

9/11 Commission Deception, Cheney's Actions on 9/11, and Why He Should Testify Under Oath

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The 9/11 Commission Report is an example of concerted cover-up, partly by omissions, and just as importantly by its cherry-picking of evidence to create impressions that are in fact authoritatively disputed, and in some cases probably not true. There are many examples of cherry-picking and contrived simulations of fact. More importantly, there is a consistent pattern in this: to minimize Cheney's responsibility for what happened that day.

The Issue of Who Was in Charge on 9/11

Central to the Report's analysis of the U.S. failure to stop the 9/11 attacks was the claim that crisis management on that day was decentralized among three independent teleconferences, in the FAA, White House, and National Military Command Center or NMCC; for this reason the government failed to generate a timely and coordinated response to the hijackings.¹

However it is pretty clear that the two most important orders of that day, an order grounding planes, and a later shoot-down order, were both issued to all three teleconferences from a single source. The source was the Presidential Emergency Operations Center, or PEOC, in the bunker underneath the White House, where Dick Cheney was presiding.²

Cheney himself told Tim Russert of NBC on September 16, 2001, only five days later, that from the PEOC "I was in a position to be able to see all the stuff coming in, receive reports and then make decisions in terms of acting with it."³ I shall argue that this early account by Cheney of his central role is far more accurate than his later account, in which he claimed to have arrived in the PEOC after most of the important decisions had already been made.

¹ 9/11 Report, 36-38: "none of these teleconferences...succeeded in meaningfully coordinating the military and FAA response to the hijackings" (36).

² The shoot-down order was issued after consultation with Rumsfeld and the President. There is no evidence of such consultation with respect to the order to land all aircraft.

³ "The Vice President appears on Meet the Press with Tim Russert," 9/16/01, <http://www.whitehouse.gov/vicepresident/news-speeches/speeches/vp20010916.html>.

The Report's Cherry-Picking: Choosing one Story, and Suppressing Contrary Accounts

Much of the 9/11 Report attempts to give a full and balanced picture. But at times it also conceals, obfuscates and even fails utterly to inquire into very crucial parts of the events it purports to cover. One critical instance is that the Report, suppressing contrary accounts, presents only those versions of events which will exonerate or minimize the role of Cheney. This happens regularly enough to establish what I have elsewhere called a "negative template" or pattern of recurring suppression. The details thus suppressed can be seen as indications or clues as to what is being suppressed.

Let me begin with an example which at first may seem insignificant, but is not: the question of who ordered all planes to land, shortly after 9:42 AM, at the nearest airport. In the Report this order is attributed to the man who promulgated it, FAA national operations manager Benedict Sliney (who was on his first day at the job).⁴ According to Sliney the order was subsequently approved by his superiors, including FAA Deputy Administrator Monte Belger, and eventually, "minutes later," by Transportation Secretary Norman Mineta in the PEOC.⁵

But on September 20, 2001, Mineta had testified to Congress that he himself, from the PEOC, issued the order.⁶ According to a corroborating Bob Woodward story, Mineta gave the order to Belger in the PEOC, with Cheney near by and nodding approvingly.⁷ Interviewed a few months later by *Aviation Security International Magazine*, Mineta confirmed that he had issued the order to Belger.⁸ Nine months later Mineta asserted his responsibility again to the 9/11 Commission.⁹

I submit that Mineta's account, that the order was transmitted downwards through Belger to Sliney, is more credible than Sliney's claim, that he, on his first day at the job, initiated an order without precedent in aviation history and then advised his superiors.

⁴ 9/11 Report, 29; Clarke, *Against All Enemies*, 5 (first day).

⁵ *USA Today*, 8/12/02, http://www.usatoday.com/news/sept11/2002-08-12-clearskies_x.htm.

⁶ U.S. Congress, Senate, Committee on Commerce, Statement by Norman Y.

Mineta, Hearing on Federal Aviation Security Standards, September 20, 2001, http://lobby.la.psu.edu/_107th/136_Aviation%20Security/Congressional_Hearings/Testimony/S_CST_Mineta_09202001.htm.

⁷ Dan Balz and Bob Woodward, "America's Chaotic Road to War," *Washington Post*, January 27, 2002, <http://www.washingtonpost.com/ac2/wp-dyn/A42754-2002Jan26>. There is no trace of this important command in Woodward's subsequent book, *Bush At War*.

⁸ "Mineta Exclusive: In Conversation with the Secretary," *Aviation Security International Magazine*, October 2002, http://www.asi-mag.com/editorials/norman_mineta.htm.

⁹ Testimony of Norman Mineta to 9/11 Commission, 5/23/03, http://www.globalsecurity.org/security/library/congress/9-11_commission/030523-transcript.htm.

But the 9/11 Report would ultimately transmit only the story from Sliney which distanced Mineta and Cheney from the 9:45 AM decision, ignoring Mineta's and Woodward's conflicting account. Nor did the Commission question its witness Belger about Mineta's story, and Sliney's, thus missing an easy opportunity to discover the truth.

This is only one instance of the apparent agenda in the Report of removing the presence of Cheney from the important decisions made that day, and indeed from the PEOC when they were made. For the Report's chronology was not compatible with the story of a decision made in the PEOC with Cheney's approval at 9:45. Instead the Report claimed, ignoring other testimony, that Cheney did not arrive in the PEOC until "shortly before 10:00, perhaps at 9:58."¹¹

Here as elsewhere, the Report promoted a story minimizing Cheney's importance and suppressed a conflicting first-hand story from an important eyewitness. I agree with David Ray Griffin that this repeated suppression suggests intentionality: "not to provide the fullest possible account of 9/11 but to defend the account provided by the Bush administration and the Pentagon."¹²

When *Did* Cheney Arrive at the PEOC?

