

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
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WASHINGTON, DC 20515-6143

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Minority (202) 225-5074

April 29, 2009

Mr. Jim Messina
Deputy Chief of Staff
The White House
Washington, DC 20500

Dear Mr. Messina:

Panic ensued Monday afternoon in lower Manhattan and in parts of northern New Jersey when the White House Military Office, Defense Department, and Federal Aviation Administration (FAA) arranged an unannounced flyover of New York City by an aircraft used as Air Force One for the purposes of shooting publicity photos. The photo shoot was, according to the *New York Times*, “conducted without any notification to the public.”¹ According to the *Times*, “the flyover, which began around 10 a.m., resulted in widespread confusion and a flood of calls to emergency hotlines.”²

Fearing a terrorist attack, some office workers reportedly “sprinted down more than 20 flights of stairs.”³ One witness who works on the 22nd floor of 1 Liberty Plaza, adjacent to the site of the September 11th terrorist attacks was quoted by the *New York Times* as saying, “as soon as someone saw how close it got to the buildings, people literally ran out.”⁴ She said “probably about 80 percent of my office left within two minutes of seeing how close it got to our building.”⁵ Officials at the Port Authority of New York and New Jersey were bombarded by calls from ferry passengers, office workers, and residents.⁶ The Mayor of New York City criticized the Defense Department and the FAA for being secretive about the flyover, and said he was “furious.”⁷

¹ A.G. Sulzberger and Matthew L. Wald, *White House Apologizes for Air Force Flyover*, N.Y. Times.com, City Room: Blogging From the Five Boroughs, Apr. 27, 2009, <http://cityroom.blogs.nytimes.com/2009/04/27/air-force-one-backup-rattles-new-york-nerve/?scp=1&sq=flyover&st=cse> [hereinafter N.Y. Times, Apr. 27, 2009].

² *Id.*

³ A.G. Sulzberger and Matthew L. Wald, *Jet Flyover Frightens New Yorkers*, N.Y. TIMES, APR. 28, 2009, 11, 2003 [hereinafter N.Y. Times, Apr. 28, 2009].

⁴ *Id.*

⁵ *Id.*

⁶ N.Y. Times, Apr. 27, 2009.

⁷ *Id.*

After the panic dissipated it came to light that the FAA specifically instructed public officials in New York City in a written memorandum that information about the photo shoot “should only be shared with persons with a need to know” and “shall not be released to the public or the media.”⁸ The memo, obtained by news outlets in New York City, was reportedly prepared by the FAA’s James Johnston.⁹ Paul Browne, deputy New York City police commissioner, told the media outlet *Bloomberg* that the city was told by the FAA not to inform the public about the mission.¹⁰

Monday’s photo shoot was expensive. The hourly costs of operating the President’s aircraft are exceedingly high. In 2000, GAO reported a \$54,100 hourly operating rate for the President’s VC-25 aircraft.¹¹ The Congressional Research Service has reported that the Air Force estimates the figure to be closer to \$56,800 per hour.¹² An Air Force spokesperson said the total cost of operation for the two F-16s and the VC-25, the President’s modified 747 aircraft cost \$328,835.¹³

Former White House advisor Fran Townsend summed it up concisely when she observed this whole mess as a case of “felony stupidity.”¹⁴ Indeed everything about this blunder is problematic. Glaring errors of judgment and communication raise serious questions on a number of fronts.

The President has consistently avowed his desire for openness and transparency. In a Memorandum for the Heads of Executive Departments and Agencies, the President wrote: “My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration.”¹⁵ It is with this in mind, that I ask that you provide the following information and documents to the Committee by May 1, 2009.

⁸ N.Y. Times, Apr. 28, 2009.

⁹ Marcia Kramer, *FAA Memo: Feds Knew NYC Flyover Would Cause Panic*, WCBS TV, Apr. 28, 2009, <http://wcbstv.com/topstories/air.force.one.2.996457.html>.

