

THE WHITE HOUSE

Washington

May 5, 2009

MEMORANDUM FOR THE WHITE HOUSE DEPUTY CHIEF OF STAFF

FROM: WHITE HOUSE COUNSEL'S OFFICE

SUBJECT: Internal Review Concerning April 27, 2009 Air Force One Flight

In response to your request, we have conducted an internal review into the flyover of lower Manhattan by an aircraft used as Air Force One on April 27, 2009. This memorandum summarizes our findings.

Scope of Our Review

Our review was limited to the White House's involvement in the April 27 flyover. We collected relevant documents from senior White House staff and from the leadership of the White House Military Office ("WHMO"). We interviewed the WHMO Director, Louis Caldera (the "Director"), and the WHMO Deputy Director, George Mulligan (the "Deputy Director"). We did not review the conduct of other federal agencies or departments that participated in the flyover, including the Department of Defense (the "DoD") or the Federal Aviation Administration (the "FAA").

DoD is conducting its own internal reviews into the April 27 flyover. For example, Secretary Gates has directed the Joint Staff to conduct a review of the approval process for such flights, particularly with regard to the use of F-16 fighter aircraft. Also, the Secretary of the Air Force and the Air Force Chief of Staff have directed Air Mobility Command to review procedures for planning and executing Presidential Airlift Group flights, particularly the process for informing senior leaders and the public about atypical training flights.

The White House Military Office

WHMO provides military support for White House functions, including all Presidential travel. The office is led by a politically-appointed director, who is employed by the White House Office within the Executive Office of the President. WHMO also has a deputy director, who currently is a civilian DoD employee.

WHMO is comprised of a headquarters staff and seven operational units that employ approximately 2,300 individuals. Most WHMO employees are military personnel who serve in the operational units, and each unit is led by a military commander. The Presidential Airlift

Group (“PAG) is one of the seven operational units. The PAG provides transportation for the President and the First Family, primarily through the use of two specially-configured Boeing 747-200B series aircraft with Air Force designation VC-25A. The PAG also can utilize other Air Force assets including Boeing 757s and Gulfstream III aircraft. When the President is aboard these or any other Air Force aircraft, the radio call sign is “Air Force One.”

The April 27 Flight

Initial planning for the New York City flyover appears to have begun in March 2009 or earlier.

On Friday, April 3, 2009, representatives of the PAG, the FAA, and several local authorities held a teleconference to discuss “operational issues and public affairs / outreach issues.” According to a written summary of the call, the participants discussed the details of the proposed flyover including the date, time, and location of the operation; the altitude of the plane (1,000 feet), and the preferred flight path. The participants recognized “the sensitivity of the aircraft involved,” and concluded that “public affairs and outreach efforts must be carefully coordinated and timed.” Coordination with “the general public” was planned to commence two days before the flight. The written summary of the call further specified that “[n]o reference should be made to the Presidential aircraft in any public outreach.” However, it suggested that public outreach could reference “DOD aircraft.”

Neither the Director nor the Deputy Director participated in or were aware of the April 3 teleconference. At the time, the Director was traveling overseas with the President. Specifically, he was in Europe between March 31 and April 7.

On Thursday, April 9, the commander of the PAG, Colonel Scott Turner, sent an email to the Deputy Director addressing a number of issues, including a plan to conduct “a photo shoot over the Statute of Liberty on the 27th of this month.” During the same time period—either shortly before or after the April 9 email—the Deputy Director spoke to Colonel Turner about the proposed flight. The Deputy Director advised Colonel Turner to determine whether it was feasible or not; if Colonel Turner encountered any problems or objections, the flyover would not go forward. According to the Deputy Director, Colonel Turner likely contacted him because the mission was unusual. If it had been a typical or routine training mission, the Air Force would not have notified the White House.

Several days later, Colonel Turner informed the Deputy Director that he still was working on the plan and coordinating with federal, state, and local authorities. Otherwise, WHMO leadership did not receive any further updates during this time period, and the Deputy Director did not inform the Director about the proposed flight. The Director traveled with the President to Mexico City and Trinidad-Tobago between April 16 and April 19.

On Monday, April 20, the Deputy Director believes that he notified the Director for the first time about the proposed flyover. According to the Deputy Director, he briefly described the plan and

stated that Colonel Turner was working on the details. He also suggested that when the plan was finalized, the Director may want to inform White House Deputy Chief of Staff Jim Messina. The Deputy Director believed that Mr. Messina would want notice because the plan involved the use of the Presidential aircraft and because it was unusual—*i.e.*, it was a photo shoot near New York City and it required a high degree of coordination. The Director does not recall the conversation. He does not deny that it took place, but rather characterizes it as one of multiple things that were happening at the time—shortly after his return from Mexico.

