

Congress  
of the  
United States  
House of Representatives  
JOHN F. TIERNEY  
MASSACHUSETTS  
SIXTH DISTRICT



January 24, 2001

The Honorable Christopher Shays  
Chairman  
Subcommittee on National Security, Veterans Affairs  
And International Relations  
B372 Rayburn House Office Building  
Washington, DC 20515-6149

Dear Chairman Shays:

I am writing to request that the Subcommittee subpoena Lieutenant General Ronald Kadish, Director of the Ballistic Missile Defense Organization (BMDO) within the Department of Defense. I request that the Subcommittee order production of a memorandum prepared by the Director of Operational Test and Evaluation (OT&E) during the National Missile Defense Program's Deployment Readiness Review last summer. I do not make this request lightly, but only after numerous attempts to obtain the promised document, which have been met by silence, delay and now rejection.

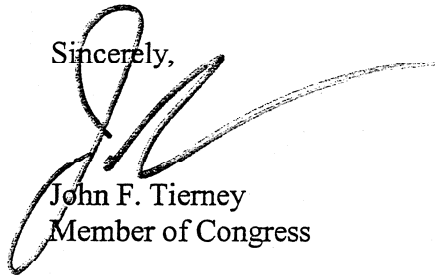
It became evident during our Subcommittee's September 8, 2000, hearing that BMDO may have been overstating the technological progress of the missile defense program. During questioning, I asked Phil Coyle, the Director of OT&E, if he prepared a formal report during the Deployment Readiness Review. He responded affirmatively, explaining that it described limitations in testing up to that point. The report also criticized this testing for being unrealistic, according to Mr. Coyle. I asked if he could provide his report, and he agreed. I then moved to have his report included in the hearing record, a motion that you accepted without objection. In addition, I restated my request for the report in a September 28, 2000, letter to you, which you forwarded to General Kadish on October 4, 2000.

To the best of my knowledge, the Subcommittee received no official response from BMDO to either the questions for the record or the request for the report, despite several calls by my staff over the past several months. After a personal call from me to Deputy Secretary of Defense Rudy De Leon, minority staff finally was informed on January 22, 2001, that BMDO has now decided to withhold the report from the Subcommittee. For these reasons, and to maintain the legitimacy of the Subcommittee's oversight authority, I believe a subpoena remains the only option for compelling production of the report.

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Related to these actions, there have allegations that BMDO has begun a process of classifying documents related to the missile defense program in a manner designed to stymie congressional oversight and public information rather than protect national security. In addition to the subpoena, I hope you will consider having the Subcommittee investigate these claims to determine their veracity.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Tierney', with a long horizontal flourish extending to the right.

John F. Tierney  
Member of Congress

Cc: The Honorable Henry Waxman  
Ranking Member  
House Committee on Government Reform