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"Rummaging in the government's attic"

Description of document: Transportation Security Administration (TSA) records re: "video tape of the 9/11 terrorists passing through security at Dulles Airport, after initially setting off the metal detectors and being pulled aside," 2004

Requested date: 01-November-2004

Released date: 22-December-2004

Posted date: 05-November-2012

Source of document: Transportation Security Administration, TSA-20, East Tower
FOIA Division
601 South 12th Street
Arlington, VA 20598-6020
Fax: (571) 227-1406
Email: FOIA.TSA@dhs.gov

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Transportation
Security
Administration

DEC 22 2004

FOIA Case Number: TSA05-0087

This is in response to your Freedom of Information Act (FOIA) request received in this office on November 1, 2004, where you requested the following:

- 1) A copy of any and all FOIA request letters asking for the following videotape: "The video tape of the 9/11 terrorists passing through security at Dulles Airport, after initially setting off the metal detectors and being pulled aside"
- 2) A copy of all responses provided to those FOIA request letters:
- 3) A copy of the contents of the administrative tracking folder for each of those FOIA request, including any and all emails, memos, notes, records, etc.
- 4) A copy of any and all emails in the FOIA office concerning that videotape and/or its releasability.
- 5) A copy of the legal opinion from the Office of General Counsel advising whether the tape should be released (since this is a final opinion and the decision has already been, made, apparently, there should be no reason not to release this legal opinion).
- 6) A copy of the most recent monthly administrative status report of the TSA FOIA office (NOT the annual report, the internal periodic report).

We have completed our search and located 38 pages responsive to items one through four of your request. We are releasing 16 pages in their entirety and 22 pages in part. We have withheld identifying information of third party individuals, which are exempt from mandatory disclosure pursuant to 5 U.S.C. 552 (b)(6) of the FOIA.

The identities of individuals may be withheld under Exemption 6 when disclosure "would constitute a clearly unwarranted invasion of personal privacy." After balancing the individuals' privacy interest and the public interest in this information, I determined that the privacy interest out weighted any limited public interest in the identities of these individuals.

We were unable to locate documents responsive to items five and six. There was no legal opinion from the Office of General Counsel advising whether the tapes should be released and the TSA FOIA office does not maintain a monthly status report.

There is no fee for this information.

The undersigned is the person responsible for this determination. Appeal to this determination may be made in writing to Douglas Callen, Director, Office of Security, Transportation Security Administration, TSA Headquarters, West Tower, TSA-20, 601 South 12th Street, Arlington, VA 22202-4220. Your appeal must be submitted within 60 days from the date of this determination. It should contain your FOIA request number and state, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope in which the appeal is mailed should be prominently marked "FOIA Appeal." The Director's determination will be administratively final.

If you have any questions pertaining to your request, please feel free to contact Anastazia Taylor at 571-227-2507

Sincerely,

A handwritten signature in black ink that reads "Catrina Pavlik". The signature is written in a cursive style with a large initial "C".

Catrina Pavlik
Associate Director
Freedom of Information Act
and Privacy Act Division

Enclosures



Transportation
Security
Administration

NOV 10 2004

FOIA Case Number: TSA04-1165

[REDACTED] b6
Dear [REDACTED] b6

This is in response to your Freedom of Information Act request dated July 27, 2004, requesting, "a copy of the security surveillance video that showed the 9/11 terrorist prior to their boarding American Airlines Flight 77 out of Dulles International Airport." Your request has been processed under the Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a.

In our response to you on August 13, 2004, we informed you that, "The Transportation Security Administration at Washington Dulles International Airport does not hold any video records prior to October 2002."

After further search in our Aviations Operations Division, we located a copy of the surveillance video (six DVDs). However, access to the surveillance information housed in these DVDs has been denied. This surveillance information is exempt from disclosure pursuant to Exemption 3 of the FOIA.

Exemption (b)(3) permits the withholding of information "specifically exempted from disclosure by another Federal Statute, provided that such statute (A) requires that the matter be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3). The TSA has such statutory authority. 49 CFR 114(s) exempts from disclosure information that would be "detrimental to the security of transportation." The TSA has promulgated regulations that define such information as Sensitive Security Information or "SSI". 49 C.F.R. § 1520.5 (2004).

Section 1520.5(b)(1)(i) exempts from disclosure security programs and contingency plans. Any security program or security contingency plan issued, established, required, received or approved by DOT or DHS, including any aircraft operator or airport operator security program or security contingency plan under this chapter.

Section 1520.5(b)(4)(ii) exempts from disclosure performance specifications. Any performance specification and any description of a test object or test procedure, for any communications equipment used by the Federal government or any other person in carrying out or complying with any aviation or maritime transportation security requirements of Federal law.

Section 1520.5(b)(8) exempts from disclosure security measures. Specific details of aviation or maritime transportation security measures, both operational and technical, whether applied directly by the Federal government or another person.

Section 1520.5(8)(i) exempts from disclosure security measures. Specific details of aviation or maritime transportation security measures, both operational and technical, whether applied directly by the Federal government or another person, including security measures or protocols recommended by the Federal government.

Section 1520.5(b)(9)(i) security screening information. The following information regarding security screening under aviation or maritime transportation security requirements of Federal law any procedures, including selection criteria and any comments, instructions, and implementing guidance pertaining thereto, for screening of persons, accessible property, checked baggage, U.S. mail, stores and cargo, that is conducted by the Federal government or any other authorized person.

We apologize for any inconvenience this may have caused. There is no fee associated with processing this request.

The undersigned is the person responsible for this determination. Appeal to this determination may be made in writing to Douglas Callen, Director, Office of Security, Transportation Security Administration, TSA Headquarters, West Tower, TSA-20, 601 South 12th Street, Arlington, VA 22202-4220. Your appeal must be submitted within 60 days from the date of this determination. It should contain your FOIA request number and state, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope in which the appeal is mailed should be prominently marked "FOIA Appeal." The Director's determination will be administratively final.

If you have any questions pertaining to your request, please feel free to contact Anastazia Taylor at 571-227-2507

Sincerely,



Catrina Pavlik
Associate Director
Freedom of Information Act
and Privacy Act Division

U.S. Department of Homeland Security

Freedom of Information Act
and Privacy Act Division
Arlington, VA 22202



Transportation
Security
Administration

AUG 13 2004

FOIA Case Number: TSA04-1165

[Redacted]

Dear [Redacted]: b6

This letter is in response to your Freedom of Information Act request dated July 27, 2004, requesting, "a copy of the security surveillance video that showed the 9/11 terrorists prior to their boarding American Airlines Flight 77 out of Dulles Intl Airport." Your request has been processed under the Freedom of Information Act 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a.

The Transportation Security Administration at Washington Dulles International Airport does not hold any video records prior to October 2002. I would suggest any requests for airport video be made through the Metropolitan Washington Airports Authority (MWAA).

There is no fee associated with processing this request.

The undersigned is the person responsible for this determination. Appeal to this determination may be made in writing to Douglas Callen, Director, Office of Security, Transportation Security Administration, West Tower, TSA-20, 601 South 12th Street, Arlington, VA 22202-4220. Your appeal must be submitted within 60 days from the date of this determination. It should contain your FOIA request number and state, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope in which the appeal is mailed in should be prominently marked "FOIA Appeal." The Director's determination will be administratively final. If you have any questions pertaining to your request, please feel free to contact the FOIA office at 1-866-364-2872.

Sincerely,

A handwritten signature in cursive script that reads "Catrina M. Pavlik".

