

ONE HUNDRED NINTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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February 10, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

We are writing to request that our Committee hold hearings to investigate two extremely serious questions raised by an article that appeared in this morning's *New York Times*. The first question is whether the Administration misused the classification process to withhold, for political reasons, official 9/11 Commission staff findings detailing how federal aviation officials received multiple intelligence reports warning of airline hijackings and suicide attacks before September 11. The second question relates to the veracity of statements, briefings, and testimony by then-National Security Advisor Condoleezza Rice regarding this issue.

Background

This morning's *New York Times* reported that in "the months before the Sept. 11 attacks, federal aviation officials reviewed dozens of intelligence reports that warned about Osama bin Laden and Al Qaeda, some of which specifically discussed airline hijackings and suicide operations."¹ The article explained that the Federal Aviation Administration "received 52 intelligence reports" that mentioned Osama bin Laden or Al Qaeda prior to September 11, 2001, and that the FAA warned airports that if "the intent of the hijacker is not to exchange hostages for prisoners, but to commit suicide in a spectacular explosion, a domestic hijacking would probably be preferable."

This information was included in a staff report by the 9/11 Commission dated August 26, 2004. The 9/11 Commission report found that there was "intelligence that indicated a real and growing threat leading up to 9/11," but that this intelligence "did not stimulate significant increases in security procedures." Although the report did not find that the government had advance information about the specific September 11, 2001, attacks, it reported that the FAA

¹ *9/11 Report Cites Many Warnings about Hijackings*, *New York Times* (Feb. 10, 2005).

took various measures to warn airport security officials about “the possibility of a suicide hijacking.”

Declassification Process

The first question Committee hearings should address is whether the Bush Administration abused the classification process to improperly withhold the 9/11 Commission findings from Congress and the public until after the November elections and the confirmation of Condoleezza Rice as Secretary of State. Although the 9/11 Commission staff completed its report on August 26, 2004, the Bush Administration refused to declassify the findings until January 28, 2005, less than 48 hours after Ms. Rice was confirmed as Secretary of State.² At that time, the Department of Justice delivered both a classified version and an unclassified version to the National Archives, the agency charged with collecting and retaining all 9/11 Commission documents.

During the period between August 26 and January 28, the Administration was reportedly reviewing the Commission’s report to determine whether it contained any information that should be classified in the interest of national security. Problems with this process had been raised previously by the 9/11 Commission.³

The Committee should investigate the process by which the Administration handled the declassification, redaction, and release of this 9/11 Commission report. Specifically, the Committee should investigate the following questions:

- (1) What was the process for declassifying, redacting, and releasing this report, and who specifically was responsible for these actions?
- (2) Were there political considerations behind the declassification, redaction, or timing of the release of the report?
- (3) What were the specific rationales for each redaction in the report? Were these redactions appropriate?

On December 2, 2004, we joined with Rep. Christopher Shays, Chairman of the National Security Subcommittee, and 23 other members in a letter to Attorney General John Ashcroft specifically requesting the 9/11 Commission report at issue.⁴ We noted that “there have been a

² *Rice Is Confirmed Amid Criticism*, Washington Post (Jan. 27, 2005).

³ *See, e.g., 9/11 Commission Says U.S. Agencies Slow Its Inquiry*, New York Times (July 9, 2003); *Bush Weighing Decision on Release of Classified Documents to Sept. 11*, New York Times (Oct. 28, 2003).

⁴ Letter from Rep. Carolyn B. Maloney et al. to Attorney General John Ashcroft (Dec. 2, 2004).

number of calls for its release, to no avail,” and we expressed concern that “politics may be playing a role in its release.” This specific congressional request was apparently ignored by the Administration. When the staff report was declassified on January 28 and sent to the National Archives, no notice was provided to us.

Statements by Ms. Rice

The Committee should also examine the process by which Ms. Rice investigated and researched intelligence reports regarding airline suicide attacks prior to making public statements regarding this issue, testifying before the 9/11 Commission on April 8, 2004, and advising President Bush.

