

COMMISSION SENSITIVE

~~SSI~~**Suspicious Activities**

[~~SSI~~] Early in 1994 Lawless was approached by a special agent out of the FBI's Boston field office who wanted to talk about an employee at MASSPORT who officials suspected was a member of Hezbollah. The subject was working (temporary) as an interpreter greeting passengers at the international terminal. The agent recommended that MASSPORT rescind the subject's access pass and fire him. Lawless looked in to the matter, consulted his counsel, and did exactly as suggested by the FBI within two days of the initial meeting. He heard that the individual was charged with immigration violations in the NY and NJ area. Lawless conducted a forensic investigation of the person's identification media to see if he could have had it duplicated to gain unauthorized access. The FBI had its technical people assess the badge and said that it could not be duplicated. He was confident and satisfied with the follow-up.

[~~SSI~~] As a result of the incident, Lawless conducted a review of Logan's badging operation – and established a protocol requiring that [redacted] be vetted with the local FBI office. This was a useful and reassuring tool. It gave him a heads-up and assured coordination between the MASSPORT and the FBI. The FBI never told Lawless what lists the bureau used to vet the names.

[~~SSI~~] In February 1996, the FBI again approached Lawless, this time about a U.S. Airways baggage handler who was a member of Hezbollah who had been trained at a paramilitary camp in Lebanon. The subject had been issued an airport badge that gave him access to the Air Operations Area (AOA). Again, the FBI requested that Lawless terminate the individual's access and employment. He contacted US Airways and both access and employment were terminated.

[~~SSI~~] The background check that this individual underwent, as with all employee background checks, was limited in that it only assessed the subject's "criminal" background. It didn't check associations.

[~~SSI~~] In 1999/2000 Lawless was contacted by the Mass. State Police regarding a cab driver who frequented Logan. He later read in the newspaper that the person was connected to the Cole attack and a plan to bomb an embassy. MASSPORT was asked to search records on him. Lawless said he felt as though the cabbie was surveying the airport. The individual's name is Riad Hijazzi. He believes he is now in Jordanian custody.

[~~SSI~~] Occasionally, Lawless would have contact with the FBI's Joint Terrorist Task Force who would be at the airport surveying someone coming or going but he did not receive detailed information on the reason for the surveillance.

[~~SSI~~] Lawless attended various briefings conducted locally by the FBI field office, and established a good relationship with the bureau. He also attended classified briefings in DC where there was general discussion of terrorists living in the Boston area.

SENSITIVE INFORMATION DELETED

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Information Circulars (IC's)

[U] In response to IC's warning of increased threat he tried to instill a sense of urgency. He met with State police and Massport staff regarding the alerts. He remembers that the highest alerts were associated with the New Year's and millennium plot.

Summer of 2001

[U] He thought the summer of 2001 was a time "of higher alert" and a "higher level of alertness to terrorism." He remembers Tenet's speeches about the threat.

[U] While "The FAA warnings indicated something outside of America that summer," Lawless said he maintained a heightened sense of alertness. Lawless stated that had the FAA IC's placed more focus on the domestic threat, he would have instituted additional measures based on threat information he was receiving.

[U] He had previously established a list of contingencies that would be put in place that had been created for Y2K which are included in the Security Plan.

Interest in Security by Massport leadership

[U] He does not remember providing a security briefing to the Massport Board nor did they request one. Lawless said that he would inform them when there was something to report. He felt like he had the access if he wanted it. At different stages throughout his career he was invited and other times he wasn't.

[U] Under Virginia Buckingham, he met weekly with her and had full access to speak up.