Catrina M. Pavlik
Associate Director
Freedom of Information Act
And Privacy Act Division



Transportation
Security
Administration

Transportation Security Administration
Freedom of Information Act Division
TSA-20 Rm: 11th Floor
West Tower 120S
601 South 12th Street
Arlington, VA 22202-4220
FAX: 571 227-1946

August 5, 2004

SUBJECT: FOIA number TSA04-1165 (Deadline 8/10/04)

To Whom It May Concern:

Faxed copy of request was difficult to decipher, however, I believe the request is for video tape of terrorists prior to boarding an American Airlines flight on September 11, 2001.

The Transportation Security Administration at Washington Dulles International Airport does not hold any video records prior to October 2002.

I would suggest any requests for airport video be made through the Metropolitan Airport Authority (MWAA).

Search Time indicated as follows:

Denise D. Stark Administrative Officer Pay Band "J"

Date Search Began: 8/5/04

Processing Time: approximately 10 minutes

Sincerely,

Denise D. Stark
Administrative Officer
TSA IAD

FOIA Number: TSA 04-1165

- Issue: Requester is seeking a copy of the security surveillance video that showed the 9/11 terrorists prior to their boarding American Airlines Flight 77 out of the Dulles Intl Airport.

Discussion:

- Request was staffed to TSA-IAD.
- TSA-IAD provided a no record response. (See Background)
- The FOIA office has reviewed the request and determined that Transportation Security Administration at Washington Dulles Intl Airport does not hold any video records prior to October 2002.

Recommendation:

- FOIA Assoc. Dir. Sign letter to [REDACTED] b6
- FOIA POC: Garren Diggs, x71860-

Garren Diggs

Dietrich, Joann

TSA04-1165

From: [REDACTED] b6
Sent: Tuesday, July 27, 2004 7:59 AM
To: FOIA
Subject: Customer Service Feedback

RECEIVED: 7-27-04
DEADLINE: 8-10-04

You have received this email from the TSA website Customer Service.

Name:
Ron Barrett

Category:
Freedom of Information Act

Message:
To whom it may concern:

I am writing to request a copy of the security surveillance video that showed the 9/11 terrorists prior to their boarding American Airlines Flight 77 out of Dulles Intl Airport. This tape was aired on several media stations last week. Please call or email me to let me know how I can obtain a copy of this video. Thank you for your assistance.

Sincerely,

[REDACTED] b6

Email: [REDACTED] b6

Date and Time of message: 07/27/2004 06:59:26 AM



Transportation
Security
Administration

AUG 9 2004

[REDACTED] b6
Motley Rice, LLC Attorneys at Law
28 Bridgeside Blvd
P.O. Box 1792
Mt. Pleasant, SC 29465

FOIA Case Number: TSA04-1097

Dear [REDACTED] b6

This letter is in response to your Freedom of Information Act (FOIA) request dated June 11, 2004, specifically requesting "the Dulles International Airport surveillance tape of the security checkpoints for American Airlines Flight 77 recorded on September 11th, 2001." We have processed your request under the Freedom of Information Act, 5 U.S.C. §552.

A search within the Transportation Security Administration (TSA) was conducted and a copy of the requested surveillance video was provided by the office of the Assistant Administrator for Aviation Operations (AVOPS) in the form of six DVDs. However, access to the surveillance information housed in these DVDs has been denied. This surveillance information is exempt from disclosure under Exemption 3 of the FOIA.

Exemption 3 exempts from disclosure information "specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3). The TSA has such statutory authority. 49 U.S.C. § 114(s) exempts from disclosure information that would be "detrimental to the security of transportation." The TSA has promulgated regulations that define such information as Sensitive Security Information or "SSI". See 49 C.F.R. § 1520.5 (2004).

1520.5(b)(1)(i) exempts from disclosure security programs and contingency plans. Any security program or security contingency plan issued, established, required, received or approved by DOT or DHS, including any aircraft operator or airport operator security program or security contingency plan under this chapter.

1520.5(b)(4)(ii) exempts from disclosure performance specifications. Any performance specification and any description of a test object or test procedure, for any communications equipment used by the Federal government or any other person in carrying out or complying with any aviation or maritime transportation security requirements of Federal law.

1520.5(b)(8) exempts from disclosure security measures. Specific details of aviation or maritime transportation security measures, both operational and technical, whether applied directly by the Federal government or another person.

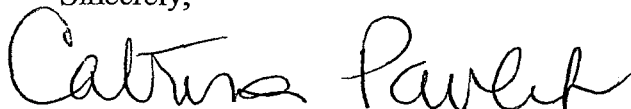
1520.5(b)(8)(i) exempts from disclosure security measures. Specific details of aviation or maritime transportation security measures, both operational and technical, whether applied directly by the Federal government or another person, including security measures or protocols recommended by the Federal government.

1520.5(b)(9)(i) security screening information. The following information regarding security screening under aviation or maritime transportation security requirements of Federal law any procedures, including selection criteria and any comments, instructions and implementing guidance pertaining thereto, for screening of persons, accessible property, checked baggage, U.S. mail, stores and cargo, that is conducted by the Federal government or any other authorized person.

There is no fee associated with processing this request.

The undersigned is the person responsible for this determination. Appeal to this determination may be in writing to Douglas Callen, Director, Office of Security, Transportation Security Administration, West Tower, TSA-20, 601 South 12th Street, Arlington, VA 22202-4220. Your appeal must be submitted within 60 days from the date of this determination. It should contain your FOIA request number and state, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope in which the appeal is mailed in should be prominently marked "FOIA Appeal." The Director's determination will be administratively final. If you have any questions pertaining to your request, please feel free to contact the FOIA Office at 1-866-364-2872.

Sincerely,



Catrina Pavlik
Associate Director
Freedom of Information Act
And Privacy Act Division

Enclosure

June 11, 2004

73404-1090
RECEIVED: 6/18/04
DEADLINE: 7/2/04

Ms. Patricia Riep-Dice
Transportation Security Administration
Freedom of Information Act Division, TSA-20
Pentagon City, West Tower
701 South 12th Street
Arlington, VA 22202

Dear Ms. Riep-Dice:

This is a request pursuant to 5 USC 552 and 28 CFR Part 16, to the Department of Transportation, Transportation Security Administration. I am an attorney representing Plaintiffs in the September 11 civil suit, *Burnett, et al. v. al Baraka Investment, et al.*, Case Number 1:02CV01616 and Plaintiffs in September 11 Litigation Civil Action No. 21 MC 97 (AKH).

Specific Requests

I hereby request the Dulles International Airport surveillance tape of the security checkpoints for American Airlines Flight 77 recorded on September 11th, 2001.

For your review, I attach Staff Statement #3 from the National Commission on Terrorist Attacks Upon the United States that refers to this surveillance tape.

Materials and Shipment

If you deny all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information and notify me of your appeal procedures available under law. In excising material, please "black out" rather than "white out" or "cut out." Please respond to this request within 20 working days as provided for by law.

I agree to pay whatever fees are incurred to complete this request. However, I request that prior to your incurring any fees in excess of \$1000 that I be advised of the total estimate.

Thank you for your consideration in this matter.

Yours truly,



b6

encl.