On Thursday evening, April 23, Colonel Turner sent an email to the Deputy Director describing the final details of the flight. It stated that for security reasons, details about the flight would be treated as “FOUO” (“for official use only”). Federal, state, and local authorities would be notified on April 24, and coordination with the “general public” would begin “on or after 26 Apr.” The email stated that Colonel Steven Harrison—the commander of the 89th Airlift Wing at Andrews Air Force Base—had been informed. The email also attached several documents, including a memorandum from the FAA describing the flight plans and the “public affairs posture.” Minutes after receiving the email, the Deputy Director sent a brief response to Colonel Turner thanking him and stating “got it.”

The Deputy Director believes that he did not read Colonel Turner’s email until the following morning, April 24. After reading the email, the Deputy Director called Colonel Turner to review the plan. The Deputy Director asked a series of questions to ensure that everything was in order. Colonel Turner responded that everything was ready to go and no objections or concerns had been raised. The Deputy Director then forwarded this information to the Director in an email time-stamped 11:21 AM:

Sir: per our conversation about Scott Turner’s plans to fly over the Statue of Liberty – it’s scheduled for this Monday, April 27th. All has been coordinated. AF PA plan/statement is below and will be released only if asked. Will probably receive some local press, but WH shouldn’t catch any questions about it. Provided in case you want to pass to Jim Messina or Robert Gibbs for awareness. This is an AF operation, in close coordination with FAA. Happy to discuss with you as necessary. v/r, -gm

According to the Deputy Director, the phrase “our conversation” refers to the discussion that he believes took place on Monday, April 20. The Director did not respond to the email.

According to the Director, he did not read the email until the afternoon of Monday, April 27, after the flyover had concluded. He explained to us that he did not see the email because it was sent to his WHMO email account—the Director has two email accounts and he checks his White House Office account more frequently. During our interview, the Director also offered another explanation for his failure to read the email. When he returned from Mexico, he was suffering

from severe muscle spasms in his back. Doctors prescribed pain medications, he had difficulty walking around the office, and he went home early a couple days.

At 12:11 PM on April 24, Colonel Turner sent another email to the Deputy Director stating that final preparations for the flight were moving forward. He stated that he had “sent a suggested response to any media queries” to public affairs. And he asked, “[d]o you have any issues/reservations whatsoever?” After reading Colonel Turner’s email, the Deputy Director believes that he walked next door to the Director’s office to see the Director. He remembers repeating the information in his 11:21 AM email, including a brief summary of the flight plan. He asked the Director if he had any issues, and the Director said no. He also told the Director that he should notify Messrs. Messina and Gibbs, and the Director said “ok.” The Deputy Director describes the conversation as brief—it lasted approximately 30 seconds—but it was direct. He stated that it was not a hallway discussion and could not be characterized as an “aside.”

The Director has a different recollection of his April 24 discussion with the Deputy Director. He describes the conversation as a brief hallway exchange. The Director remembers the Deputy Director stating that Colonel Turner was doing a photo shoot with Air Force One, that the traps had been run, and that he may want to notify Messrs. Messina and Gibbs. In several emails sent after the flyover, the Director described the April 24 discussion with the Deputy Director as “an fyi, that unfortunately didn’t register as a big deal” and as “an aside last Friday.”

At 12:20 PM on April 24, the Deputy Director sent a response to Colonel Turner. In the email, the Deputy Director stated that “I provided Sec Caldera all of the information and suggested he run it up to Jim Messina and Robert Gibbs for their awareness only. Sec Caldera and I have no issues.”

Ultimately, the Director did not notify Messrs. Messina or Gibbs about the flyover. When asked why he failed to do so, he did not offer a coherent explanation. He stated that it was not a conscious decision—he did not decide *not* to notify them. Instead, he suggested that it may have been an oversight. He noted that the Deputy Director had not told him (and he did not understand) that Air Force One would be flying over lower Manhattan at a very low altitude. He then stated that people frequently recommend that he notify Mr. Messina about certain events. Sometimes they are right; sometimes they are wrong. Finally, the Director stated that he was not asked to approve the flight. If he *had* been asked to make a decision, he would have received a formal package requesting his approval and he would have expected earlier and more extensive discussions with Colonel Turner and the Deputy Director.

We also asked the Deputy Director why he did not notify Messrs. Messina or Gibbs. He did not do so for two reasons. First, he believed—based on his discussions with Colonel Turner and the various emails he received—that experienced professionals had planned the mission, and they had taken necessary steps to ensure the public was notified. Second, he believed that the

Director would pass the information up the chain of command. This was standard office procedure, and he believed the Director preferred it that way.

