the place to be," Hawley said. He commented: "a really good liaison is personality driven. One has to make them trust you to get anything back to FAA without being PNG (Persona Non Grata)."

~~[CS]~~ The impression at FAA was that Salata was actively working on things that he thought would be shared with the FAA outside law enforcement channels. The LAX case, for instance, Salata worked on. He told Hawley not to share information with the State Department that he was discussing amongst the intelligence analysts regarding the case.

~~[CS]~~ Hawley's only criticism of Salata was that he "was so long out of the office that he may have lost touch with his FAA roots." Sometimes, the press was the first source of information FAA received of potential threats that FBI was working on.

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[CS] Hawley thought there was no reason to protect information that was shared in the court room. That was the public domain. At times, FAA would have to send someone to the court room to take notes on hearings because they could not get the information from the FBI directly. "FAA had to go retrieve the information itself and do the analysis because the Bureau was not forthcoming." He cited the Yousef trial in New York in the 1990s as an example.

[CS] The "Ressam trial" in Los Angeles in the mid 1990's was another instance Hawley recalled in which the FAA felt it was necessary to attend the trial to ensure they received information in a timely fashion that related to the case. Hawley wanted to know right away. He didn't want to wait for the trial transcripts. He said that Jack should have been tracking these things.

[CS] When asked to follow up on intelligence reports, the Commission asked Hawley if he thought the FBI would conduct one cursory check against the national database of names. Hawley could answer the question but he said a good person to talk to would be [REDACTED] (retired and living in North Carolina now). "He was a bulldog on follow up intelligence case files."

**Intelligence Case Files**

[U] FAA Intelligence maintained an index of all the daily logs given to ACS-1. The intelligence division began numbering its case files in 1991. Case files were opened on "anything you want to follow up on, even a piece of press."

[U] From his days as a Watch officer, Hawley said that when information came in, he would open a case file as he saw fit. There was no written standard on what constituted opening a file and what did not. That was a judgment-call on the part of the watch officer. It would be put in a central place that everyone in the Watch had access to. No one had a personal case load. Cases weren't assigned to a single person in the event that the officer handling a case was out for three days.

[U] Specific actions were required once a case was opened. It would not be closed until certain things were determined. For outstanding issues, there was a Watch log that listed specific things that needed to be done. There was follow-up and organization. The organization of the watch was not such that things did not fall through the cracks on occasion.

[U] Prioritization of threats evolved over time. High priority cases were never filed. They would be on the table and continuously worked.

[CS] As a liaison officer, Hawley had no way of knowing how the watch officer's prioritized the information he relayed back to FAA to track. He said the introduction of "ICE mail" (a form of email used by the intelligence community) has made it easier to track issues between agencies.

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**Intelligence to Security Directives and Information Circulars:**

~~[CS]~~ Outside of the office of intelligence and within FAA there were problems resulting from turning viable intelligence into documents for distribution. Information Circulars were issued without much controversy. Security Directives were problematic because the FAA was effectively telling the airlines what to do, so they were often contested.

~~[CS]~~ Someone (he did not know who) in Policy and Operations wanted to stop or limit the number of Security Directives issued because they overburdened the air carriers in 1996, 1997. Hawley could not point to any memo; it was a verbal understanding that SDs should be toned down, and "suggestions" on security should be folded into ICs. He can't remember any specific SDs to demonstrate the point.

[U] Hawley said he never helped develop language regarding threats for the rulemaking process. From ACI, James Padgett had the most interaction with policymakers at FAA.

[U] To change policy, the intelligence division needed to support the proposal with "credible and specific" reports. The Security Directors, for the most part, had law enforcement backgrounds. All of them maintained contacts in that community. If the FAA issued a directive that required certain changes in response to an intelligence report, the SD would confirm or discredit the information through their own channels of verification. This mentality exhibited by the SDs made it that much harder for the FAA to regulate the industry.

~~[CS]~~ December 1994, there was the Air France hijacking out of Algeria. FAA had started a case file on it. From his perspective as an analyst, it was interesting that the terrorists used crew uniforms to storm the plane, and that they were able to take off. They learned later that hijacking a plane with a full tank of gas was part of the plot. In response to the hijacking incident, Bob White (liaison to CIA for FAA) developed a video presentation on the incident because of the noteworthiness of many aspects of the case; particularly that it was a well-executed and coordinated team hijacking.

~~[CS]~~ Hawley didn't know if advanced skill sets, such as pilot training, became a part of the criteria that intelligence collectors looked for in potential terrorists; nor did he know if the FAA asked the intelligence community to look for such information.

**Cock pit intrusions and how they were tracked**

~~[CS]~~ The 24-7 FAA Operations Center produced incident reports that included cockpit intrusions and also instances of air rage. From his position in Intelligence Division, he did not remember seeing reports on incidents with passengers. They opened a case file in intelligence every time a flight crew or pilot uniform or cockpit keys were reported stolen. He mentioned that you can buy the uniform at any shop.