- RONALD L. MOTLEY (SC)
- JOSEPH E. RICE (SC)
- ANN K. RITTER (SC, TN)
- JOHN J. MCCONNELL, JR. (RI, MA, SC, DC)
- WILLIAM H. NARVOLD (CT)
- ALLARD A. ALLSTON III (SC)
- JOHN E. HERRICK (SC, MD)
- EDWARD B. COTTINGHAM JR. (SC)
- ROBERT J. MCCONNELL (RI, MA)
- FREDERICK C. BAKER (SC, NY)
- FRED THOMPSON, III (SC)
- JODI WESTBROOK FLOWERS (SC)
- PAUL J. DOOLITTLE (SC)
- DONALD A. MIGLIORI (RI, MA, MN)
- ANNE MCGINNIS KEARSE (SC)
- JEFFREY S. THOMPSON (TX)
- MARY F. SCHIAVO (MO, DC, MD)
- SAMUEL B. COTHMAN, JR. (SC, NC) (GENERAL COUNSEL)
- MILES LOADHOLT (SC)
- J. TERRY POOLE (SC)
- LAURIE J. LOVELAND (1958-2002)
- J. B. HARRIS (FL, DC)
- DONNI E. YOUNG (LA)
- ROBERT T. HAEFELE (NJ, PA)
- SHERYL A. MOORE (SC, VA)
- V. BRIAN BEVON (SC)
- JAMES M. HUGHES (SC)
- RHETT D. KLOK (SC, DC, LA, TX, NM)
- FREDERICK J. JEKEL (SC)
- THEODORE H. HUGÉ (SC, VA, DC)
- JOHN E. GUERRY, III (SC)
- FIDELMA L. FITZPATRICK (RI, MA, NY, DC)
- CHRISTY THOUVENOT (SC, IL, CO)
- SUZANNE LAFLEUR KLOK (SC, DC, LA, TX, NM)
- CINDI ANNE SOLOMON (SC)
- WM. MICHAEL GRUENLOH (SC)
- DAVID P. BEVON (SC)
- MICHAEL E. ELSNER (VA, NY)
- VINCENT L. GREENE, IV (RI)
- MARLON E. KIMPSON (SC)
- STACIE F. TAYLOR (AL, MS)
- INGRID L. MOLL (CT)
- CAROLINE A. BERNARD (SC)
- SCOTT M. GALANTE (LA)
- KIMBERLY D. BARONE (SC, CA)
- ELIZABETH SMITH (SC)
- JAMES W. LEDLIE (SC)
- MICHAEL G. ROUSSEAU (CA, MA)
- LYNN SEITHEL JEKEL (SC)
- BADGE HUMPHRIES (TX)
- AILEEN L. SPRAGUE (RI)
- JOHN A. BADEN, IV (SC)
- E. CLAIRE XIDIS (SC, NY, DC)
- WILLIAM E. APFLEGATE, IV (SC)
- JUSTIN B. KAPLAN (TN)
- ADAM L. MARCHUK (IL)



The Aviation Security System and the 9/11 Attacks

Staff Statement No. 3

Members of the Commission, your staff has developed initial findings on how the individuals who carried out the 9/11 attacks defeated the civil aviation security system of the United States. We continue our investigation into the status of civil aviation security today and for the future. These findings and judgments may help your conduct of today's public hearing and will inform the development of your recommendations.

The findings and judgments we report today are the results of our work so far. We remain ready to revise our understanding of these topics as our work continues. This staff statement represents the collective effort of the Aviation and Transportation Security Team.

Our staff was able to build upon investigative work that has been conducted by various agencies, including the Federal Bureau of Investigation. The Department of Homeland Security's Transportation Security Administration is fully cooperating with our investigators, as are the relevant airlines and the Federal Aviation Administration.

Before September 11, 2001, the aviation security system had been enjoying a period of relative peace. No U.S. flagged aircraft had been bombed or hijacked in over a decade. Domestic hijacking in particular seemed like a thing of the past, something that could only happen to foreign airlines that were less well protected.

The public's own "threat assessment" before September 11 was sanguine about commercial aviation safety and security. In a Fox News/Opinion Dynamics survey conducted at the end of the 1990s, 78 percent cited poor maintenance as "a greater threat to airline safety" than terrorism.

Demand for air service was strong and was beginning to exceed the capacity of the system. Heeding constituent calls for improved air service and increased capacity, Congress focused its legislative and oversight attention on measures to address these problems, including a "passenger bill of rights" to assure a more efficient and convenient passenger experience.

The leadership of the Federal Aviation Administration (FAA) also focused on safety, customer service, capacity and economic issues. The agency's security agenda was focused on efforts to implement a three-year-old Congressional mandate to deploy explosives detection equipment at all major airports and complete a nearly five-year-old rulemaking effort to improve checkpoint screening.

This staff statement will not address certain security performance issues leading up to 9/11 at the airports from which the hijacked planes departed. Such work is still ongoing. It should be noted that the airports themselves did not have operational or enforcement jurisdiction over checkpoint screening operations. Passenger prescreening and checkpoint screening, based on regulations from the FAA, were the responsibility of the air carriers. Nevertheless, airport authorities do play a key role in the overall civil aviation security system.

Civil Aviation Security Defenses

Before September 11, federal law required the FAA to set and enforce aviation security policies and regulations that would “protect passengers and property on an aircraft operating in air transportation or intra-state air transportation against an act of criminal violence or aircraft piracy.” The layered system, one that recognized that no single security measure was flawless or impenetrable, was designed to provide a greater number of opportunities to foil those intending to do such violence.

The Civil Aviation Security system in place on September 11 was composed of seven layers of defense including:

- intelligence;
- passenger prescreening;
- airport access control;
- passenger checkpoint screening;
- passenger checked baggage screening;
- cargo screening; and
- on-board security.

The civil aviation security system in place on September 11 no longer exists. We will document serious shortcomings in that system’s design and implementation that made the 9/11 hijackings possible. We want to make clear that our findings of specific vulnerabilities and shortcomings do not necessarily apply to the current system.

Two of the layers of defense—checked baggage screening and cargo security—are not relevant to the 9/11 plot. They are not addressed in this statement. A third layer, airport access control, is still under investigation and also will not be addressed in detail. Compelling evidence, including videotape of hijackers entering through checkpoint screening stations, suggests that the hijackers gained access to the aircraft on September 11 through passenger checkpoints. What we do know is that the hijackers successfully evaded or defeated the remaining four layers of the security system.

The Enemy View

We approach the question of how the aviation security system failed on September 11 by starting from the perspective of the enemy, asking, “What did al Qaeda have to do to complete its mission?”

Some time during the late 1990s, the al Qaeda leadership made the decision to hijack large, commercial, multi-engine aircraft and use them as a devastating weapon as opposed to hijacking a commercial aircraft for use as a bargaining tool. To carry out that decision would require unique skill sets:

- terrorists trained as pilots with the specialized skill and confidence to successfully fly large, multi-engine aircraft, already airborne, into selected targets;
- tactics, techniques, and procedures to successfully conduct in-flight hijackings; and
- operatives willing to die.

To our knowledge, 9/11 was the first time in history that terrorists actually piloted a commercial jetliner in a terrorist operation. This was new. This could not happen overnight and would require long term planning and sequenced operational training.

The terrorists had to determine the tactics and techniques needed to succeed in hijacking an aircraft within the United States. The vulnerabilities of the U.S. domestic commercial aviation security system were well advertised through numerous unclassified reports from agencies like the General Accounting Office and the Department of Transportation's Inspector General. The news media had publicized those findings.

The al Qaeda leadership recognized the need for more specific information. Its agents observed the system first-hand and conducted surveillance flights both internationally and within the United States. Over time, this information allowed them to revise and refine the operational plan. By the spring of 2001, the September 11 operation had combined intent with capabilities to present a real and present threat to the civil aviation system. As long as operational security was maintained, the plan had a high probability of success in conducting multiple, near simultaneous attacks on New York City and Washington, DC.

Let us turn now to a more specific look at the security system in place on September 11 related to anti-hijacking.