David Griffin has focused on this key disputed claim, pertaining to

the time at which Vice President Cheney went down to the Presidential Emergency Operations Center (PEOC) under the White House. There is strong evidence that he went to the PEOC at about 9:15, perhaps the strongest being the testimony of Secretary of Transportation Norman Mineta, given in an open hearing to the Commission itself, that when he entered the PEOC at about 9:20, Cheney was already there and fully in charge. But the Commission, simply omitting Mineta's testimony from its final report, claims that Cheney did not enter the PEOC until "shortly before 10:00, perhaps at 9:58." According to this claim, therefore, Cheney did not take charge until about 20 minutes after the Pentagon had been hit (at 9:38).¹³

Griffin calls this claim, that the Vice President arrived in the room shortly before 10:00, "an obvious lie." It is arguably not a lie, but designed to create a false impression tantamount to a lie. I shall argue in the following pages that Cheney may have entered the room at this time, as logs are said to indicate. But I suspect there is misrepresentation in the word "arrived." I believe that in fact Cheney had first arrived a half hour or more

¹¹ 9/11 Report, 40.

¹² Griffin, *9/11 Commission Report*, 221.

¹³ David Griffin, "9/11, the American Empire, and Common Moral Norms," in David Ray Griffin and Peter Dale Scott (eds.), *9/11 & American Empire: Intellectuals Speak Out* (Northampton, MA: Olive Branch Press, 2006), 8; citing 9/11 Report, 40. In the light of the NEADS report of an incoming plane at 9:21 (discussed shortly) I am prepared to believe that both Cheney and Mineta may have arrived some five minutes later than Mineta claimed.

earlier, and then left the room to have an important phone call with the President, before returning at 9:58.

The important claim that Cheney had first arrived well before 9:58 does not rely on Mineta's testimony alone. Richard Clarke wrote that he saw Cheney preparing to leave his White House office some time long before 9:28.¹⁴ Cheney himself told Tim Russert of "Meet the Press" on September 16, 2001, in an interview still available five years later on the White House website, that he arrived in the PEOC *before the Pentagon was hit, i.e. before 9:37 AM*.¹⁵ But the 9/11 Report follows a later and very different account in *Newsweek*, based on an interview with Cheney, which now had him leave his office at 9:35 and arrive in the PEOC "shortly before 10 a.m."¹⁶ We shall see that new evidence, which only surfaced in 2006, corroborates Cheney's first story, and makes his revised time-table extremely unlikely.

Clearly one of Cheney's two accounts of his arrival (before 9:37, and around 9:58) must be wrong. Moreover what is at stake is not trivial. Important orders were issued in this hour from the PEOC: one alleged order (whose content is uncertain) which Mineta claims to have heard about 9:30, a second order to ground all planes at about 9:45, and a third tripartite order (which according to Clarke included a shoot-down order) at about 9:50. By Mineta's account, corroborated by Clarke, Cheney had arrived in the PEOC in time to give all three of these orders; by Cheney's second account, he arrived after all three were given.

The Report flagrantly, symptomatically, and disturbingly failed to deal with Mineta's and Clarke's testimony.

The New Evidence: A "Third Aircraft" Incoming at 9:21 AM

In 2006, in connection with the release of the movie *Flight 93*, we learned for the first time that tapes from NEADS (the Northeast Air Defense Sector) contained the following significant event:

9:21:37

¹⁴ Richard A. Clarke, *Against All Enemies: Inside America's War on Terrorism* (New York: Simon & Schuster, 2004), 2, 5.

¹⁵ "The Vice President appears on Meet the Press with Tim Russert," 9/16/01, <http://www.whitehouse.gov/vicepresident/news-speeches/speeches/vp20010916.html>: "I went down into what's call a PEOC, the Presidential Emergency Operations Center,....But when I arrived there within a short order, we had word the Pentagon's been hit." To minimize the issues in this chapter, I have accepted the Report's revised time for the hit (9:37 AM). The time for Flight 77's crash was originally announced as 9:45 AM (*New York Times*, 9/13/01, A21). Citing evidence of numerous clocks stopped at 9:31, Barbara Honegger has raised further questions about the real timing of the Pentagon event. ("THE PENTAGON ATTACK PAPERS: Seven Hours in September: The Clocks that Broke the Lie," <http://physics911.net/pdf/honegger.pdf>)

¹⁶ *Newsweek*, 12/31/01, <http://www.mywire.com/pubs/Newsweek/2001/12/31/315480?extID=10037&oliID=229>.

DOOLEY: Another hijack! It's headed towards Washington!

NASYPANY: Shit! Give me a location.

*UNIDENTIFIED MALE: Okay. Third aircraft—hijacked—heading toward Washington.*¹⁷

This urgent message is not repeated in the 9/11 Report. It should have been. It corroborates Cheney's original account of his movements (that he arrived in the PEOC before the Pentagon was hit at 9:37); and it discredits the 9/11 Report's estimate that an approaching plane *at 9:34 or 9:35* "prompted the Secret Service to order the immediate evacuation of the Vice President [from his White House Office] "just before 9:36."¹⁸

Richard Clarke reveals in his book that "Secret Service had a system that allowed them to see what FAA's radar was seeing."¹⁹ Thus Secret Service must have known instantly of the 9:21 alarm. It is inconceivable that they first did nothing for fourteen minutes, and then at 9:35 acted so precipitously that (according to Cheney himself) they grabbed the vice president by his belt, "hoisted" him up so that his feet barely touched the ground, and propelled him to the PEOC.²⁰

The footnotes to this claim in the 9/11 Report appear to have been constructed with great care. But there has been cherry-picking of the evidence. The footnotes cite a Secret Service timeline memo for the vice president's entry into the PEOC (9:58), and also into the tunnel (9:37). (These times would be accurate, if Cheney entered the tunnel around 9:37 – but *from the PEOC end*-- thus not for the first time that day -- and then returned to the PEOC at 9:58.) But what about the Report's estimated departure from the vice president's office "just before 9:36"? This should be easily verifiable or falsifiable from the Secret Service timeline, but here the timeline is significantly not cited.²¹

The Mineta Story of Cheney and an Incoming Plane

¹⁷ MSNBC, 8/3/06, <http://www.msnbc.msn.com/id/14184586/>; Michael Bronner in *Vanity Fair*, September 2006, 270. Bronner adds: "20 months later, when the military presents to the 9/11 commission what is supposed to be a full accounting of the day, omitted from the official time line is any mention of this reported hijacking and the fevered chase it engenders." This verbatim transcript is not in the 9/11 Report either, which quotes instead a less urgent account from a different NEADS channel (9/11 Report, 26).

