

ROBERT MENENDEZ
NEW JERSEY

COMMITTEES:
BANKING, HOUSING, AND URBAN
AFFAIRS
BUDGET
ENERGY AND NATURAL RESOURCES
FINANCE
FOREIGN RELATIONS

United States Senate

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April 28, 2009

The Honorable Robert M. Gates
Secretary
United States Department of Defense
1400 Defense Pentagon
Washington, D.C. 20301

The Honorable Louis E. Caldera
Director
White House Military Office
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

The Honorable Lynne A. Osmus
Acting Administrator
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

The Honorable Janet A. Napolitano
Secretary
United State Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Gates:

I am writing to express my concern over the failure by the Department of Defense, White House Military Office, Federal Aviation Administration and the Department of Homeland Security to properly notify appropriate law enforcement and state and federal officials as to yesterday's planned aerial photo-op over Northern New Jersey and lower Manhattan. The exercise, which caused unnecessary alarm and anxiety, was not only reckless and insensitive to those of us who lived through the terror attacks on September 11, 2001, it also revealed a serious lack of national security protocols required to respond to a real attack or natural disaster.

On that fateful Tuesday morning in 2001, approximately 3,000 Americans were killed, with the majority of these losses occurring at Ground Zero, the former site of the World Trade Center. New Jersey alone lost nearly 700 of its residents at the site of the twin towers, and countless others became afflicted with emotional and psychological scars. More than seven years have passed since that tragic morning, and for many, the wounds are still fresh. This tactless event has only served to reopen these wounds and cause heartache for those whose lost friends or loved ones at Ground Zero.

That is why I was shocked and disturbed to learn about the failure to properly notify law enforcement and government officials about the aerial photo-opportunity conducted during the morning of April 28, 2009. This poorly-conceived exercise created an atmosphere of fear and insecurity for many of the approximately 140,000 New Jerseyans who commute to Manhattan for work every morning, as well as many more residents who could clearly see the aircraft from the New Jersey side of the Hudson. Workers from Manhattan to Queens to across the river in Jersey City and Newark, New Jersey looked out their office windows in horror as a Boeing 747, trailed by an F-16 fighter jet, flew precariously close to the New York skyline, conjuring up the

horrifying images of September 11. Thankfully, residents of our region are resilient and did not allow panic to take over.

In light of this communication breakdown, I urge you to improve the process by which you notify officials and the public at large regarding public exercises that have the potential to alarm residents, and to ensure that your notification protocols in the case of a more serious national security event are sound. Specifically, I urge you to notify the relevant law enforcement, governors and Members of Congress of both planned exercises and more serious national security events as a matter of routine. Furthermore, in cases involving planned exercises, I urge you to confirm that the relevant law enforcement and elected officials have acknowledged notification the exercises and have an opportunity to voice any concerns.

I also have several questions that need to be addressed to ensure we are adequately prepared to respond to a real disaster:

- 1) Which public officials from New York or New Jersey did you notify regarding this flyover, and at what time did you do so?
- 2) What other Federal Departments were made aware of this flyover? If multiple Departments or agencies were involved, was there any coordination or communication between them?
- 3) Why was this information not shared with the public?
- 4) Looking forward, how do you plan to inform the public and officials if similar circumstances arise?

As we learned all too clearly on September 11, 2001, lack of communication and poor coordination can be a serious national security issue that costs lives. While this failure fortunately did not threaten lives, we should examine this situation and learn from the mistakes made so we are more prepared to respond to a real disaster. Members of Congress and their staff have the luxury of being notified the moment there is any information regarding a safety risk or security test that would cause alarm. The American people deserve no less.

Thank you for considering my thoughts and recommendations. I look forward to your prompt response.

Sincerely,



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Dear Acting Administrator Osmus:

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Dear Captain Caldera:

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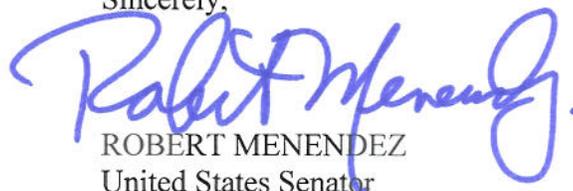
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