Intelligence

The first layer of defense was intelligence. While the FAA was not a member of the U.S. Intelligence Community, the agency maintained a civil aviation intelligence division that operated 24 hours per day. The intelligence watch was the collection point for a flow of threat related information from federal agencies, particularly the FBI, CIA, and State Department. FAA intelligence personnel were assigned as liaisons to work within these three agencies to facilitate the flow of aviation related information to the FAA and to promote inter-departmental cooperation. The FAA did not assign liaisons to either the National Security Agency or the Defense Intelligence Agency but maintained intelligence requirements with those agencies.

Intelligence data received by the FAA went into preparing Intelligence Case Files. These files tracked and assessed the significance of aviation security incidents, threats and emerging issues. The FAA's analysis of this data informed its security policies,

including issuance of FAA Information Circulars, Security Directives, and Emergency Amendments. Such Security Directives and Emergency Amendments are how the FAA ordered air carriers and/or airports to undertake certain extraordinary security measures that were needed immediately above the established baseline.

While the staff has not completed its review and analysis as to what the FAA knew about the threat posed by al Qaeda to civil aviation, including the potential use of aircraft as weapons, we can say:

First, no documentary evidence reviewed by the Commission or testimony we have received to this point has revealed that any level of the FAA possessed any credible and specific intelligence indicating that Usama Bin Ladin, al Qaeda, al Qaeda affiliates or any other group were actually plotting to hijack commercial planes in the United States and use them as weapons of mass destruction.

Second, the threat posed by Usama Bin Ladin, al Qaeda, and al Qaeda affiliates, including their interest in civil aviation, was well known to key civil aviation security officials. The potential threat of Middle Eastern terrorist groups to civil aviation security was acknowledged in many different official FAA documents. The FAA possessed information claiming that associates with Usama Bin Ladin in the 1990s were interested in hijackings and the use of an aircraft as a weapon.

Third, the potential for terrorist suicide hijacking in the United States was officially considered by the FAA's Office of Civil Aviation Security dating back to at least March 1998. However in a presentation the agency made to air carriers and airports in 2000 and early 2001 the FAA discounted the threat because, "fortunately, we have no indication that any group is currently thinking in that direction."

It wasn't until well after the 9/11 attacks that the FAA learned of the "Phoenix EC"—an internal FBI memo written in July of 2001 by an FBI agent in the Phoenix field office suggesting steps that should be taken by the Bureau to look more closely at civil aviation education schools around the country and the use of such programs by individuals who may be affiliated with terrorist organizations.

Fourth, the FAA was aware prior to September 11, 2001, of the arrest of Zacarias Moussaoui in Minnesota, a man arrested by the INS in August of 2001 following reports of suspicious behavior in flight school and the determination that he had overstayed his visa waiver period. Several key issues remain regarding what the FAA knew about Moussaoui, when they knew it, and how they responded to the information supplied by the FBI, which we are continuing to pursue.

Fifth, the FAA did react to the heightened security threat identified by the Intelligence Community during the summer of 2001, including issuing alerts to air carriers about the potential for terrorist acts against civil aviation. In July 2001, the FAA alerted the aviation community to reports of possible near-term terrorist operations...particularly on the Arabian Peninsula and/or Israel. The FAA informed the airports and air carriers that

it had no credible evidence of specific plans to attack U.S. civil aviation. The agency said that some of the currently active groups were known to plan and train for hijackings and had the capability to construct sophisticated improvised explosive devices concealed inside luggage and consumer products. The FAA encouraged all U.S. Carriers to exercise prudence and demonstrate a high degree of alertness.

Although several civil aviation security officials testified that the FAA felt blind when it came to assessing the domestic threat because of the lack of intelligence on what was going on in the American homeland as opposed to overseas, FAA security analysts did perceive an increasing terrorist threat to U.S. civil aviation at home. FAA documents, including agency accounts published in the Federal Register on July 17, 2001, expressed the FAA's understanding that terrorist groups were active in the United States and maintained an historic interest in targeting aviation, including hijacking. While the agency was engaged in an effort to pass important new regulations to improve checkpoint screener performance, implement anti-sabotage measures, and conduct ongoing assessments of the system, no major increases in anti-hijacking security measures were implemented in response to the heightened threat levels in the spring and summer of 2001, other than general warnings to the industry to be more vigilant and cautious.

Sixth, the civil aviation security system in the United States during the summer of 2001 stood, as it had for quite some time, at an intermediate aviation security alert level—tantamount to a permanent Code Yellow. This level, and its corresponding security measures, was required when:

Information indicates that a terrorist group or other hostile entity with a known capability of attacking civil aviation is likely to carry out attacks against U.S. targets; or civil disturbances with a direct impact on civil aviation have begun or are imminent.

Without actionable intelligence information to uncover and interdict a terrorist plot in the planning stages or prior to the perpetrator gaining access to the aircraft in the lead-up to September 11, 2001, it was up to the other layers of aviation security to counter the threat.

We conclude this section with a final observation. The last major terrorist attack on a U.S. flagged airliner had been with smuggled explosives, in 1988, in the case of Pan Am 103. The famous Bojinka plot broken up in Manila in 1995 had principally been a plot to smuggle explosives on airliners. The Commission on Aviation Safety and Security created by President Clinton in 1996, named the Gore Commission for its chairman, the Vice President, had focused overwhelmingly on the danger of explosives on aircraft. Historically, explosives on aircraft had taken a heavy death toll, hijackings had not. So, despite continued foreign hijackings leading up to 9/11, the U.S. aviation security system worried most about explosives.

Prescreening

If intelligence fails to interdict the terrorist threat, passenger prescreening is the next layer of defense. Passenger prescreening encompasses measures applied prior to the passenger's arrival at the security checkpoint. Prescreening starts with the ticketing process, and generally concludes with passenger check-in at the airport ticket counter.

The hijackers purchased their tickets for the 9/11 flights in a short period of time at the end of August 2001, using credit cards, debit cards, or cash. The ticket record provides the FAA and the air carrier with passenger information for the prescreening process.

The first major prescreening element in place on 9/11 was the FAA listing of individuals known to pose a threat to commercial aviation. Based on information provided by the Intelligence Community, the FAA required air carriers to prohibit listed individuals from boarding aircraft or, in designated cases, to assure that the passenger received enhanced screening before boarding. None of the names of the 9/11 hijackers were identified by the FAA to the airlines in order to bar them from flying or subject them to extra security measures. In fact, the number of individuals subject to such special security instructions issued by the FAA was less than 20 compared to the tens of thousands of names identified in the State Department's TIPOFF watch list that we discussed yesterday.

The second component of prescreening was a program to identify those passengers on each flight who may pose a threat to aviation. In 1998, the FAA required air carriers to implement a FAA-approved computer-assisted passenger prescreening program (CAPPS) designed to identify the pool of passengers most likely in need of additional security scrutiny. The program employed customized, FAA-approved criteria derived from a limited set of information about each ticketed passenger in order to identify "selectees."

FAA rules required that the air carrier only screen each selectee's checked baggage for explosives using various approved methods. However, under the system in place on 9/11, selectees—those who were regarded as a risk to the aircraft—were not required to undergo any additional screening of their person or carry-on baggage at the checkpoint.

The consequences of selection reflected FAA's view that non-suicide bombing was the most substantial risk to domestic aircraft. Since the system in place on 9/11 confined the consequences of selection to the screening of checked bags for explosives, the application of CAPPS did not provide any defense against the weapons and tactics employed by the 9/11 hijackers.

On American Airlines Flight 11, CAPPS chose three of the five hijackers as selectees. Since Waleed al Shehri checked no bags, his selection had no consequences. Wail al Shehri and Satam al Suqami had their checked bags scanned for explosives before they were loaded onto the plane.