¹⁸ 9/11 Report, 39; citing footnote 209 on page 464, one of the most important pages of the 9/11 Report.

¹⁹ Clarke, *Against All Enemies*, 7.

²⁰ *Newsweek*, 12/31/01; NBC, 9/16/01: "VICE PRES. CHENEY: [They] grabbed me and... you know, your feet touch the floor periodically. But they're bigger than I am, and they hoisted me up and moved me very rapidly down the hallway, down some stairs, through some doors and down some more stairs into an underground facility under the White House, and, as a matter of fact, it's a corridor, locked at both ends, and they did that because they had received a report that an airplane was headed for the White House. MR. RUSSERT: This is Flight 77, which had left Dulles. VICE PRES. CHENEY: Which turned out to be Flight 77."

²¹ 9/11 Report, 39, 464, footnotes 209, 213. For the time of evacuation, the Report cites instead the White House transcript of Cheney's interview with *Newsweek* on November 19, 2001, an interview with Secret Service agent Rocco Delmonico, and notes from Cheney's aide Mary Matalin of the White House.

The NEADS warning of an incoming plane at 9:21:37 AM also corroborates Mineta's story that at about 9:30 he heard Cheney reaffirm orders with respect to an incoming plane.

Mineta testified to the 9/11 Commission that he arrived at the PEOC "at about 9:20 a.m.," at which point Cheney was already present and in charge. Shortly ("probably five or six minutes") afterwards, Mineta observed the following:

During the time that the airplane [was] coming in to the Pentagon [t]here was a young man who had come in and said to the vice president, "The plane is 50 miles out. The plane is 30 miles out." And when it got down to "The plane is 10 miles out," the young man also said to the vice president, "Do the orders still stand?" And the vice president turned and whipped his neck around and said, "Of course the orders still stand. Have you heard anything to the contrary?"²²

Commissioner Roemer, questioning Mineta, established that this would have been "about 9:25 or 9:26." However, the 9/11 Commission claimed that "a primary radar target tracking eastbound at a high rate of speed" towards Dulles airport (Flight 77) was only discovered at 9:32 AM.²³

Unquestionably the 9:21:37 report of a third hijack was a crucial event on September 11. It led immediately to the launching by NEADS of planes from Langley, Virginia:

9:21:50

*NASYPANY: O.K. American Airlines is still airborne—11, the first guy. He's heading towards Washington. O.K., I think we need to scramble Langley right now. And I'm—I'm gonna take the fighters from Otis and try to chase this guy down if I can find him.*²⁴

Because of the misidentification in this second message, the Report referred to this as "a response to a phantom aircraft...an aircraft that did not exist."²⁵

At first glance, the NEADS report of an incoming third aircraft at 9:21 AM would appear to be the plane Mineta referred to. The event also fits neatly with NORAD General Arnold's initial testimony to the Commission that NORAD learned of Flight 77's hijacking at 9:24 AM.²⁶

But the 9/11 Report rejected Arnold's testimony as "incorrect" It meant by this that the plane reported was not *identified* as Flight 77; instead these were "reports about a plane

²² Statement of Secretary of Transportation Norman Y. Mineta before the National Commission on Terrorist Attacks upon the United States, May 23, 2003; quoted in Griffin, *9/11 Commission Report*, 220.

²³ 9/11 Report, 25; cf. Thompson, *Terror Timeline*, 409. The Report's authority for overruling the accounts by Mineta and ABC News is a single interview with John Hendershot (460, fn. 146).

²⁴ Michael Bronner, *Vanity Fair*, September 2006, 275; MSNBC, 'Countdown with Keith Olbermann' for August 3 [2006], <http://www.msnbc.msn.com/id/14184586/>; cf. 9/11 Report, 26.

²⁵ 9/11 Report, 34.

²⁶ Larry Arnold testimony, 5/23/03.

that no longer existed: American 11” (that had already struck the World Trade Center).²⁷ Thus, the Report claimed, NEADS air defenders had “no advance notice on the third” plane (Flight 77).²⁸

Kean and Hamilton, relying on the same quibble about the plane’s identification, are even more misleading. In their words, “NORAD claimed that the Langley jets were scrambled in pursuit of...American 77. Yet that was impossible. At 9:24, NORAD had not yet been notified that American 77 had been hijacked.”²⁹ It was not impossible. On the contrary it was pretty clearly the case, even if controllers were not yet aware of the identity of the plane to which they were responding. The plane was real and it registered real blips on NORAD radar.

This handling of the plane alarm illustrates the distinction between an outright lie and a deliberately constructed deception. The Report’s claim, that aircraft were scrambled in “response to a phantom aircraft,” is carefully crafted language, which a lawyer could conceivably persuade a courtroom judge to accept as not untrue. Yet the impression created, that NORAD was not warned early enough to deal with the approaching plane, was materially misleading, indeed false.