At 2:48 PM on April 24, Colonel Turner forwarded to the Deputy Director an email from an FAA official, which contained a Flight Notification Advisory for the mission. The FAA email stated that the notification was “considered FOR OFFICIAL USE ONLY” and was “not intended for release to the public or media.” In forwarding the email, Colonel Turner stated that “[w]e are pressing forward with the photo shoot.” The Deputy Director responded two minutes later and thanked Colonel Turner. Neither the Director nor the Deputy Director heard anything further about the flight until Monday, April 27.

On Saturday, April 25, Colonel Turner sent a detailed email that described the planned flyover to General Arthur Lichte, commander of the Air Force Air Mobility Command. The email stated: “Secretary Caldera and George Mulligan have both ‘blessed’ this event. They were to brief Jim Messina and Robert Gibbs for their awareness only. I wanted to make sure you were fully in the information loop.” The email further stated that Colonel Turner had “sent a press release” to Air Force public affairs personnel “in the event there are any media queries” and that the “FAA Public Affairs office in New York is poised to answer any/all questions that arise from the New York/New Jersey area.”

The flyover of lower Manhattan occurred as planned the morning of Monday, April 27.

Reaction to the Flight

The Deputy Director first learned about problems caused by the flight during a 10:30 AM meeting with the Director and several others. During the meeting, the WHMO Executive Secretary interrupted and asked the Deputy Director to step out, because White House staffer Denis McDonough was on the phone. Mr. McDonough informed the Deputy Director that issues had arisen regarding the flight.

After hanging up with Mr. McDonough, the Deputy Director tried to gather additional information—he called the PAG to see if Colonel Turner had returned (he had not), and he reviewed news reports on television and the Internet. The Deputy Director then returned to the meeting, which was concluding, and informed the Director about the situation. He asked whether the Director previously had notified Messrs. Messina and Gibbs about the flight. The Director said no.

Later, the Director left his office to meet with Mr. Messina in the West Wing. According to the Director, it was during this meeting that he first learned the flight had caused problems. He stated that White House Chief of Staff Rahm Emanuel entered the room, described the controversy created by the flight, and asked whether the White House knew about the flyover in advance. The Director responded that yes, someone had mentioned it to him. According to the Director, this was the first time he learned that the flight reminded people of 9/11 and there was a

jet fighter trailing the 747 aircraft. When asked by Mr. Messina how he thought the White House should respond, he stated that someone needed to apologize and that it should be him because the PAG reported to him.

Shortly thereafter, Mr. McDonough entered the meeting with a prepared statement on behalf of the Director, which accepted responsibility for the flyover. At the time, the Director felt that the White House needed to take responsibility for the incident because it was the “stand-up thing to do.” The Director made some edits to the draft statement and gave it back to Mr. McDonough. When the Director returned from meeting, he told the Deputy Director that he had taken full responsibility for the incident.

At some time during the day, the Deputy Director spoke to Colonel Turner. The Deputy Director expressed surprise about the flight, because he had been led to believe that the mission details had been coordinated. In the Deputy Director’s view, the breakdown was the lack of public notification. Colonel Turner was equally surprised, because the FAA had taken the lead on public affairs and coordination.

Both the Director and the Deputy Director expressed regret about the incident. The Director stated that he had no idea that the plan called for the aircraft to fly at 1,000 feet; he feels terrible that the flight had caused harm; and he believes that the White House needed to apologize. The Deputy Director stated that if he had been aware that the flight would cause so much trouble or any embarrassment to the President or to the White House, he never would have allowed it go forward.

Conclusions & Recommendations

In this memorandum—based on our interviews with the Director and the Deputy Director, as well as our review of the relevant documents—we have described the facts and circumstances that led to the flyover of New York City on April 27. The purpose of this review is to help you determine whether process breakdowns and/or errors in judgment may have contributed to the incident and how best to prevent a similar incident from happening in the future.

In addition, our review suggests that structural and organizational ambiguities exist within WHMO that at times affect the organization’s ability to operate effectively. These ambiguities include the reporting relationship of the PAG to the White House and to the Air Force. For example, neither the PAG nor any other Air Force component notifies the White House about routine training exercises. And there are no clear procedures governing the approval process for the use of PAG aircraft, including Air Force One, for operations other than Presidential support. As a result, unusual missions such as the April 27 New York City flyover can be subject to confusion.

We believe that WHMO’s general structure—and specifically, the reporting relationship of WHMO’s operational units (such as the PAG) to the White House and to the Military Service

Branches—should be examined. We recommend a comprehensive study resulting in recommendations to the President regarding these structural issues.