~~[CS]~~ He also shared his concern that the use of the jump seat was abused, in his opinion. Prior to 9-11, he felt that the FAA was "not on top of this issue." He shared details of an

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unconfirmed report from [REDACTED]

9/11 Closed by Statute

[CS] Hawley told the FAA about the report from the flight attendant. The FAA liaison to the FBI was not aware of the report, even though the Bureau had a "302" documenting the story.

[CS] On July 6 1993, a suspicious incident involving an Iranian National led the FAA to issue an Information Circular to the airlines and airports (IC-93-09) that was ultimately allowed to expire. There were other suspicious inquiries.

[CS] When asked if there was a central repository for information that was made available to operations, regulators, intelligence officers, and policymakers, Hawley said there was no system in place that ensured everyone was working off the same page. Hawley was always troubled by what information because he was not sure what was shared with the flight standards division. He said that [REDACTED] would know about sharing information with flight standards.

#### Threat Vectors

[CS] He said that James Padgett would be the person to talk to about formalizing threat vectors (1999-2001). The approach was more like "trend analysis" than "formal risk analysis." Threat Vectors were of strategic importance. Padgett got input from his analysts (Hawley said [REDACTED] from FAA Intelligence may be able to provide more information on this process; working with Padgett). Hawley also thought the Commission should ask for all of the FAA intelligence notes worth from that period. There is an index of the notes that can be requested through TSA. Sometimes the notes went to 6<sup>th</sup> floor. S-60 had a CIA representative that had the same stuff.

[CS] Based on what he knows, FAA intelligence was ahead of the intelligence community on a lot of these issues related to threat vectoring. [REDACTED] did work on hijack and safe havens, and published a paper on the topics. The hijack of India Air that eventually landed in Kandahar took place exactly as [REDACTED] had forecasted. Hawley said of [REDACTED] "He was right on the money" and everyone knew it.

[CS] Hawley described it as a "tail wagging the dog" situation. The paradigm shifted from hostages, to safe haven, to suicide terrorism, to airplanes as missiles. Hawley insisted that there were clues in the intelligence; the pieces were out there. The intelligence community "just missed it."

[CS] Taking another tack, he expressed some frustration that the "flight school thing was never pursued." He said he never saw that the Phoenix memo and he thought the FAA still doesn't have a copy of it to this day. The drafter of the memo, Ken Williams, was known by the officers in the Watch. If the memo had gotten to them, Hawley is almost certain it would have been followed up on prior to 9-11.

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9/11 Law Enforcement Privacy

~~[CS]~~ The Universe of documents that the Commission needs to access should include the ICs and SDs, Daily Intelligence Summaries, the Daily Security Briefings for the S-60 (that were also given to the Secretary), the ICF index, intelligence notes/summaries, and any video presentations that may have been produced.

- Look at the ICF database back around 1993. That's what he would do.
- The Criminal Activity reports are on the FAA website. It is an open-site with a wealth of information. [REDACTED] who is now at FBI, used to produce it.
- Strategic Assessments – everything that went to the Congressional Joint Inquiry.

~~[CS]~~ His focus was force protection, the embassies, and people traveling. During the summer of '01, there was a sense within the intelligence community that "something was going to happen." He felt certain of it. He was looking abroad, particularly focusing on the Middle East and Near East.

~~[CS]~~ The view was we were on a high state of alert because of CIA reporting. June and July of 2001. He called it a "Very interesting, very tense summer," "Something was going to happen." When asked why he had that sense, he referenced the intelligence reporting that was going on at the time at the CIA; he said Tenet issued memos that contributed to the sense. Pat Durgin was the boss at the time, and Robert White was the focal point because of his position at CIA. According to Hawley, White would say that he wasn't in the ideal location at CIA because he wasn't working UBL from his position in CTC Reports. Hawley thought "pretty much nothing came out of that working group."

#### **Moussaoui**

~~[CS]~~ Mid-August, Jack talked to the Watch about Moussaoui. It was not until after Labor Day that he sent over information about Moussaoui to the Watch. He said he didn't know about Moussaoui for two to three weeks after 9-11, and his information is second-hand in terms of how the case was handled. There was some concern registered that the FBI wasn't forthcoming. "It's all in the ICF," Hawley said.

~~[CS]~~ The documentation transmitted to the FAA on Moussaoui prior to that was not shared with him. He doesn't know why. There was no structure or formalized process for keeping updated on what everyone was up to--information sharing. The FAA still learned the content of the Moussaoui case, the information out of Minneapolis, all from public sources.

#### **Pilot Training**

~~[CS]~~ We worked with the drafter of the Phoenix memo on other issues. He was known to the people in the watch. Had that memo on pilot training from Special Agent Williams

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been forwarded to the Watch in the summer, it would have raised flags. The information was specific about piloting the aircraft. According to Jack, Moussaoui wasn't a threat. "Taken with the **Phoenix memo**, who knows what could have happened after the Moussaoui report?" Hawley honestly thinks they could have done something if he had seen the Phoenix memo prior to 9-11; he would have thought immediately of the Manila plot. That leads you to Murad. He would have "run it hard," in his own words. Hard to say they could have prevented 9-11. "I honestly think they would have gone out to flight schools." ACS would have sent a letterhead memorandum to the FBI to have them send agents to the schools because FAA doesn't have the authority to go to the school themselves.