The real issue at the time was not the identification of the plane, but the urgent concern that an errant plane was “headed toward Washington.” This corroborates Mineta’s detailed account of this moment elsewhere:

Someone came in and said, 'Mr. Vice President there's a plane 50 miles out'. I was on the phone with the Deputy Administrator of FAA, Monte Belger, and he said, 'we have a target but the transponder's turned off, so we have no identification, no ident, on the aircraft.' I said, 'Can you tell in relationship to the ground where it is?' He said, 'no that's difficult to do but I would imagine it's somewhere between Great Falls and National Airport coming in'. It seemed it was on what they call the DRA - the down river approach.³¹

The route allegedly described by Belger approximates the eastward route towards Washington that was being followed in this time frame by American 77. Once again, there is no sign that Belger was interrogated by the 9/11 Commission about this. His testimony could have confirmed or refuted Mineta’s detailed account of what happened at this time in the PEOC. In the 9/11 Report, there is once again, no mention of Mineta’s

²⁷ 9/11 Report, 26.

²⁸ 9/11 Report, 31.

²⁹ Kean and Hamilton, *Without Precedent*, 258, 259.

³¹ *Aviation Security International Magazine*, October 2002, http://www.asi-mag.com/editorials/norman_mineta.htm. The 9/11 Report cited instead a minor FAA person’s impression that the plane was “somewhere over, uh, New Jersey or somewhere further south” (9/11 Report, 26).

story about the incoming plane. On something so crucial, this does not seem an innocent oversight.

Mineta, in telling his story to the 9/11 Commission, stated unambiguously that the story referred to “the plane coming in to the Pentagon” – i.e. Flight 77. In 2002 the White House floated an alternative to the Mineta story, implying that Mineta got both the time and the plane wrong. Relying on interviews with Cheney and Joshua Bolten, CNN suggested in September 2002 that a dialogue similar to that reported by Mineta did occur, but with respect to Flight 93, sometime after the Pentagon was hit at 9:37.³²

The 9/11 Report did not refer to this important Cheney-Bolten allegation either. Indeed it tacitly implied that the story was false, by suggesting that there was no military response to Flight 93, and that the only shoot-down order occurred after Cheney entered the PEOC at 10:00.³³

Instead, by relying on Lynne Cheney’s and Lewis Libby’s notes, the 9/11 Report recorded a *third* version of the incoming plane story, unambiguously postponing the dialogue until *after* Flight 93 was downed at 10:03:

At some time between 10:10 and 10:15, a military aide told the Vice President and others that the aircraft was 80 miles out....The Vice President authorized fighter aircraft to engage the inbound plane....The military aide returned a few minutes later, probably between 10:12 and 10:18, and said the aircraft was 60 miles out. He again asked for authorization to engage. The Vice President again said yes... . . . At approximately 10:30, the shelter started receiving reports of another hijacked plane, this time only 5 to 10 miles out. . . . [T]he Vice President again communicated the authorization to “engage” or “take out” the aircraft.³⁴

No one has suggested that nearly identical versions of the incoming plane story occurred two or three times in the space of less than forty-five minutes. Thus investigators should be granted access to the notes of Lynne Cheney and Lewis Libby which suggested that the story of the incoming plane occurred more than half an hour later than Mineta claimed.³⁷ As we shall see, this is not the only situation where someone’s account of what happened not only must be wrong, but may have been falsified.³⁸

³² CNN, 9/11/02, <http://archives.cnn.com/2002/ALLPOLITICS/09/11/ar911.king.cheney/index.html>.

³³ 9/11 Report, 30-31, 40-41.

³⁴ 9/11 Report, 41, 464-65.

³⁷ The same would be true of any available records still extant of CNN’s interviews with Cheney and Bolten.

³⁸ Cf. the conflicting accounts, given below, of the tripartite order issued about 9:50 AM.

With respect to the Mineta version of the story, we must ask what would have been the orders that Mineta claims to have heard Cheney allude to. We do not know of a shoot-down order at this time. And above all, as Griffin notes, it would make little sense for the young man to ask, when the plane was ten miles out, if *shoot-down* orders still stood.

Griffin raised the alternative possibility, that it was a stand-down order: “orders *not* to have the aircraft shot down. But of course this interpretation, while arguably being the more natural one, would also be very threatening to the Bush administration and the Pentagon.”³⁹

The Disputed Tripartite Order of about 9:50 AM: Was This a Shoot-down Order?

There is cherry-picking of the evidence again with respect to the tripartite order authorized by President Bush in Tampa, in a phone call with Dick Cheney. There is no log-book citation in the 9/11 Report for the shoot-down order, which Richard Clarke says was before Air Force One left Tampa at 9:54 AM:

At that moment Paul [Kurtz, from the White House counterterrorism team] handed me the white phone to the PEOC. It was [Clarke’s representative at the PEOC, Major Michael] Fenzel. “Air Force One is getting ready to take off....Tell the Pentagon they have authority from the President to shoot down hostile aircraft, repeat, they have authority to shoot down hostile aircraft.”⁴⁰

But the 9/11 Report, while stating that there is “no documentary evidence” for Cheney’s call to the President, suggests that the shoot-down order occurred after Cheney’s “arrival” (or return) to the PEOC.⁴¹

It is significant that the Report cites no record of Cheney’s phone call to the President, among the most important events of that day.⁴² (It gives no record either of Cheney’s phone call with Rumsfeld at this time, which Rumsfeld revealed but about which the Report is silent.)⁴³ The easiest explanation of why there is no record of the phone call

³⁹ Griffin, *The 9/11 Commission Report*, 220. Many critics have seen Mineta’s testimony as evidence of a stand-down order. But because of the existence of phantom flights on that day in connection with war exercises, we cannot assume Cheney’s order applied specifically to Flight 77.

⁴⁰ Clarke, *Against All Enemies*, 8.

⁴¹ 9/11 Report, 40.

⁴² 9/11 Report, 41.