Security Memo

[U] On April 27, 2003, Lawless wrote a memo to the leadership at Massport regarding security at the airport. Lawless said the memo was prompted by a number of factors including:

- 1) his familiarity with links between Logan and individuals associated with Hezbollah group (including the cab driver mentioned in the memo as well as a news report about another suspicious cab driver)
- 2) his review of the Tenet memo on the terrorist threat that he obtained through the Internet and downloaded on 4/19/01
- 3) incidents that had occurred at Logan including the youth that had allegedly climbed an airport fence and stowed away on a flight the Heathrow, as well as an individual who had climbed a fence and was found standing on an aviation fuel tank,
- 4) A security expert had surveyed the airport and found
- 5) An April 2001 briefing by Pat McDonnell Lawless attended in DC.
- 6) Stories that appeared on the local news exposing vulnerabilities in security at Logan.

[U] In regard to the news stories, he thought they were irresponsible because they provided terrorists with a blueprint of how to attack the airport. Lawless said that he was not aware of official security violations committed by the airlines that were cited by the FAA because this information was not shared with the airport, nor was he apprised of FAA Red Team results and assessments.

[U] Lawless said that his April 27, 2001 memo was more formal and official than usual. He was trying to point out weaknesses at the airport and trying to get support for the upcoming budget season to direct attention to the issues. Over the years he was successful getting certain projects funded, but not all of them, and in some cases only partial funding. He felt the memo would highlight the importance of the items he was requesting, above and beyond regular budget wishes. He sought a meeting with the Executive Director, Virginia Buckingham to discuss it. The meeting appeared on the schedule but was then cancelled. Joe ended up meeting with one of her staff. No immediate action was taken on the items of interest.

Security Assessment

[U] Around this time Logan had hired a consultant, CTI, to provide a security assessment at Logan. Lawless considered such an assessment valuable because it's always helpful to have an outsider participate. Lawless said he had used CTI in the past to provide security consulting services.

[U] Lawless remembers having a conversation with Buckingham about conducting such an assessment. She agreed the assessment was a good idea and so CTI was hired.

[U] The study was at first narrowly focused on airport access issues and portals. A follow-up study was conducted on general security vulnerabilities at Logan, the Port of Boston and other facilities.

Joint Vulnerability Assessments

[~~SSI~~] Lawless does remember being briefed very generally on the FBI/FAA Joint Vulnerability Assessment of Logan Airport by the FAA Federal Security Manager, but he didn't receive much information. He recalls that the JVA was simply a series of checklists like a questionnaire. He never received a detailed summary or an analysis of the findings. If the JVA had identified glaring vulnerabilities Lawless said that he would have addressed them, but he didn't know what it found. Lawless never met with FBI on it. The information about the JVA was received by the FSM

Defense Vectors at Logan

[~~SSI~~] Prescreening: Lawless was asked if he knew that being "selected" by FAA's prescreening system meant only that the passenger's bags were screened for explosives, and that neither the person nor his/her carry-on belonging received additional screening.

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He said he doesn't recall that aspect of checkpoint screening. He's unsure whether such information would necessarily be shared with the airport. It was probably given just to the air carrier.

[U] Checkpoint screening: Lawless said checkpoint screening by Airline contractors was a weak point and a systemic problem for civil aviation. He recalls discussing the issue at numerous conferences with other Security Directors. There was discussion about the airport taking over checkpoint operations. As the system was designed however, he didn't feel as though he had the authority to change what happened at the checkpoints.

[U] In 2001, prior to 9-11, Lawless was shown a video of a Fox TV News reporter who was able to sneak weapons through a Logan checkpoint undetected. He said he was very concerned about it. As a result, he sought to conduct his own undercover testing of the checkpoints using the Massachusetts State Police beginning in July of 2001.

[U] He worked out the program with head of the Mass. State Police detail Major Tom Kelly and discussed it with the FSM Steve Luongo. He had talked to LAMCO (Logan Airport Managers Committee) several times about testing and showed the Fox tape at one of their monthly meetings. At the July meeting, he told LAMCO that they were about to launch the testing program. Lawless said that the group (particularly the air carrier managers) was not happy with the plan.

