

# **Terrorism commission caves in to White House over 9/11 documents**

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The independent commission charged with investigating the September 11 terrorist attacks in New York City and Washington has backed down in the face of White House intransigence and agreed to let the Bush administration determine what information it will turn over to the panel.

An agreement reached November 13 between the White House and the National Commission on Terrorist Attacks Upon the United States provides very limited access to the Presidential Daily Briefs (PDBs), the daily summaries of all US intelligence reporting that are the most important documents being withheld from the commission.

The Bush administration has refused to turn over the PDBs, although it has no legal claim of executive privilege, since the independent commission is not part of the legislative branch, but was set up jointly by Congress and the White House.

It was a PDB dated August 6, 2001, that reportedly informed Bush and his top aides, more than a month before the destruction of the World Trade Center, that Al Qaeda terrorists were planning terrorist attacks within the continental US using hijacked airplanes.

One of the 10 members of the commission and one staff member will review hundreds of PDBs during the period leading up to September 11, covering both the Clinton administration and the first eight months of the Bush administration. They will prepare summaries of relevant passages of the PDBs, which the White House will review and edit before they are given to the other members of the commission.

The two top leaders of the commission, Republican chairman Thomas Kean, former governor of New Jersey, and Democratic vice-chairman Lee Hamilton, a former congressman from Indiana, agreed to this White House-controlled procedure rather than issuing

subpoenas for the material.

Administration foot-dragging has already compelled the commission to issue subpoenas for Federal Aviation Administration (FAA) and Air Force records on the movement of air defense fighters on September 11. The White House instructed the FAA and Pentagon to comply with the subpoenas, but it vowed to fight any subpoena for the Presidential Daily Briefs, threatening a lengthy court battle.

The commission has also subpoenaed the tape recordings of New York City police and fire communications on September 11, after Mayor Michael Bloomberg refused to release them, citing privacy concerns.

Kean and Hamilton chose the two who will review the PDBs: staff director Philip Zelikow, a Republican, and commissioner Jamie Gorelick, a Democrat. Both are safe choices from the standpoint of protecting the US military/intelligence apparatus.

Zelikow is a University of Virginia professor with close ties to the Bush administration. He co-authored a book with national security adviser Condoleezza Rice and worked on the National Security Council's transition from the Clinton administration to the Bush administration. Gorelick served eight years in the Clinton administration, first as general counsel to the Pentagon, then as deputy attorney general.

Representatives of the families of September 11 victims denounced the agreement limiting access to White House documents, calling it a violation of the commission's mandate to investigate what US intelligence agencies and government officials knew in advance of the terrorist attacks.

The Family Steering Committee issued a statement saying the agreement would "prevent a full uncovering of the truth and is unacceptable... The commission

should issue a statement to the American public fully explaining why this agreement was chosen in lieu of issuing subpoenas to the CIA and executive branch.”

A spokeswoman for the group, Kristen Breitweiser, whose husband Ronald was killed at the World Trade Center, told the press, “I think this entire deal needs to be explained to the public. This is an independent commission that is supposed to be transparent, that is supposed to be open.”

Breitweiser singled out the role of staff director Zelikow, saying, “Phil Zelikow has a very large conflict of interest. He is very close friends with Condi Rice, he was on the transition team, and some of these documents are going to pertain to that. It’s very disturbing. This was supposed to be an independent commission, not a presidential commission.”

Two Democratic members of the committee also condemned the agreement. Former Indiana congressman Timothy Roemer said that with the power to edit the PDBs before turning them over to the commission, the White House could remove the context of any references to terrorist threats and hide “smoking guns.” Under the agreement, he said, “Our members may see only two or three paragraphs out of a nine-page report.”

Max Cleland, a former senator from Georgia, called the agreement “unconscionable” and said the work of the committee was being “deliberately compromised by the president of the United States.”

“If this decision stands, I, as a member of the commission, cannot look any American in the eye, especially family members of victims, and say the commission had full access,” Cleland said.

Cleland is a conservative Democrat and triple-amputee from the Vietnam War who once headed the Veterans Administration. But last month he issued a warning that White House stonewalling was making it impossible for the commission to meet its May 27, 2004, deadline for a final report on the September 11 attacks. He claimed that the delays were politically motivated, aimed at allowing the Bush administration to “run out the clock” and avoid accountability before the 2004 elections.

In a remark little noted by the media at the time—but extraordinary in its implications—Cleland declared, “As each day goes by, we learn that this government knew a whole lot more about these terrorists before September

11 than it has ever admitted.”

The American media has reported the agreement between the September 11 commission and the White House in largely uncritical terms. There has been no outcry over the refusal of the Bush administration to cooperate with an investigation into the largest single act of mass murder in US history—in sharp contrast to the media frenzy over Clinton’s foot-dragging in the independent counsel investigation into his sex life.

The *Washington Post* portrayed the agreement as a remarkable concession by the White House. It wrote, on November 16, that the deal “marks a departure for an administration that frequently has fought attempts by Congress and government investigators to review other sensitive executive branch documents.”

The newspaper quoted Zelikow praising the administration: “Neither we nor the White House are aware of any precedent for this in the history of the republic. That is true not only for our access to these items, but for many of the other kinds of access to highly sensitive materials that we have been granted.”

The *Post* added its own benediction for the cover-up, with an editorial on November 17 headlined “Adequate Access.” The newspaper declared, “The Bush administration has provided a mountain of material to the commission. The latest negotiations concern especially sensitive material, and it is appropriate to take precautions to protect it... Our sense is that the agreement, though imperfect, should secure for the commission the access it needs.”

In its news article on the agreement, however, the *New York Times* commented, “Administration officials have acknowledged that they are concerned that intelligence reports received by Mr. Bush in the weeks before 9/11 might be construed to suggest that the White House failed to respond to evidence suggesting that Al Qaeda was planning a catastrophic attack.”



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