⁴³ Rumsfeld told *Washington Post* reporters Dan Balz and Bob Woodward that he discussed the shoot-down order and its rules of engagement “at some length” with both Bush and Cheney:

Q: One of the first conversations/decisions had to do with rules of engagement that you had with the president. Can you walk us through what went back and forth between you and the president on that and what those rules of engagement, the degree to which you talked about them with him.

Rumsfeld: We talked at some length about them. I talked about them with the president, I talked about them with Dick Cheney.

Q: Did you talk to the vice president first and then the president or vice versa, or do you remember?

Rumsfeld: I don’t remember. I talked to General Myers about them.....So we ended up fashioning those and the president approved them and I gave the instructions to [Gen.] Eberhart.” (Rumsfeld Interview with Dan

would be that Cheney was not in the bunker where people were taking notes and logs were being kept. And everyone agrees, even Cheney himself, that he used a secure phone in the tunnel at around this time.⁴⁴

This matter should have been resolvable by going to the records of the White House Communications Agency which handled the White House phone network. They kept logs. The Secret Service kept logs. And we have logs from that day that record phone calls at 9:15 AM and 9:20 AM, and another phone call at 10:18 AM.⁴⁵

But Thomas Kean, the commission chairman, complained publicly that the logs were not complete.⁴⁶ : “The phone logs don’t exist, because they evidently got so fouled up in communications that the phone logs have nothing. So that’s the evidence we have.” “There’s no documentary evidence here,” added Vice-Chairman Lee Hamilton. “The only evidence you have is the statements of the president and vice president.”⁴⁷

We have thus the equivalent of the notorious 18 1/2 -minute gap which was discovered in the course of the Watergate investigation.⁴⁸ The 9/11 Commission does not present any records from the logs for the time of the phone call, only for calls earlier and later. We can imagine four possible reasons for this, all suggestive of a bigger story than we know so far:

- 1) the logs could have been massaged and cleansed and purged before they got to the commission,
- 2) the logs could have been purged by the commission or its staff,

Balz and Bob Woodward, *Washington Post*, 1/9/02,
http://www.defenselink.mil/transcripts/2002/t02052002_t0109wp.html).

There was so little time for this difficult decision-making (between 9:45 and 10:14, according to the 9/11 Report) that Rumsfeld probably spent more of his “missing” time on this matter, than in rescue efforts loading stretchers.

⁴⁴ 9/11 Report, 40.

⁴⁵ The Commission had phone log verification, from the Secure Switchboard Log, for Bush’s call to Cheney at 9:15, and for an unimportant call made by the President about 9:20 to FBI Director Mueller (9/11 Report, 463, footnote 204: “White House record, Secure Switchboard Log, Sept. 11, 2001 (call [about 9:20 AM] from Bush to [FBI Director] Mueller”). The Report cites the Secure Switchboard Log again for what they call a second “confirmation call at 10:18 AM.” For the two-minute “confirmation” call at 10:18, the Report cites a “White House record, Secure Switchboard Log, Sept. 11, 2001” (9/11 Report, 41, and footnote 221, 465).

⁴⁶ Thomas Kean later complained that “The phone logs don’t exist, because they evidently got so fouled up in communications that the phone logs have nothing. So that’s the evidence we have.” “There’s no documentary evidence here,” added Vice-Chairman Lee Hamilton. “The only evidence you have is the statements of the president and vice president” (9/11 Commission, Hearing of 6/17/04, http://www.9-11commission.gov/archive/hearing12/9-11Commission_Hearing_2004-06-17.pdf).

⁴⁷ 9/11 Commission, Hearing of 6/17/04.

⁴⁸ Emery, *Watergate*, 414-18.

3) and this is what I suspect, the phone in the tunnel was a back channel, where logs were either not kept, or had a higher classification than was made available to the Commission. I suspect the latter, because one of the topics Cheney was discussing was indeed very highly classified -- Continuity of Government.

For the unrecorded phone calls resulted in a triple order covering three matters, of which two are not disputed: 1) protection for Air Force One; and 2) Continuity of Government.⁴⁹ "Continuity of Government" (COG) was a long-established plan, radically revised in the Reagan era, for a response to an emergency which among other things "set aside...constitutional and statutory requirements [and] established its own process for creating a new American president."⁵⁰

In reporting this, James Mann noted correctly that the original purpose of the plans was "to keep the federal government running during and after a nuclear war." But under Reagan the planning was enlarged by Executive Order to cover any "national security emergency....including natural disaster, military attack, technological emergency, or other emergency."⁵¹ This enabled Cheney, after discussions with Bush and Rumsfeld, to implement COG on September 11, 2001.⁵² In *The Road to 9/11* I argue that one consequence has been the barrage of recent executive orders, such as the suspension of habeas corpus, infringing on the traditional rule of law.⁵³

COG would explain why Cheney exited the bunker for his calls to Rumsfeld and Bush. The classification of COG was so high that most people in the bunker, including Mineta, were not cleared to hear them. These were the most important calls Cheney made that day. And yet the Report tells there are no objective records of the call to Bush, and it makes no mention at all of Cheney's call to Rumsfeld.⁵⁴

⁴⁹ Clarke, *Against All Enemies*, 8; 9/11 Report, 38. The two accounts agree about Air Force One and COG, but not about the planes (Clarke: "tell the Pentagon they have authority from the President to shoot down hostile aircraft;" 9/11 Report: "The White House requested...a fighter combat air patrol over Washington, D.C.")

⁵⁰ James Mann, *Rise of the Vulcans* (New York: Viking, 2004), 138-45, 295-96. , James Mann noted correctly that the original purpose of the plans was "in order to keep the federal government running during and after a nuclear war with the Soviet Union." He failed to mention that the planning eventually called for suspension of the Constitution, not just "after a nuclear war," but for any "national security emergency." This was defined in Executive Order 12656 of 1988 as: "any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or seriously threatens the national security of the United States" (Executive Order 12656 of Nov. 18, 1988, 53 FR 47491, 3 CFR, 1988 Comp., p. 585, <http://www.archives.gov/federal-register/codification/executive-order/12656.html>).