[U] The air carriers wanted to know if the testing were part of Massport's Customer Service Program and were concerned that the test results would be publicized and that ratings would be issued. Lawless said that while he had no plans to publicize the results, the carriers still weren't interested in pursuing the program. He said it was a business concern – the airlines didn't want bad PR. In addition, he said that the FAA, represented at the LAMCO meeting, was not happy and questioned whether Lawless had the authority to conduct such testing. The Logan FSM did initiate a focus on checkpoint screening but Lawless did not feel it was adequate.

[U] Lawless said had been operating under the assumption he had the authority to conduct the testing, and had been discussing the matter with Aviation Director Tom Kinton who was supportive as was Virginia Buckingham.

[U] The July 17th LAMCO meeting was followed shortly thereafter by a Logan staff meeting conducted by Virginia Buckingham that was attended by Ed Freni, Deputy Director of Aviation Operations. At the meeting Freni raised the issue of the security testing program. After the meeting Lawless received a call from Freni saying that Buckingham was not happy about the plan and that the testing would not be allowed to proceed.

[U] Lawless said that if there was discussion between Logan and the FAA about legalities it was with Steve Luongo and no higher than that. It was relayed to him that he should not proceed, rather than they were trying to work out legalities. Lawless said that he and

Luongo had engaged in a civil conversation about the issue, and that the CASFO had no involvement in the matter.

[U] Lawless was asked about Jane Garvey's public comment that the FAA had offered Logan an MOU to do joint testing at the airport but that Logan had rejected the proposal. Lawless said the idea for joint testing was something he had floated with the FAA in 2000 but that he believes it was on access and perimeter security (over which the airport had direct authority), not checkpoint security. He said the FAA came back with a more formal program rather than the informal partnership he envisioned. Lawless said, "MASSPORT never said no." He sent the agreement to the legal counsel at MASSPORT to analyze it.

Customer Service Program

[U] Lawless was asked about the Customer Service Program that Logan sought to launch in early 2001 that would assure that customers got through the various stages of the traveling process, including checkpoint security, in a timely fashion. Lawless said he was never asked his opinion about the program or how it might impact security. He didn't know whether the intent of the program was to increase staffing at the checkpoints to expedite the process, or simply to make the process faster no matter what. He remembers observing people with stopwatches timing various aspects of passenger processing, but did not notice anyone timing the checkpoints.

Use of surveillance cameras

[U] Lawless recognized early on the airport lacked Closed Circuit TV to monitor security/activities in the airport. He formed a committee of police and airport operations people to do an assessment on the need to have CCTV in 1996. (Lawless referred to Tab 18 of the binder he provided as a reference on this point). His requests to have CCTV funded were not approved over a five year period, until 2001 when money was set aside to conduct a feasibility study.

Consortia & LAMCO

[U] After the TWA 800 disaster in 1996, airports were required to set up a consortium of airport stakeholders as a forum to discuss and address security issues. While Logan had a consortium for some period of time, eventually it was melded into the LAMCO meeting process. Lawless said he thought this was more effective because the decision makers would attend LAMCO meetings, while Consortium meetings were usually attended by underlings. FAA expressed no concern that the LAMCO meetings were held in-lieu of consortia.

[U] Lawless said that Logan held quarterly Law Enforcement Consortia meetings. In addition, Logan hosted an international conference on aviation security in 1996. He remembers conducting a tour for the Saudi Arabian transportation board, but does not

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recall any concerns that any suspicious individuals had attended their conferences to learn about aviation security.

Hijacker Airport Surveillance

[U] Lawless said he has read media reports that the hijackers visited Logan over 20 times prior to 9-11, but that he has no personal knowledge or evidence of that being the case. He said that he would have been made aware of any indications or records of such surveillance, but that he had nothing (Staff Note: [REDACTED])

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9-11

[U] On the morning of 9-11, he recalled that he had put the kids on the school bus and left for his half hour commute into work. Sometime during the commute he received a call from Steve Luongo asking him what was going on at the airport. This was sometime between 8:00 am - 8:30 a.m. Luongo asked him about a hijacking on an AAL flight (based on CASFO agent Bob Dyer's report). Lawless did not know how Dyer knew about the hijacking.