[CS] Hawley said that the Airmen register checks can be done through the FAA flight standards office. He recommended that we talk to [REDACTED] He noted, however, that pre-9-11; they did not have names of the bad guys. Whether they could have found the plotters at flight schools would depend on how searchable the databases were.

**Visas, Tip-off, and names associated with the bad guys—**

[CS] VISA Viper cables were slugged for the FAA. He doesn't know what was happening to them once sent to FAA. He was asked how names of terrorists were separated from drug dealers, for instance. He said that there was no filter. Names came up only a few times after the Manila Plot. Very few of them were watch list people. To find out if the viper people were tied to flight schools you would have to go to the ICF. The Manila plot was the first indication of flight school angle. The suicide concept surfaced with Air France.

[CS] May 2000 - When he first joined with the State Dept, Mike Sheehan of CTC gave a presentation on suicide terrorism that Pat McDonnell tasked Hawley to follow-up on. A participant list was kept. Hawley was unable to get a copy of the briefing or retain information on the briefing. "Countering suicide terrorism" was the name of the briefing. He brings it to our attention because suicide hijack was on the radar screen. He raises the point because it shows international suicide terrorism was on the radar of the ACS. Pat McDonnell was engaged. The FBI through John O'Neil and Pat McDonnell had a good relationship. This was crucial to sharing of information. "These relationships need to stay in tact."

[CS] Strategic threat vectors took suicide hijack off the list.

**Recommendations**

[U] Hawley felt that 9-11 was an "Intelligence failure first and foremost." We made a mistake. We must connect the dots. The dots were there. There's not enough sharing within the Intelligence Community and within FAA. Not sure how successful we are doing it now. "Intel that is not shared or acted on is worthless."

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[U] The dots were the flight schools and the Murad data-point in 1995 for sure. The Phoenix memo show it was on the FBI radar, but nothing was done. Possible use of the jump seat by the terrorists means access and surveillance. What might have happened if the crew had made reports of such incidents?

[CS] Hawley mentioned the pre-inaugural tabletop exercises, including exercises regarding the use of planes as a weapon. Hawley noted that this issue was raised by Lee Hamilton with Mike Canavan during the Commission's hearing. Hawley thought that in December 2000 some scenarios that were "pretty damn close to 9-11 plot" were practiced. Canavan was definitely in charge of that. Hawley said that one of the scenarios may have had something to do with a chartered flight out of Ohio that had turned the transponder off. Mike Wiechert ran a lot of these exercises. It really forced you to think outside the box. The topic was in the FAA's thoughts, the discussions.

[CS] On 9-11, Canavan and Osmus directed policy to draft an SD with extreme countermeasures shown to Jane Garvey. She ran it by American and United. American came back and said "no". Mike Canavan had to tell policy that they had to water it down. Who is regulating who? "FAA was a pawn of the industry."

[U] Hawley said that bad guys get to read all about the vulnerabilities of our security systems in open sources and elsewhere. A GAO report was in a safe house in Afghanistan. Personally, Hawley believes they could have executed the plot at any airport. Brian Jenkins spoke about this in a PBS interview.

[CS] Hawley said that a strategic assessment was published on 9-11-01, in the strategic assessment, "if they conduct a hijacking domestically, it will be a suicide hijack." [redacted] wrote an intelligence note on Ressam (UBL connection) that said in the last paragraph [redacted]

9/11 Closed by Statute

[CS] In addition, Hawley brought up a good report published in a Seattle paper (on the internet) which was a 9-part series on Ressam. It was an excellent report, about what he was doing in Canada. It had to come from an FBI authorized leak. There were revelations in there. "Had we had that prior to 9-11, it would have made the difference." Hawley went on to say that the report in the paper "was news to me." He highlighted it and brought it in to his colleagues. He said that "official channels failed time and again." Finding out information in the press was a "common concern" of theirs. I

[CS] Recently, he moved from Virginia Ave. to Rosslyn. He was asked to go through all files he didn't need anymore because there was too much stuff to move. The files were jointly owned by his predecessors. He found some interesting stuff sent to the attention of Claudio Manno on the Manila Plot; the first trade center bombing; and the investigation

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of PAL 434. He also noted a presentation titled the "ACS: Conspiracy to destroy US airlines flying in Asia," delivered by Pat McDonnell to a conference.

[~~CS~~] An Intelligence Case File was opened on this particular piece of press in 1999 prior to the Millennium plot. The U.S. Attorney did not prosecute two Saudi nationals because of "profiling" charge. They had run the names and they came backs clean. Post 9-11, one of the names was "dirty." This is a typical example of the kind of information found in a case file.