None of the Flight 175 hijackers were selected by CAPPS.

All five of the American Airlines Flight 77 hijackers were selected for security scrutiny. Hani Hanjour, Khalid al Mihdhar, and Majed Moqed were chosen via the CAPPS criteria, while Nawaf al Hazmi and Salem al Hazmi were made selectees because they provided inadequate identification information. Their bags were held until it was confirmed that they had boarded the aircraft.

Thus, for hijacker selectees Hani Hanjour, Nawaf al Hazmi, and Khalid al Mihdhar, who checked no bags on September 11, there were no consequences for their selection by the CAPPS system. For Salem Al-Hazmi, who checked two bags, and Majed Moqed, who checked one bag, the sole consequence was that their baggage was held until after their boarding on Flight 77 was confirmed.

Ahmad al Haznawi was the sole CAPPS selectee among the Flight 93 hijackers. His checked bag was screened for explosives and then loaded on the plane.

Checkpoint Screening

With respect to checkpoint screening, Federal rules required air carriers "to conduct screening...to prevent or deter the carriage aboard airplanes of any explosive, incendiary, or a deadly or dangerous weapon on or about each individual's person or accessible property, and the carriage of any explosive or incendiary in check baggage." Passenger checkpoint screening is the most obvious element of aviation security.

At the checkpoint, metal detectors were calibrated to detect guns and large knives. Government-certified x-ray machines capable of imaging the shapes of items possessing a particular level of acuity were used to screen carry-on items. In most instances, these screening operations were conducted by security companies under contract with the responsible air carrier.

As of 2001 any confidence that checkpoint screening was operating effectively was belied by numerous publicized studies by the General Accounting Office and the Department of Transportation's Office of Inspector General. Over the previous twenty years they had documented repeatedly serious, chronic weaknesses in the systems deployed to screen passengers and baggage for weapons or bombs. Shortcomings with the screening process had also been identified internally by the FAA's assessment process.

Despite the documented shortcomings of the screening system, the fact that neither a hijacking nor a bombing had occurred domestically in over a decade was perceived by many within the system as confirmation that it was working. This explains, in part, the view of one transportation security official who testified to the Commission that the agency thought it had won the battle against hijacking. In fact, the Commission received testimony that one of the primary reasons to restrict the consequences of CAPPS "selection" was because officials thought that checkpoint screening was working.

The evolution of checkpoint screening illustrates many of the systemic problems that faced the civil aviation security system in place on 9/11. The executive and legislative branches of government, and the civil aviation industry were highly reactive on aviation security matters. Most of the aviation security system's features had developed in response to specific incidents, rather than in anticipation. Civil aviation security was primarily accomplished through a slow and cumbersome rulemaking process—a reflection of the agency's conflicting missions of both regulating and promoting the industry. A number of FAA witnesses said this process was the "bane" of civil aviation security. For example, the FAA attempted to set a requirement that it would certify screening contractors. The FAA Aviation Reauthorization Act of 1996 directed the FAA to take such action, which the 1997 Gore Commission endorsed. But the process of implementing this action had still not been completed by September 11, 2001.

Those are systemic observations. But, to analyze the 9/11 attack, we had to focus on which items were prohibited and which were allowed to be carried into the cabin of an aircraft. FAA guidelines were used to determine what objects should not be allowed into the cabin of an aircraft. Included in the listing were knives with blades 4 inches long or longer and/or knives considered illegal by local law; and tear gas, mace, and similar chemicals.

These guidelines were to be used by screeners, to make a reasonable determination of what items in the possession of a person should be considered a deadly or dangerous weapon. The FAA told the air carriers that common sense should prevail.

Hence the standards of what constituted a deadly or dangerous weapon were somewhat vague. Other than for guns, large knives, explosives and incendiaries, determining what was prohibited and what was allowable was up to the common sense of the carriers and their screening contractors.

To write out what common sense meant to them, the air carriers developed, through their trade associations, a Checkpoint Operations Guide. This document was approved by the FAA. The edition of this guide in place on September 11, 2001, classified "box cutters," for example as "Restricted" items that were not permitted in the passenger cabin of an aircraft. The checkpoint supervisor was required to be notified if an item in this category was encountered. Passengers would be given the option of having those items transported as checked baggage. "Mace," "pepper spray," as well as "tear gas" were categorized as hazardous materials and passengers could not take items in that category on an airplane without the express permission of the airline.

On the other hand, pocket utility knives (less than 4 inch blade) were allowed. The Checkpoint Operations Guide provided no further guidance on how to distinguish between "box cutters" and "pocket utility knives."

One of the checkpoint supervisors working at Logan International Airport on September 11, 2001, recalled that as of that day, while box cutters were not permitted to pass

through the checkpoint without the removal of the blade, any knife with a blade of less than four inches was permitted to pass through security.

In practice, we believe the FAA's approach of admonishing air carriers to use common sense about what items should not be allowed on an aircraft, while also approving the air carrier's checkpoint operations guidelines that defined the industry's "common sense," in practice, created an environment where both parties could deny responsibility for making hard and most likely unpopular decisions.

What happened at the checkpoints? Of the checkpoints used to screen the passengers of Flights 11, 77, 93 and 175 on 9/11, only Washington Dulles International Airport had videotaping equipment in place. Therefore the most specific information that exists about the processing of the 9/11 hijackers is information about American Airlines Flight 77, which crashed into the Pentagon. The staff has also reviewed testing results for all the checkpoints in question, scores of interviews with checkpoint screeners and supervisors who might have processed the hijackers, and FAA and FBI evaluations of the available information. There is no reason to believe that the screening on 9/11 was fundamentally different at any of the relevant airports.

Return again to the perspective of the enemy. The plan required all of the hijackers to successfully board the assigned aircraft. If several of the hijackers failed to board, the operational plan might fall apart or their operational security might be breached. To have this kind of confidence, they had to develop a plan they felt would work anywhere they were screened, regardless of the quality of the screener. We believe they developed such a plan and practiced it in the months before the attacks, including in test flights, to be sure their tactics would work. In other words, we believe they did not count on a sloppy screener. All 19 hijackers were able to pass successfully through checkpoint screening to board their flights. They were 19 for 19. They counted on beating a weak system.

Turning to the specifics of Flight 77 checkpoint screening, at 7:18 a.m. Eastern Daylight Time on the morning of September 11, 2001, Majed Moqed and Khalid al Mihdhar entered one of the security screening checkpoints at Dulles International Airport. They placed their carry-on bags on the x-ray machine belt and proceeded through the first magnetometer. Both set off the alarm and were subsequently directed to a second magnetometer. While al Mihdhar did not alarm the second magnetometer and was permitted through the checkpoint, Moqed failed once more and was then subjected to a personal screening with a metal detection hand wand. He passed this inspection and then was permitted to pass through the checkpoint.

At 7:35 a.m. Hani Hanjour placed two carry-on bags on the x-ray belt in the Main Terminal checkpoint, and proceeded, without alarm, through the magnetometer. He picked up his carry-on bags and passed through the checkpoint. One minute later, Nawaf and Salem al Hazmi entered the same checkpoint. Salem al Hazmi successfully cleared the magnetometer and was permitted through the checkpoint. Nawaf al Hazmi set off the alarms for both the first and second magnetometers and was then hand-wanded before

being passed. In addition, his shoulder-strap carry-on bag was swiped by an explosive trace detector and then passed.

Our best working hypothesis is that a number of the hijackers were carrying permissible utility knives or pocket knives. One example of such a utility knife is this "Leatherman" item. We know that at least two knives like this were actually purchased by hijackers and have not been found in the belongings the hijackers left behind. The staff will pass this around. Please be careful. The blade is open. It locks into position. It is very sharp.