[U] He told Luongo he would call him right back. Lawless immediately contacted the state police desk officer, but the individual did not have any information on any problems. Lawless asked the officer to contact the trooper in the American Airlines terminal. The officer made this contact as requested, but nothing suspicious reported. Lawless called the MASSPORT dispatcher in the control tower who told him that everything was normal. He then called the AAL Logan station manager Bob Johnson. Mr. Johnson was not in so he left a message for the acting manager, Bron McKenzie (he knew her), to return his call. Lawless then talked to Luongo a second time. Luongo had stopped at his mother's house to use the phone and the news flash came up that a plane had hit the world trade center.

[U] Lawless called into work again and told his assistant to turn the television on in the Conference room and then convene an emergency meeting of the aviation staff. After hanging up he called the major of the state police, the deputy director of public safety and the fire chief instructing them to report to the 18th floor for an emergency meeting regarding the WTC accident.

[U] He got to the office in time to watch the second tower being hit. Right then and there he knew his suspicions were correct that it was a terrorist attack. He went to his office and people were coming up to the conference room. He called the CASFO office but [U]

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[U] Luongo was on the phone with Washington, and Lawless wasn't able to get any further information during that phone call. Lawless also called the FBI to see if they knew anything, but he does not remember who he talked to. Ed Freni, Logan's Deputy Director of Aviation Operations, (who had previously been the AAL Station Manager at the airport) entered his office. Freni said he had talked to AAL and that they were reporting a phone conversation with a flight attendant who mentioned a stabbing of a flight attendant. The flight attendant said something about seeing a building and then the line went dead.

[U] [redacted] had entered the room behind Freni and mentioned that United Airlines thought that one of their aircraft might be involved but there was no confirmation at that time.

[U] Lawless said he activated the Emergency Operations Center about 10 to 15 minutes after the second aircraft struck the WTC. This declaration initiated a series of notifications.

[U] He spoke to Tom Kinton who was in Montreal and the decision was made to activate the family assistance center because the initial information was that one of the flights was from Boston. He remained in the office for another 20 minutes taking and fielding calls. Lawless said that a log was made of the phone calls. The EOC was used to coordinate activities and decision making for the Millennium Y2K, tall ships, and a 2000 disaster drill on an aircraft crashing into the harbor. Lawless said that he was not always the incident commander.

[U] The protocol called for the air carriers to report to the EOC with the passenger manifest list and to maintain a representative in the command post to serve as a liaison. The EOC was required to have representatives from transportation, finance, medical, fire, State police, Boston police, airport ops, airport legal, Emergency management, FBI, FAA CASFO, Flight standards, Massport facilities, Massport Public Information, Metro, MBTA and airline people names. All parties were notified by an auto notification list. (Staff note: we want to obtain the notification list to factor into recommendations regarding staffing of EOC's)

[U] The EOC is a training auditorium normally. It features rows of seats facing a dry erase board and two TV screens dialed in to CNN. Lawless said the environment in the EOC was hectic, but they had a specific protocol and were following it.

[U] Lawless recalls that they assumed the 2nd aircraft into the WTC was a United Flight but they didn't have the details right away and he's not sure when he knew the flight number of the United flight.

[U] Lawless said that before he went to the EOC he had assumed there was a ground stop because his office overlooks the airfield and he saw nothing coming or going. Lawless said one of the first actions he took was to shut down the checkpoints down leading to the terminal. People weren't allowed into the gate area.

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[U] He said that he vaguely remembers that the FBI was interested in grounded passengers, but wasn't sure of the details. State and local police helped the FBI to secure the airport. Because it was a terrorist event, the FBI took the lead. He was asked to assist and cooperated in making all necessary resources available to them. The terminals and grounded aircraft were searched after the ground stop, but the passengers were not reverse-screened.