¹⁰ Roger Runnigen and Tony Capaccio, *Obama Orders Review of New York Flight as Cost Put at \$328,835*, Bloomberg.com, Apr. 28, 2009 [hereinafter Bloomberg.com, Apr. 28, 2009].

¹¹ General Accounting Office (GAO), *Presidential Travel: DOD Airlift Cost for White House Foreign Travel*, GAO/NSIAD-00-209, Aug. 4, 2000 at 37 [hereinafter GAO Report]. The General Accounting Office was renamed the Government Accountability Office in 2004. VC-25 is the designation for the Air Force passenger transportation aircraft used by the President. It is a modified Boeing 747.

¹² L. Elaine Halchin, Congressional Research Service, *Presidential Travel: Policy and Costs*, CRS no. RS21835, Apr. 10, 2007 [hereinafter CRS Report].

¹³ Bloomberg.com, Apr. 28, 2009.

¹⁴ Interview by Kiran Chetry with Francis Townsend, Former White House Homeland Security Advisor, *Former Bush Aide: Plane Photo-Op Was “Felony Stupidity,”* CNN American Morning, Apr. 28, 2009, <http://politicalticker.blogs.cnn.com/2009/04/28/former-bush-aide-plane-photo-op-was-felony-stupidity/>.

¹⁵ The President, Memorandum for the Heads of Executive Departments and Agencies, Subject: Transparency and Open Government, Jan. 21, 2009, http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment/ (emphasis added).

1. A copy of the flight manifest for the aircraft used in Monday's exercise.
2. What criteria are used to calculate the costs of these photo shoots, and which department's budget is responsible for assuming these costs, i.e., are these costs assumed by the White House or the Defense Department?
3. A summary of the costs associated with Monday's photo shoot.
4. On Tuesday, the White House announced that you will be leading a review to determine "how the decision was made to conduct the flight."¹⁶ When this review is completed, please produce a copy.
5. Produce a copy of all photos taken for Monday's photo shoot.
6. Will the White House or the Defense Department be releasing copies to the public of all photos taken during Monday's photo shoot?
7. On Monday, White House press secretary Robert Gibbs said the flyover was "two training missions that became in the end a picture mission."¹⁷ What was the purpose of Monday's flyover; was it a training mission or a photo shoot?
8. Will the photos taken on Monday be used for promotional purposes by the White House, the President, the Air Force, or the Defense Department?
9. The use of appropriated funds for propaganda or public relations activities is largely prohibited. In light of these restrictions, for what purpose were promotional photos being taken?
10. A copy of the memo prepared by the FAA's James Johnston directing local officials not to release any information to the public about the photo shoot.
11. Was information relating to Monday's photo shoot classified?
12. If information relating to Monday's photo shoot was classified, under what basis was it classified?
13. Does the White House believe the secretive nature in which the photo shoot was planned contributed to the widespread confusion and panic that

¹⁶ Bloomberg.com, Apr 28, 2009.

¹⁷ *Id.*

ensued when the two F-16s and Boeing 747 flew at a low altitude over Manhattan?

14. Does the White House Military Office (WHMO) have a protocol or official procedures for implementing these photo shoots? If it does, provide a copy.
15. Identify all officials within the WHMO responsible for arranging Monday's photo shoot.
16. Identify all FAA officials WHMO communicated with in advance of Monday's photo shoot.
17. Identify all New York City officials WHMO communicated with in advance of Monday's photo shoot.
18. In light of the current economic crisis and ever growing deficits, what steps will be taken in the future to reduce the occurrence of expensive promotional photo shoots like this?
19. In light of the Administration's publicized cabinet level efforts to achieve minor cost savings, do you believe this incident highlights the need for a policy to achieve savings by avoiding such costly and unnecessary exercises?
20. Did the White House or the Department of Defense consider using Adobe Photoshop or some other photo editing software instead of this expensive photo mission?

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X.

Thank you for your attention. I look forward to working with you to ensure these types of serious missteps do not occur in the future.

Sincerely,



Darrell Issa
Ranking Member

cc: Chairman Edolphus Towns