⁵¹ The provisions of Executive Order 12656 of Nov. 18, 1988, appear at 53 FR 47491, 3 CFR, 1988 Comp., p. 585, <http://www.archives.gov/federal-register/codification/executive-order/12656.html>. The *Washington Post* (3/1/02) later claimed, erroneously, that Executive Order 12656 dealt only with "a nuclear attack." Earlier there was a similar misrepresentation in the *New York Times* (11/18/91).

⁵² Clarke, *Against All Enemies*, 8-9; Mann, *The Rise of the Vulcans*, 139.

⁵³ Peter Dale Scott, *The Road to 9/11: Wealth, Empire, and the Future of America* (Berkeley and Los Angeles: University of California Press, 2007), Chapter XIV.

⁵⁴ 9/11 Report, 40-411.

The third part of the tripartite order (the content of which is disputed) was about planes. According to Richard Clarke, it gave the shoot-down order. To repeat Clarke's own words:

Air Force One is getting ready to take off....Tell the Pentagon they have authority from the President to shoot down hostile aircraft, repeat, they have authority to shoot down hostile aircraft.⁵⁵

Clarke says that he then transmitted this information to Gen. Myers and Rumsfeld at the Pentagon, along with an order instituting COG.

This 3-part order is echoed in the 9/11 Report from a Defense Department transcript, at approximately the same time, but with a significant difference which rephrased, and in effect suppressed, the shoot-down order:

At 9:59, an Air Force lieutenant colonel working in the White House Military Office joined the [NMCC] conference and stated he had just talked to Deputy National Security Advisor Stephen Hadley [who was with Cheney]. The White House requested (1) the implementation of continuity of government measures, (2) fighter escorts for Air Force One, and (3) *a fighter combat air patrol over Washington, D.C.*⁵⁶

These significant divergences illustrate the need for historians to access all records, both those made available to the 9/11 Commission, and those apparently never requested by them. Important in the second category would be the videotape of Richard Clarke's White House teleconference which transmitted the tripartite order, along with all records about the implementation of COG that day, which presumably was recorded on the White House videotape.

With respect to the tripartite order and its order for combat aircraft, it seems clear that someone, either Clarke or the DOD transcript cited by the Report, has misrepresented it. I am not aware of any reason to mistrust the *bona fides* of Clarke, but the Report has repeatedly been evasive if not misleading with respect to decisions taken by Cheney.

What could be so sensitive about this issue would be if, as David Ray Griffin has suggested, an order may have been given in time to shoot down Flight 93, possibly even after it was already known on the ground that the passengers of Flight 93 had overcome their hijackers.⁵⁷ Debris from the plane was scattered over a wide area up to eight miles away, including a half-ton piece of one of the engines which was found 2,000 yards from the crash site.⁵⁸

⁵⁵ Clarke, *Against All Enemies*, 8.

⁵⁶ 9/11 Report, 38, citing "DOD transcript, Air Threat Conference Call, Sept. 11, 2001."

⁵⁷ Griffin, *The 9/11 Commission Report*, 232, 252-54.

⁵⁸ Thompson, *Terror Timeline*, 492-93; cf. Robert Fisk, *Independent*, August 25, 2007, <http://news.independent.co.uk/fisk/article2893860.ece>.

Cheney's and Rumsfeld's Absence for Ten Minutes: 9:45-9:55 AM

According to the 9/11 Report it took Cheney eighteen minutes to traverse the short tunnel into the bunker:

Once inside, Vice President Cheney and the agents paused in an area of the tunnel that had a secure phone, a bench, and television. The Vice President asked to speak to the President, but it took time for the call to be connected. He learned in the tunnel that the Pentagon had been hit, and he saw television coverage of smoke coming from the building.⁵⁹

This account of Cheney's isolation parallels the similar synchronous absence from his post that morning of Rumsfeld (when according to the Report he was "in the parking lot" of the Pentagon, "to assist with rescue efforts").⁶⁰ Brig. Gen Montague Winfield later told ABC News that "For 30 minutes we couldn't find him. And just as we began to worry, he walked into the door of the National Military Command Center."⁶¹ Chairmen Kean and Hamilton later agreed that "Rumsfeld...did not get on the Air Threat Conference until 10:39 because he had been assisting Pentagon rescue efforts."⁶² Their Report found nothing strange in the Defense Secretary's prolonged absence from his post, at a time when he was involved in crucial decisions while the nation was under attack. This is especially disturbing in light of the June 1, 2001 order which altered standard aircraft intercept procedures, requiring authorization *by* the President or secretary of defense.

In the same period there was a synchronous pause, not originally reported, in the movements of President Bush. Those with him in Tampa later spoke of a threat to the President there, and of an ensuing mad dash to get off into the air. Karl Rove told ABC News,

⁵⁹ 9/11 Report, 40; citing White House transcript; Vice President Cheney with *Newsweek*, 11/19/01; President Bush and Vice President Cheney meeting with Commission, 4/29/04. This timing issue is crucial to shoot-down and other orders issued that day. Yet the 9/11 Commission Report makes no reference to the conflict with Clarke's account, even though it heard testimony from Norman Mineta, Secretary of Transportation, that when he arrived in the PEOC "at about 9:20 AM," Cheney was already there and in charge. As David Griffin points out, a videotape of Clarke's White House teleconference ought to exist, establishing who has been telling the truth about events on 9/11. The Commission Report does not refer to this videotape. To justify a 9:25 starting time for the conference, it cites instead a "White House record, Situation Room Communications Log." As Richard Nixon learned to his sorrow, it is far easier to edit a log than a tape.