[U] Lawless does not recall hearing any reports of five Middle Eastern men bolting from one of the grounded flights at Logan. He does remember that there was some nervousness in regard to a particular Delta flight.

[U] The FBI requested any video tapes Massport might have from the airport including the parking lot, but they had none. The CASFO requested transactions on the access control doors. MASSPORT supplied them with that information (STAFF NOTE: WE WANT TO SEE THIS DATA). Lawless thought that it was prudent to see if the access control security had been breached.

(Staff Note: make sure we receive MASSPORT Business plan, data on Logan parking garage, and the EOC log)

Post 9-11

[U] After the events of the day, he invited the law enforcement community of Boston to the conference room to share insight and feedback about the incident and response. Lawless also contacted CTI to request their assistance in recovery and the restoration of security. Ginny Buckingham asked Lawless to follow through with all the FAA requirements to reopen Logan and he made sure they were all met.

CTI Security Contract

[U] On October 3, 2001 the CTI contract was amended to broaden the scope of its security analysis. While Lawless was the project manager for the initial contract, he was removed and Tom Kinton was named as the project manager. He was not given a reason why he was removed but believes it may have coincided with his change in job.

[U] Around November 6, he got a call from CTI saying that they had a copy of the security assessment of Logan and that Lawless could review a copy if he wanted. Lawless took the copy and read it. (Lawless has provided a copy of this report to the commission: see Tab 19). When he reviewed the report he was told that it had already been delivered to MASSPORT. This occurred after he was removed from his position as Director of Public Safety.

[U] Within the week after reading the report, Lawless received a call from Chuck Monahan of the Massport Public Safety staff. Monahan told Lawless that the CTI representative [redacted] (spelling?) had been called to the Aviation Department

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conference room to meet with MASSPORT legal staff, outside counsel, and Tom Kinton regarding the content of the report. CTI had been ordered to shred and electronically delete all copies of that iteration of the report. Lawless said [redacted] refused to shred the report, but that Logan went over his head to the company principals to have it destroyed and rewritten. Lawless talked to [redacted] several weeks later and asked him what happened with the report. [redacted] repeated the story that Lawless had heard from Monahan. Monahan further stated that he refused to comply with the request to destroy the report because it was against his professional ethics. They went over his head to the principals of the company and the report was rewritten.

[U] Lawless said he was appalled and in a "State of disbelief" that they would order such a thing to happen."

Summation of 9-11

[U] Asked to share his view of why 9-11 was able to happen, Lawless stated that from what he knows the federal government failed in its mission to protect the country. The terrorists were allowed in to the country. They weren't tracked while they were here. They were allowed to live right next to us and plan for this attack. They were able to exploit legitimate rules that were in place that governed aviation but they didn't break any laws. They did all of it with a terrible result.

[U] Lawless wanted to give credit to the professional people he works with at MASSPORT who he believes are extremely dedicated people.

Recommendations

[U] It's critical that intelligence and information flow to the people on the front lines. He believes there is a breakdown in this flow of information sometimes.

[U] Lawless stated that he still attends airport security meetings in his new job and receives good intelligence. However, the intelligence he receives on port security, which is regulated by the Coast Guard, is not as good or timely. He found that the same intelligence was disseminated to different sources at different speeds. He believes there seems to be more difficulty in sharing of information on the maritime side, and that this needs to be fixed. He suggests that the intelligence dissemination process be streamlined and made simpler.

[U] Lawless believes that a "best practices" protocol and standard needs to be developed for ports. He also suggests that there needs to be better coordination between federal officials with state and local authorities. TSA should recognize the expertise of local personnel who know their facilities very well.