During her tenure as President Bush’s National Security Advisor, Condoleezza Rice made several categorical statements asserting that there were never any warnings that terrorists might use airplanes in suicide attacks. On May 16, 2002, for example, Ms. Rice made the following statement at a White House press briefing:

I don’t think anybody could have predicted that these people would take an airplane and slam it into the World Trade Center, take another one and slam it into the Pentagon, that they would try to use an airplane as a missile, a hijacked airplane as a missile.⁵

When Ms. Rice testified under oath before the 9/11 Commission on April 8, 2004, the Chairman of the 9/11 Commission, Thomas Kean, asked her about her knowledge of a possible suicide attack using airplanes. After acknowledging that her previous statement generated “concern about what I might have known or we might have known,” she stated as follows:

I said no one could have imagined them taking a plane, slamming it into the Pentagon — I’m paraphrasing now — into the World Trade Center, using planes as a missile. As I said to you in the private session, I probably should have said “I” could not have imagined, because within two days, people started to come to me and say, “Oh, but there were these reports in 1998 and 1999, the intelligence community did look at information about this.”

To the best of my knowledge, Mr. Chairman, this kind of analysis about the use of airplanes as weapons actually was never briefed to us. I cannot tell you that there might not have been a report here or a report there that reached somebody in our midst. All that I can tell you is that it was not in the August 6th memo, using planes as a weapon, and I do not remember any reports to us, a kind of strategic warning that planes might be used

⁵ *Condoleezza Rice Holds News Briefing on Pre-9/11 Intelligence Information*, FDCH Political Transcripts (May 16, 2002).

as a weapon. In fact, there were some reports done in '98 and '99. I think I was — I was certainly not aware of them at the time that I spoke.⁶

The President, who was advised by Ms. Rice about national security matters, also repeatedly made definitive statements claiming absolute ignorance regarding the possibility of terrorists using airplanes in suicide missions. For example, President Bush stated on national television:

Had I known that the enemy was going to use airplanes to strike America, to attack us, I would have used every resource, every asset, every power of this government to protect the American people.⁷

One possibility raised by these facts is that Ms. Rice was unaware of the FAA warnings when she appeared before the press and testified before the 9/11 Commission. This would raise serious questions about her preparation and competency. Another possibility is that Ms. Rice knew about the FAA warnings but provided misleading information to the public and the Commission. Neither of these possibilities would reflect well on Ms. Rice. Perhaps there are other more innocent explanations for these seeming inconsistencies.

Given the gravity of these questions and significance of the new disclosures, the Committee should investigate what Ms. Rice knew, when she knew it, and why she testified as she did. The public has the right to expect that senior Administration officials will be candid on matters of national security, especially when they involve the tragic events of September 11. An investigation is needed to determine whether this standard was met in this instance.

⁶ *Hearing of the National Commission on Terrorist Attacks upon the United States* (Apr. 8, 2004) (online at www.9-11commission.gov/archive/hearing9/9-11Commission_Hearing_2004-04-08.pdf).

⁷ *Inside Politics*, Cable News Network (Mar. 25, 2004). See also *George W. Bush Delivers Remarks and Presents the Commander-In-Chief's Trophy*, FDCH Political Transcripts (May 17, 2002) (“Had I known that the enemy was going to use airplanes to kill on that fateful morning, I would have done everything in my power to protect the American people”); *Wolf Blitzer Reports*, CNN (Apr. 5, 2004) (“Make no mistake about it, if we had known that the enemy was going to fly airplanes into our buildings, we would have done everything in our power to stop it”); *Secretary of Defense Donald H. Rumsfeld Interview with Rush Limbaugh (As Released by the Pentagon)*, FDCH Political Transcripts (May 16, 2002) (“Well I guess I’d begin by saying it’s really much ado about nothing. To my knowledge there was no warning, no alert as to suicide attackers in airplanes”).

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Document Request

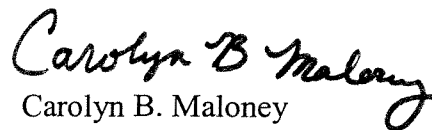
Finally, we request that the Committee obtain from the Administration the following documents identified in the *New York Times* article this morning:

- (1) A full, unredacted copy of the classified version of the 9/11 Commission report on FAA intelligence warnings delivered to the National Archives;
- (2) Full and unredacted copies of the 52 intelligence reports received by the FAA;
- (3) Full and unredacted copies of the CD-ROM presentation distributed to airlines and airports in 2001; and
- (4) Full and unredacted copies of slides, reports, or other documents used in classified briefings for security officials at 19 airports in mid-2001.

Sincerely,



Henry A. Waxman
Ranking Minority Member



Carolyn B. Maloney
Member of Congress