



United States Senate Committee on Governmental Affairs

Senator Joseph I. Lieberman

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LIEBERMAN TO WHITE HOUSE: SPEED UP DOCUMENT PRODUCTION FOR SEPTEMBER 11TH COMMISSION

WASHINGTON - Amid escalating evidence the Administration is impeding the work of the commission investigating the September 11th terrorist attacks, Governmental Affairs Committee Ranking Member Joe Lieberman, D-Conn., Friday called upon White House Chief of Staff Andrew Card to ensure that the commission's document requests are met.

Lieberman said the recent discovery that the Federal Aviation Administration failed to turn over relevant documents underscores commission complaints of agency foot-dragging. The commission plans to subpoena the FAA and has threatened to subpoena other agencies if necessary.

“How can we expect the Commission to complete its vital mandate if it goes through months of tortured negotiations for relevant materials, only to discover that an agency's production was inexplicably and seriously deficient?” Lieberman asked in a letter to Card.

The Commission has complained about slow document production from a variety of agencies including the Department of Defense and the Central Intelligence Agency, despite a mechanism set up by Card whereby agencies funnel documents through the White House. Document production from the White House has been slow, as well.

Exhaustive and time-consuming negotiations for vital information is reminiscent of the experience of the joint House and Senate Intelligence Committee's investigation into intelligence lapses leading up to September 11th, he said. That investigation, for example, never received access to the President's daily intelligence briefings and documents related to the National Security Council's counter-terrorism policy.

“The Bush Administration has a long record of opposing a truth-seeking commission into the terrorist attacks of the September 11, and I hope the delays of the past months are not simply another way for this White House to thwart an independent inquiry,” Lieberman wrote. “If the Commission is unable to obtain the documents it needs to provide a full accounting of the causes and lessons of September 11th, the Administration will have to answer to the American public and to the families of the victims of that awful tragedy.

“I hope that the White House and all federal agencies will expeditiously comply with all outstanding requests from the Commission, so that we are not left wondering for years to come about questions that remain unanswered.”

Following is text of the letter:

October 17, 2003

Andrew Card

Assistant to the President and Chief of Staff
The White House
Washington, DC 20502

Dear Mr. Card:

I write to share with you my serious concerns about the extent of the Administration's cooperation with the National Commission on Terrorist Attacks upon the United States. These concerns have only increased with the Commission's recent discovery that the Federal Aviation Administration (FAA) had failed to provide the Commission with materials highly relevant to its inquiry. I urge you to ensure that the Administration and federal agencies immediately turn over all documents the Commission needs to complete its inquiry.

In a memo to Executive Branch agencies, dated March 19, you established a process through which agencies would funnel through the White House documents to be produced for the Commission. Despite the process you established, the Commission has on several occasions complained of inadequate compliance by a number of agencies. In its first public report on the issue, dated July 8, the Commission described the poor compliance of a number of key agencies, and noted, "[e]very lost day complicates our work." On September 23, a second Commission report referred to "unnecessary delays" in document production, and described ongoing negotiations to obtain "critical" high-level agency records. On October 10, a statement from the Commission's Chair and Vice Chair reported that the Commission was "continuing to press for necessary access to some key items," including "key policy documents" from the Central Intelligence Agency and Department of Defense.

On top of all this agency foot-dragging comes Wednesday's revelation that the FAA had failed to turn over a variety of key documents and materials. The Commission reported that FAA's delay had "significantly impeded the progress of our investigation." How can we expect the Commission to complete its vital mandate if it goes through months of tortured negotiations for relevant materials, only to discover that an agency's production was inexplicably and seriously deficient? The Commission has every right to suspect the adequacy of the process you have set up, and to consider issuing subpoenas against agencies other than the FAA.

Unfortunately, the White House itself is engaging in the same sort of slow negotiations for access that the Commission is encountering elsewhere. The Commission has reported ongoing attempts over the course of many months to obtain documents from the White House, and as recently as October 10 was reporting incomplete production. The Joint Inquiry of the Congressional Intelligence committees was stymied in its efforts to obtain critical White House materials such as the President's daily intelligence briefings and documents related to the National Security Council's counter-terrorism policy, and I am greatly concerned that the Commission as well may not receive access to critical White House materials.

The Commission has very little time remaining to complete its investigation and report on its conclusions and recommendations. The Bush Administration has a long record of opposing a truth-seeking commission into the terrorist attacks of September 11, and I hope the delays of the past months are not simply another way for this White House to thwart an independent inquiry. If the Commission is unable to obtain the documents it needs to provide a full accounting of the causes and lessons of September 11, the Administration will have to answer to the American public and to the families of the victims of that awful tragedy. I hope that the White House and all federal agencies will expeditiously comply with all outstanding requests from the Commission, so that we are not left wondering for years to come about questions that remain unanswered.

Sincerely,

Senator Joseph I. Lieberman
Ranking Member

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