[U] [redacted] He is working on a pilot project in this area. While the concept is good Washington doesn't seem too

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interested. He also believes that the no fly lists provided by TSA to airports should be

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[REDACTED]

[U] He urges that we encourage the Coast Guard/TSA to provide screening technology to ports, work to improve the speed and efficiency of EDS machines, and have a central location where employees are screened when they enter their workplaces in the airport.

[U] Finally, he urges that we work to ensure that cargo is screened.

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MEMORANDUM FOR THE RECORD

(R)

Event: Joe Lawless former Director of Public Safety for the Massachusetts Port Authority (Massport)

Type: Interview

Date: November 5, 2003

Team: 7

Special Access Issues: None

Prepared by: Lisa Sullivan

Participants (non-Commission): Joe Lawless; Tom Dwyer, counsel to Joe Lawless; Chris Moore Counsel to Massport.

Participants: John Raidt, Bill Johnstone, and Lisa Sullivan

Location: Office of Tom Dwyer, (Federal Reserve Bank Building, Boston) 600 Atlantic Avenue, Boston, MA

Background

[U] Joe Lawless is currently the Director of Maritime and Bridge Security for the Massachusetts Port Authority (Massport). He has held that job since late 2001.

[U] From 1993 to 2001 Lawless served as the Director of Public Safety for Massport, a capacity in which he coordinated airport security at Logan. As such he was Massport's liaison to the FAA on security. Among his duties was managing fire and rescue, the state police detail assigned to Logan (Troop F of the Massachusetts State Police), and the airport's security badging office. His staff included the commander of the state police Troop F (responsible for Logan), chief of fire rescue and the manager of the airport credentialing office.

[U] Prior to his appointment to work at Massport, Lawless served as a Massachusetts state police officer, starting in 1980 with the MSP Bureau of Investigation services. He was assigned as a homicide detective for Middlesex County, during which time he was involved in numerous major homicide cases. In 1990 he was assigned to start up an executive protection unit of the Governor and Lt. Governor which he managed until the summer of 1993 when he was recruited and hired as Public safety director of MASSPORT.

Strengths and weaknesses of Security at Logan

[U] Early in his assignment at Massport he became involved with the security assessment at Logan. Because of his previous assignments and patrols he had conducted at Logan he felt he had a unique view of security at the airport.

[U] He said the assessment put the terrorist threat foremost among his concerns. He drew that conclusion from his research, experience and the knowledge that aviation had been a historical target of terrorism.

[U] He felt that Logan had a solid program in place and he wanted to move it forward with an emphasis on better anti-terrorism training and equipment for the police. Other weaknesses in the system, he believed, were the control of access to the airport, including perimeter protection, and the ID credentialing system.

Coordination and Cooperation

[U] Lawless stated that he worked well with the other authorities and stakeholders responsible for Logan and that the common goal was to provide the security. He had a good working relationship with Steve Luongo (the FAA federal security manager at Logan). Some of the agents with the FAA Civil Aviation Security Field Office were former members of the State Police.

Intelligence

[~~SSI~~] His primary intelligence and other information pertaining to civil aviation security came from the FAA Federal Security Manager. They interacted frequently. They met at least weekly, but often saw each other every day. If there was a particular threat or issue of concern, it would be communicated to Logan through an FAA Information Circular (IC) which was also delivered to the FAA CASFO office overseeing Logan. FAA Information Circulars were general warnings, but they alerted him to step things up and make people aware of what was going on. They were helpful in that respect.

[U] Lawless said he never felt that he was denied information he needed by the FSM. He doesn't know what the FSM's pipeline to intelligence was, and doesn't remember any conversations about terrorists or specific threats targeted at Logan.

[U] While Lawless recalls generally a CD-ROM presentation on the threat to civil aviation presented by Pat McDonnell of FAA's Office of Civil Aviation Security Intelligence, he doesn't recall the specific information (which included mention of suicide hijacking). He did recall, however, information on Ramzi Yousef (Bojinka plot). He had the state police study the information and the threat it projected.