⁶⁰ 9/11 Report, 37.

⁶¹ ABC News, 9/11/02,

http://911research.wtc7.net/cache/pentagon/attack/abcnews091102_jenningsinterviews.html.

⁶² Kean and Hamilton, *Without Precedent*, 464.

Before we could, both of us, sit down [in the plane cabin] and put on our seat belts, they were rolling the plane. And they stood that 747 on its tail and got it about 45,000 feet as quick as I think you can get a big thing like that in the air.⁶³

Rove's account is echoed in others, such as Bob Woodward's.⁶⁴

Thus one is surprised to learn in the 9/11 Report that in fact the plane paused on the runway for ten minutes, while the President conferred with Cheney:

The President's motorcade departed at 9:35, and arrived at the airport between 9:42 and 9:45. [The President] boarded the aircraft, ... and called the Vice President. ... Air Force One departed at approximately 9:54, without any fixed destination.⁶⁵

The impression I have gathered from all this is that, for at least ten or fifteen minutes before 10 AM, three men, of whom two were in isolation, were making important decisions, while the rest of the U.S. Government simply waited.

Failure to intercept:

The failure to intercept the hijackings also demands a more searching explanation than the Report offers. FAA reported 67 interceptions between September 2000 and June 2001.⁶⁶ The *Calgary Herald* reported that in 2000 there were 425 instances of pilots who aroused concern, and that fighters were scrambled in response to 129 cases whose problems were not immediately resolved.⁶⁷ A celebrated example of prompt interception was with the crippled airplane of golfer Payne Stewart in 1999, which had fighter aircraft on its wingtips soon after it was observed erring off course.⁶⁸

The Report indicates that the failure to intercept on 9/11 derived from the issuance, on June 1, 2001, of a JCS Memo, specifying that (in the words of the Report) "military

⁶³ ABC News, 9/11/02; quoted in Bamford, *Pretext for War*, 63.

⁶⁴ Bob Woodward, *Bush at War*, 16: "The President's motorcade raced to the Sarasota Bradenton International Airport. He dashed up the steps and into his private front cabin and office on Air Force One.... 'Mr. President,' one of the agents said nervously, 'we need you to get seated as soon as possible.' Bush strapped in, and the plane accelerated down the runway, almost standing on its tail as it climbed rapidly."

⁶⁵ 9/11 Report, 39.

⁶⁶ Leslie Miller, Associated Press Online, 6/13/02.

⁶⁷ *Calgary Herald*, 10/13/01.

⁶⁸ The following is taken from the U.S. National Transportation Safety Board's account of the flight: "At 0933:38 EDT (6 minutes and 20 seconds after N47BA acknowledged the previous clearance), the controller instructed N47BA to change radio frequencies and contact another Jacksonville ARTCC controller. The controller received no response from N47BA. The controller called the flight five more times over the next 4½ minutes but received no response. About 0952 CDT, a USAF F-16 test pilot from the 40th Flight Test Squadron at Eglin Air Force Base (AFB), Florida, was vectored to within 8 nm (nautical miles) of N47BA. About 0954 CDT, at a range of 2,000 feet from the accident airplane and an altitude of about 46,400 feet, the test pilot made two radio calls to N47BA but did not receive a response."

assistance from NORAD required multiple levels of notification and approval at the highest levels of government.”⁶⁹ But the Report asked no questions about the June 2001 JCS Memo. Researcher Michael Ruppert, who interviewed many people inside the military and especially NORAD, concluded that the change can be traced to the White House announcement of May 8, 2001, in which President Bush “asked Vice President Cheney to oversee the development of a coordinated national effort” against terrorist weapons of mass destruction.⁷⁰ As the *Houston Chronicle* reported the next day,

President Bush on Tuesday directed [FEMA] ... to tackle the additional task of dealing with terrorist attacks.....To accomplish that goal, Bush appointed Vice President Dick Cheney to head a terrorism task force and created the Office of National Preparedness within the Federal Emergency Management Agency.⁷¹

I doubt that it was coincidental that Cheney, who with Rumsfeld implemented COG on 9/11, was also responsible with Rumsfeld for highly secret COG planning in the 1980s. In this planning for COG, which by-passed Congressional leaders, Cheney was officially no more than a Congressman from Wyoming, while Rumsfeld, who at the time was CEO of a drug company, was not officially in the government at all.⁷²

The action officer for this secret planning in the 1980s, until his dismissal in 1986, was Oliver North, working under Vice-President George Bush in the National Security Council.⁷³ Cheney, Rumsfeld, and North were assisted in this role by the Federal Emergency Management Agency, or FEMA, which created a cover agency “with the bland name of the National Program Office.”⁷⁴

In this way the Cheney-FEMA counterterrorism alliance was reconstituted in May of 2001, and the bland-sounding National Program Office reconstituted as the bland-sounding Office of National Preparedness.

To this day we do not really know the consequences of instituting COG on 9/11. We do know that Cheney himself frequently disappeared from public view after the attack. At these times he too was working from a COG base -- "Site R," the so-called "Underground Pentagon" on the Maryland-Pennsylvania border.⁷⁵ As the *Washington Post* later

⁶⁹ 9/11 Report, 17, citing a JCS instruction of June 1, 2001, entitled “Aircraft Piracy (Hijacking) and Destruction of Derelict Airborne Objects;” cf. fn. 101, 458.

⁷⁰ White House Press Release, 5/8/01, <http://www.whitehouse.gov/news/releases/2001/05/20010508.html>; Michael C Ruppert, *Crossing the Rubicon: The Decline of the American Empire at the End of the Age of Oil* (Gabriola Island, BC: New Society Publishers, 2004), 333.

⁷¹ *Houston Chronicle*, 5/9/01.

⁷² Mann, *The Rise of the Vulcans*, 138-45.