According to the guidelines on 9/11, if such a knife were discovered in the possession of an individual who alarmed either the walk-through metal detector or the hand wand, the item would be returned to the owner and permitted to be carried on the aircraft.

Onboard Security

Once the hijackers were able to get through the checkpoints and board the plane, the last layer of defense was onboard security. That layer was comprised of two main components: the presence of law enforcement on the flights and the so-called "Common Strategy" for responding to in-flight security emergencies, including hijacking, devised by the Federal Aviation Administration in consultation with industry and law enforcement.

But on the day of September 11, 2001, after the hijackers boarded, they faced no significant security obstacles. The Federal Air Marshal Program was almost exclusively directed to international flights. Cockpit doors were not hardened. Gaining access to the cockpit was not a particularly difficult challenge.

Flight crews were trained not to attempt to thwart or fight the hijackers. The object was to get the plane to land safely. Crews were trained, in fact, to dissuade passengers from taking precipitous or "heroic" actions against hijackers. We will have more to say about the Common Strategy in the staff statement to come later today.

Conclusion

From all of the evidence staff has reviewed to date, we have come to the conclusion that on September 11, 2001, would-be hijackers of domestic flights of U.S. civil aviation faced these challenges:

- avoiding prior notice by the U.S. intelligence and law enforcement communities;
- carrying items that could be used as weapons that were either permissible or not detectable by the screening systems in place; and
- understanding and taking advantage of the in-flight hijacking protocol of the Common Strategy.

A review of publicly available literature and/or the use of "test runs" would likely have improved the odds of achieving those tasks.

The 'no-fly' lists offered an opportunity to stop the hijackers, but the FAA had not been provided any of their names, even though two of them were already watchlisted in TIPOFF. The prescreening process was effectively irrelevant to them. The on-board security efforts, like the Federal Air Marshal program, had eroded to the vanishing point. So the hijackers really had to beat just one layer of security—the security checkpoint process.

Plotters who were determined, highly motivated individuals, who escaped notice on no-fly lists, who studied publicly available vulnerabilities of the aviation security system, who used items with a metal content less than a handgun and most likely permissible, and who knew to exploit training received by aircraft personnel to be non-confrontational were likely to be successful in hijacking a domestic U.S. aircraft.



Transportation Security Administration

Fax

To: Bill HolzerLAND ^{b6} From: S.T. Castleberry
 Fax: 571 227 1047 Pages: 2
 Phone: 571 227 [REDACTED] Date: 7/8/04
 Re: TSA04-1097 CC:

Urgent For Review Please Comment Please Reply Please Recycle

TSA/IAD DOES NOT HOLD ANY VIDEO
 TAPE OR OTHER RECORDS PRIOR
 TO 09/02.

FREEDOM OF INFORMATION ACT (FOIA) Privacy Act Division

FOIA NUMBER

Date Rec'd: 6/18/2004

TSA04-1097

Suspense: 7/2/2004

FROM:



Motley Rice, LLC Attorneys at Law

ACTION OFFICE(s): TSA-7/Yvonne Smith; TSA-10/Stefanie Stauffer; FSD-IAD/Denise Sturk;

The attached request is to be responded to ONLY by the FOIA Office. Please return information requested to TSA-20 Rm: 11th floor, 120S, West Tower. If you require any assistance, please contact Bill Hozlerland, 571-227-3750. NOTE: The law requires that the request be answered within 20 working days of receipt. Cognizant offices are expected to respond by the suspense date.

Conduct a search for records, including e-mail records, responsive to the attached request and forward a legible copy (not the original) of all responsive records found to this office for further processing. If no records exist, a written negative report is required.

Identify any information in the responsive records you found during your search that you believe should be withheld, and explain why you believe its release would be harmful.

Estimate the direct search costs that you believe would be incurred in determining whether records responsive to the attached request are in your files. Do not initiate a search unless further advised by this office.


COMMENTS:

Indicate where you searched and what type of file the responsive documents were found in i.e., on desk, emails, filed by name, filed by SSN, in a general file. You may have responsive documents coming from multiple categories, please indicate for each document.

SEARCH TIME (Hrs)	ACTION OFFICE		ATTORNEY	
	PAY BAND	PROCESSING TIME (Hrs)	PAY BAND	TIME (Hrs)
5	K	.1	K	

DATE SEARCH BEGAN 7/7/04

This is to certify that all program files pertaining to the FOIA request have been searched and copies of all documents located have been furnished to the FOIA Office.


7/8/04
K

SIGNATURE OF INDIVIDUAL CERTIFYING ABOVE DATE SIGNED PAY BAND ROUTING SYMBOL

TRANSPORTATION SECURITY ADMINISTRATION
OFFICE OF SECURITY
FREEDOM OF INFORMATION ACT OFFICE (FOIA)



Transportation Security
Administration

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
DENEIG STARK	BILL HOLZEMANN
COMPANY:	DATE:
FSD-IAD	6/18/04
FAX NUMBER:	TOTAL NO. OF PAGES (INCL. COVER)
703-661-6777	14
PHONE NUMBER:	SENDER'S PHONE NUMBER:
703-661-██████████	571-227-██████████
RE:	SENDER'S FAX NUMBER:
TSA 04-1099	571-227-1406

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Taylor, Deborah

From: Adamczak, Paul <CTR>
Sent: Thursday, July 15, 2004 3:58 PM
To: Taylor, Deborah
Cc: Graceson, David
Subject: FW: FOIA - 04- 1097- Elsner

Deborah,

After making additional attempts, we eventually were able to open the video files using another PC. The video then was confirmed to be SSI.

As directed by David Graceson, I made copies of the files and provided several CDs to Yvonne Smith. She just confirmed that the CDs were given to the FOIA office on 7/8/04.

I hope this clears things up.
Let me know if not.

Thanks.

PAUL ADAMCZAK
Phone: 571-227-
Transportation Security Administration (TSA)
Aviation Operations - Litigation Support & Special Activities
601 South 12th Street
Arlington, VA 22202
paul.adamczak@associates.dhs.gov

-----Original Message-----

From: Graceson, David
Sent: Thursday, July 15, 2004 3:32 PM
To: Adamczak, Paul <CTR>
Subject: FW: FOIA - 04- 1097- Elsner

David Graceson (mailto:David.Graceson@dhs.gov)
Department of Homeland Security (DHS)
Transportation Security Administration (TSA)
Acting Director, Aviation Operations Litigation Support and Special Activities (TSA-7)
SA Headquarters East Tower
601 South 12th Street, E5-408N, Arlington, VA 22202
Phone 571-227- cell fax 571-227-2939

-----Original Message-----

From: Taylor, Deborah
Sent: Wednesday, July 14, 2004 2:43 PM
To: Graceson, David
Subject: RE: FOIA - 04- 1097- **b6**


I have another FOIA request by Mr. where he is asking for "a copy of "the Dulles International Airport surveillance tape of the security checkpoints for American Airlines Flight 77 recorded on September 11, 2001"

I have two conflicting responses. The response from:

"FSD - Denise Stark at IAD says that "we do not hold any video tape or other records prior to 09/02."

TSA-7 "Production Request" involving surveillane tapes. TN 2004 appears to be responsive but Paul Adamczak could not open any of the .AviFiles. Since the information on the surveillance tapes is SSI. We consider this request fulfilled."

I need help in interpreting this response. I left you a voicemail also. Thank you for your assistance.

Deborah Taylor
FOI/PA Specialist
(571) 227- *blc*

DOM OF INFORMATION ACT (FOIA) Privacy Act Division

FOIA NUMBER

6/18/2004

TSA04-1097

Suspense: 7/2/2004

Motley Rice, LLC Attorneys at Law

ACTION OFFICE(s): TSA-7/Yvonne Smith; TSA-10/Stefanie Stauffer; FSD-IAD/Denise Stark;

The attached request is to be responded to ONLY by the FOIA Office. Please return information requested to TSA-20 Rm: 11th floor, 120S, West Tower. If you require any assistance, please contact Bill Holzerland, 571-227-3750. NOTE: The law requires that the request be answered within 20 working days of receipt. Cognizant offices are expected to respond by the suspense date.

[X] Conduct a search for records, including e-mail records, responsive to the attached request and forward a legible copy (not the original) of all responsive records found to this office for further processing. If no records exist, a written negative report is required.

[X] Identify any information in the responsive records you found during your search that you believe should be withheld, and explain why you believe its release would be harmful.

[] Estimate the direct search costs that you believe would be incurred in determining whether records responsive to the attached request are in your files. Do not initiate a search unless further advised by this office.

COMMENTS: "Production Request" Involving surveillance tapes. TN 2004 appears to be responsive, but Paul Adamczak could not open any of the .avi files. Since the information on the surveillance tapes is SSF. We consider this request fulfilled.

Indicate where you searched and what type of file the responsive documents were found in i.e., on desk, emails, filed by name, filed by SSN, in a general file. You may have responsive documents coming from multiple categories, please indicate for each document.

ACTION OFFICE		ATTORNEY	
SEARCH TIME (Hrs)	PAY BAND	PROCESSING TIME (Hrs)	PAY BAND
2	(contract)		

DATE SEARCH BEGAN 7/2/04

This is to certify that all program files pertaining to the FOIA request have been searched and copies of all documents located have been furnished to the FOIA Office.

Kay Payne

TSA-7

Date: JUN 22 2004

Subject: Freedom of Information Act Request No. TSA04-1097 [REDACTED] b6
Also see TSA04-1096 [REDACTED] b6

Note To: David Graceson

The TSA FOIA Office has forwarded the attached FOIA request to us for review and a response. Please review the request and provide "the Dulles International Airport surveillance tape of security checkpoints for American Airlines Flight 77 recorded on September 11, 2001." The information should be forwarded to the AVOPS Correspondence Unit by Thursday, July 1, 2004.

Kay Payne

Kay Payne

Attachment

7/2/04
Catrina -



United States Department of Transportation
TRANSPORTATION SECURITY ADMINISTRATION

400 Seventh Street, S.W.
Washington D.C. 20590

Subject: FOIA Review: TSA04-1097

Date: July 8, 2004

From: Acting Director, Aviation Operations Litigation Support and Special Activities

To: Catrina Pavlik, Acting Associate Director for Freedom of Information Act
Thru ~~Kap Payne~~ *Kap Payne*

The attached files are provided in response to this FOIA request to search for responsive records. Six CDs containing checkpoint surveillance video from Dulles International Airport (IAD) dated 9/11/01 are hereby provided. The East Security camera video is considered to be responsive for American Airlines Flight #77. A review of the video for Sensitive Security Information under FOIA Exemption 3 concludes that the videos are entirely SSI and thus should be withheld.

If during your review or counsel's review, a question arises regarding the recommendations made herein, please feel free to contact me on extension 7-2277.

David Graceson
David Graceson

Attachments: TN: 2004, Video of East Security locations: #2, #3, #4, #5, #6 (2)

FREEDOM OF INFORMATION ACT (FOIA) Privacy Act Division

FOIA NUMBER

Date Rec'd: 6/18/2004

TSA04-1097

Suspense: 7/2/2004

FROM: [REDACTED]

Motley Rice, LLC Attorneys at Law

ACTION OFFICE(s): TSA-7/Yvonne Smith; TSA-10/Stefanie Stauffer; FSD-IAD/Denise Stark;

The attached request is to be responded to ONLY by the FOIA Office. Please return information requested to TSA-20 Rm: 11th floor, 120S, West Tower. If you require any assistance, please contact Bill Holzerland, 571-227-3750. NOTE: The law requires that the request be answered within 20 working days of receipt. Cognizant offices are expected to respond by the suspense date.

Conduct a search for records, *including e-mail records*, responsive to the attached request and forward a legible copy (not the original) of all responsive records found to this office for further processing. If no records exist, a written negative report is required.

Identify any information in the responsive records you found during your search that you believe should be withheld, and explain why you believe its release would be harmful.

Estimate the direct search costs that you believe would be incurred in determining whether records responsive to the attached request are in your files. Do not initiate a search unless further advised by this office.

COMMENTS:

Indicate where you searched and what type of file the responsive documents were found in, i.e., on desk, emails, filed by name, filed by SSN, in a general file. You may have responsive documents coming from multiple categories, please indicate for each document.

SEARCH TIME (Hrs)	ACTION OFFICE		ATTORNEY	
	PAY BAND	PROCESSING TIME (Hrs)	PAY BAND	TIME (Hrs)
1	(contractor)	3	(contractor)	
1		1		

DATE SEARCH BEGAN 7/2/04 - 7/7/04

This is to certify that all program files pertaining to the FOIA request have been searched and copies of all documents located have been furnished to the FOIA Office.

David Jones 7/8/04 J TSA-7
DATE SIGNED PAY BAND ROUTING SYMBOL

FREEDOM OF INFORMATION ACT (FOIA) Privacy Act Division

FOIA NUMBER

Date Rec'd: 6/18/2004

TSA04-1097

Suspense: 7/2/2004

FROM: [REDACTED] ^{b6}

Motley Rice, LLC Attorneys at Law

ACTION OFFICE(s): TSA-7/Yvonne Smith; TSA-10/Stefanie Stauffer; FSD-IAD/Denise Stark;

The attached request is to be responded to ONLY by the FOIA Office. Please return information requested to TSA-20 Rm: 11th floor, 120S, West Tower. If you require any assistance, please contact Bill Holzerland, 571-227-3750. NOTE: The law requires that the request be answered within 20 working days of receipt. Cognizant offices are expected to respond by the suspense date.

- Conduct a search for records, *including e-mail records*, responsive to the attached request and forward a *legible copy (not the original) of all responsive records found* to this office for further processing. If no records exist, a written negative report is required.
- Identify any information in the responsive records you found during your search that you believe should be withheld, and explain why you believe its release would be harmful.
- Estimate the direct search costs that you believe would be incurred in determining whether records responsive to the attached request are in your files. **Do not initiate a search unless further advised by this office.**

COMMENTS: "Production Request" Involving Surveillance Tapes.
 TN 2004 appears to be responsive, but Paul Adamczak could not open any of the .AVI files since the information on the surveillance tapes is SSI. We consider this request fulfilled.

Indicate where you searched and what type of file the responsive documents were found in i.e., on desk, emails, filed by name, filed by SSN, in a general file. You may have responsive documents coming from multiple categories, please indicate for each document.

SEARCH TIME (Hrs)	<u>ACTION OFFICE</u>		<u>ATTORNEY</u>	
	PAY BAND	PROCESSING TIME (Hrs)	PAY BAND	TIME (Hrs)
2	(contractor)			
DATE SEARCH BEGAN <u>7/2/04</u>				

This is to certify that all program files pertaining to the FOIA request have been searched and copies of all documents located have been furnished to the FOIA Office.

[Handwritten Signature]

TSA-7

Miller, Teri

From: O'Sullivan, Deirdre
Sent: Monday, August 16, 2004 10:50 AM
To: Miller, Teri
Subject: RE: FOIA Request TSA04-1097


yes. PA has cleared it.