⁷³ Mann, *Rise of the Vulcans*, 142; “Northwards Without North: Bush, Counterterrorism, and the Continuation of Secret Power.” *Social Justice* (San Francisco), XVI, 2 (Summer 1989), 1-30.

⁷⁴ Mann, *Rise of the Vulcans*, 142

⁷⁵ Bamford, *A Pretext for War*, 77; *Boston Globe*, 7/20/04. Congressional leaders and representatives from intelligence agencies were also briefly installed in another COG location, Mount Weather in Virginia (Bamford, *A Pretext for War*, 81).

reported, he became in effect the leader of what the *Post* called a U.S. “shadow government.”⁷⁶

We have to ask whether Cheney’s teams were not crucial in implementing COG programs from the 1980s once associated with Oliver North, programs such as warrantless eavesdropping, including of domestic dissidents, warrantless other surveillance, warrantless detention, plans for martial law and overriding the *posse comitatus* act, and the use of association as grounds for deportation.

Some of these ideas from the 1980s were incorporated almost immediately in the USA Patriot Act, which clearly had been drafted before 9/11.⁷⁷ The erosion of *posse comitatus*, which began right after 9/11, was consummated without debate, perhaps even without Congressional awareness, in the October 2006 defense budget bill.⁷⁸ The suspension of the FISA Act, to eliminate judicial review of warrantless eavesdropping, was initiated with no legal justification at all.⁷⁹

Attorney General John Ashcroft took immediate steps after 9/11 to implement a central COG idea from the 1980s – arbitrary detention. Starting in September 2001, “hundreds of non-citizens were swept up on visa violations, ... held for months in a much-criticized federal detention center in Brooklyn as ‘persons of interest’ to terror investigators, and then deported.”⁸⁰

Were these sweeping programs envisaged by Cheney and Rumsfeld in their secluded discussions on 9/11. And would this explain why they sought isolation, rather than a regular phone conversation in front of their colleagues?

Conclusions:

In this presentation I have focused on anomalies in the behavior, especially on 9/11, of Richard Cheney. He, and Donald Rumsfeld and others, should testify, under oath, about

1) The June 1 JCS Order requiring highest-level approvals for interceptions of off-course planes,

⁷⁶ “Shadow Government Is at Work in Secret,” *Washington Post*, 3/1/02. On June 4, 2006, William Arkin reported in the *Washington Post* that “On Monday, June 19, about 4,000 government workers representing more than 50 federal agencies from the State Department to the Commodity Futures Trading Commission will ... set off for dozens of classified emergency facilities ... in an ‘evacuation’ that my sources describe as the largest ‘continuity of government’ exercise ever conducted.”

⁷⁷ David Cole and James X. Dempsey, *Terrorism & the Constitution: Sacrificing Civil Liberties in the Name of National Security* (New York: New Press, 2006); Jennifer Van Bergen, “The USA PATRIOT Act Was Planned Before 9/11,” [truthout.org](http://www.truthout.org/docs_02/05.21B.jvb.usapa.911.htm), 5/20/02, http://www.truthout.org/docs_02/05.21B.jvb.usapa.911.htm.

⁷⁸ *New York Times*, 2/19/07.

⁷⁹ James Risen and Eric Lichtblau, “Bush Secretly Lifted Some Limits on Spying in U.S. After 9/11, Officials Say,” *New York Times* article, 12/15/05.

⁸⁰ *New York Times*, 1/23/06.

- 2) The contested time of Cheney's arrival in the Presidential bunker,
- 3) Cheney's orders with respect to a plane approaching Washington, and did this occur around 9:27 AM (as testified to by Mineta), or 10:15 AM (as per the 9/11 Report)?
- 4) Cheney's call or calls with Rumsfeld and the President before or about 10 AM, and did they discuss so-called "Continuity of Government" (COG), including warrantless surveillance, suspension of habeas corpus, and arrangements for mass detention.?

The story the Report presented was embarrassing enough: of a trillion dollar defence system that broke down on 9/11, and completely failed to perform its allotted function. But the Report's systematic and repeated distortions lead one to suspect that some even more embarrassing truth is being concealed, and that this truth has to do with orders given on that day by the Vice President.

I believe that COG may be the answer to the mystery question about Cheney's actions at a time when he was talking to the President and Rumsfeld. If so, the three men were almost certainly not acting on their own. Rather, they would have been key figures in a highly classified agenda that must have involved other people.

The question to be explored is whether that agenda involved revising the U.S. constitutional balance of powers, and whether Cheney on 9/11 was primarily occupied in exploiting the attacks as a means to implement an agenda of constitutional revision which he already had in place.

The 911 Commission decided that its supporting evidence and records should be withheld from public view until January 2, 2009 – a date which would obviously insure the President and Vice-President from possible impeachment.⁸¹ But many would concede that since 9/11, and as a result of 9/11, the American nation has drifted towards a constitutional crisis, requiring a change of policy direction. The issues posed by what happened on 9/11 are very relevant to this crisis, and too significant to be postponed until 2009. As it did belatedly in the case of the John F. Kennedy assassination, Congress should initiate a procedure for these records to be reviewed and released expeditiously.

Records that should be released would include all of the phone logs from the White House on 9/11, to determine, as a matter of priority, the precise time and circumstances of Cheney's orders on that day. They would also include materials (such as COG files and the videotape of the White House teleconference) that the Commission apparently never requested. The public also needs to establish why other records requested by the Commission did not initially reach them.

And then, I believe, it would be appropriate for a venue to be established in which the Vice President would testify for the first time about 9/11 under oath.

⁸¹ 9/11 Commission, Media Advisory, 8/20/04, http://www.9-11commission.gov/press/pr_2004-08-20a.pdf; Kean and Hamilton, *Without Precedent*, 312: "All of our records were transferred to the National Archives, with an agreement that they would be made public at the beginning of 2009."

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