-----Original Message-----

From: Miller, Teri
Sent: Monday, August 16, 2004 10:49 AM
To: O'Sullivan, Deirdre
Subject: FOIA Request TSA04-1097

Hi Deirdre –

Have you finish reviewing the determination letter for FOIA request TSA-04-1097? I'm just trying to make sure that it I have not missed it if it has been returned to the office.

Teri Miller
FOI Specialist
TSA Freedom of Information
571-227-

bt

July 30, 2004

FOR REVIEW -/CATRINA/ Stacy

FOIA Request Number: TSA04-1097

Synopsis: [REDACTED] is requesting information on the Dulles International Airport surveillance tape of the security checkpoints for American Airlines Flight 77 recorded on September 11, 2001. (see **Incoming**)

Discussion:

- ⇒ Staffed to TSA-7 which provided six DVDs
- ⇒ Staffed to TSA-10 – No Record response
- ⇒ Staffed to FSD-IAD – No Record response
(see **Background**)

Withheld: Six DVDs (see **Withheld**)

Please see attached e-mail (see **Recommend**)

Recommendation:

- ⇒ FOIA Assoc. Dir. Sign letter to Mr. Moore (see **Signature and Concurrence**)

FOIA POC: Teri Miller, 7-[REDACTED] b6

Signed
& closed.

The following is a list of the requested surveillance DVD's withheld in their entirety, under Exemption 3, 1520.5(b)(1)(i), 1520.5(b)(4)(ii), 1520.5(b)(8), 1520.5(b)(8)(i) and 1520.5(b)(9)(i):

D0069 – East Security #2

D0070 – East Security #3

D0071 – East Security #4

D0072 – East Security #5

D0073 – East Security #6



D0074 – East Security #6

These DVD's are located in the FOIA folder.

Miller, Teri

From: Graceson, David
Sent: Friday, July 30, 2004 3:08 PM
To: Miller, Teri
Subject: RE: SSI Security Surveillance Tape


Woopsie! Here it is/was, and it did not list the citations. Sorry about that: use 1520.5(b)(1)(i) [ASP, which documents camera locations, etc.], 1520.5(b)(4)(ii) [visual communications equipment], 1520.5(b)(8) [specific measures], 1520.5(b)(8)(i) [security measures recommended by the Federal Govt.], and 1520.5(b)(9)(i) [screening procedures]. Thanks for asking, but no, you weren't all that close :)

David Graceson (<mailto:David.Graceson@dhs.gov>)
Department of Homeland Security (DHS)
Transportation Security Administration (TSA)
Acting Director, Aviation Operations Litigation Support and Special Activities (TSA-7)
TSA Headquarters East Tower
601 South 12th Street, E5-408N, Arlington, VA 22202
phone 571-227- cell  fax 571-227-2939

-----Original Message-----

From: Miller, Teri
Sent: Friday, July 30, 2004 2:02 PM
To: Graceson, David
Subject: RE: SSI Security Surveillance Tape



I don't have a memo, just the DVDs.

Teri Miller
FOI Specialist
TSA Freedom of Information
571-227-

-----Original Message-----

From: Graceson, David
Sent: Friday, July 30, 2004 1:56 PM
To: Miller, Teri
Subject: RE: SSI Security Surveillance Tape

Didn't we cite any in our memo?

David Graceson (<mailto:David.Graceson@dhs.gov>)
Department of Homeland Security (DHS)
Transportation Security Administration (TSA)
Acting Director, Aviation Operations Litigation Support and Special Activities (TSA-7)
TSA Headquarters East Tower
601 South 12th Street, E5-408N, Arlington, VA 22202
phone 571-227- cell  fax 571-227-2939


-----Original Message-----

From: Miller, Teri
Sent: Friday, July 30, 2004 1:53 PM
To: Graceson, David
Subject: SSI Security Surveillance Tape

David –

I am trying to decide which section of the SSI to cite regarding the Dulles Airport surveillance tape of the security checkpoints for American Airlines Flight 77 recorded on September 11, 2001.

My thoughts are 1520.5(b)(5) and 1520.5(b)(i)(B). Am I close?

Teri Miller
FOI Specialist
TSA Freedom of Information
571-227-

66

Miller, Teri

From: Graceson, David
Sent: Friday, July 30, 2004 6:46 AM
To: Miller, Teri
Subject: RE: Dulles Videos

I would recommend just denying him. Others should protect as SSI, and not provide. To avoid error on their part, let's not send him to other sources.

David Graceson (<mailto:David.Graceson@dhs.gov>)
Department of Homeland Security (DHS)
Transportation Security Administration (TSA)
Acting Director, Aviation Operations Litigation Support and Special Activities (TSA-7)
TSA Headquarters East Tower
601 South 12th Street, E5-408N, Arlington, VA 22202
phone 571-227- [REDACTED] cell [REDACTED], fax 571-227-2939

-----Original Message-----

From: Miller, Teri
Sent: Thursday, July 29, 2004 2:47 PM
To: Graceson, David
Subject: RE: Dulles Videos

David -

One more question. Would it be ok to let the requestor know that he can contact these other sources to receive a copy of this surveillance video or should I just deny him the ones that we have?

Teri Miller
FOI Specialist
TSA Freedom of Information
571-227-[REDACTED]

-----Original Message-----

From: Graceson, David
Sent: Thursday, July 29, 2004 2:27 PM
To: Miller, Teri
Subject: RE: Dulles Videos

You're very welcome :)

David Graceson (<mailto:David.Graceson@dhs.gov>)
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-----Original Message-----

From: Miller, Teri
Sent: Thursday, July 29, 2004 2:20 PM
To: Graceson, David
Subject: RE: Dulles Videos

Thank you.

Teri Miller
FOI Specialist
TSA Freedom of Information
571-227-[REDACTED] *bb*

-----Original Message-----

From: Graceson, David
Sent: Thursday, July 29, 2004 2:15 PM
To: Pavlik, Katrina
Cc: Adamczak, Paul <CTR>; Miller, Teri
Subject: RE: Dulles Videos

Correct, they should be withheld in full. Note they are not the particular cameras/angles/videos shown on the news. We do not have those. Dulles airport, FSD, the 9/11 Commission, and/or FBI would have those or have access to those. As would the law firm that unfortunately disclosed them to the AP. Let me know if you have any further questions. Thanks


David Graceson (<mailto:David.Graceson@dhs.gov>)
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-----Original Message-----

From: Pavlik, Katrina
Sent: Thursday, July 29, 2004 2:03 PM
To: Graceson, David
Cc: Miller, Teri
Subject: Dulles Videos

David I believe that you were the one that provided the video's for Flight 77. If I am not mistaken these are to be withheld in full is that correct. I thought you said that they were SSI.

*Catrina M. Pavlik
Associate Director, FOIA/PA Division
TSA Headquarters, TSA-20
11th Floor, 210S, West Tower,*

(571)227- b6

-----Original Message-----

From: Miller, Teri

Sent: Thursday, July 29, 2004 11:50 AM

To: Pavlik, Catrina


Subject:

Catrina -

I have a request in which the requester wants a copy of the Dulles International Airport surveillance tape of the security checkpoints for American Airlines Flight 77 recorded on September 11, 2001.

AVOPs forwarded six DVD's responsive to this request. Should I send these DVD's back to AVOP's for review and/or editing? I do know that recently on the news, Channel 5 aired a copy of the surveillance tape of the hijackers being screened at Dulles on 9/11. However, I am not sure how much more additional information other than that shown on the news, is housed in these DVD's.

If these DVD's should need to be edited, who would be responsible for doing so? Also, would we be able to charge the request for this editing process?

Teri Miller
FOI Specialist
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571-227- b6