



## **First Interim Report of the National Commission on Terrorist Attacks Upon the United States**

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### **BACKGROUND**

The 9/11 Commission will report on the facts and circumstances surrounding the attacks of September 11, 2001. It will review, identify, and evaluate lessons learned and make recommendations for the future. While we analyze the terrorist danger around the world, we are also addressing sensitive policy and intelligence issues across the federal government and beyond. In the last six months, the Commission has launched the most wide-ranging outside investigation of American national security in the history of the United States. We make this point so that the public will understand that the issues we are addressing have few, if any, precedents.

With a staff of more than 60 in three offices, two in Washington, DC and one in New York City, the Commission has received thousands of documents and is meeting with officials in every area of its work. The Commission is fully funded. Its professional staff has deep expertise. The staff now has the necessary security clearances. We are also able to build on work that has already been done inside the government.

### **STATUS REPORT**

This is a critical time for the Commission. We have worked hard to stay on schedule to complete our work by the end of May 2004, as required by our statute, but the coming weeks will determine whether we will be able to do our job within the time allotted. The task in front of us is monumental. Time is slipping by. Every day lost complicates our work. Extensive and prompt cooperation from the U.S. government, the Congress, state and local agencies, and private firms is essential. This report offers an initial evaluation of this cooperation.

When he signed the bill that created the Commission, President Bush pledged his cooperation. He and his subordinates have made significant efforts to keep that promise. Security clearances for commissioners and staff were expedited. The President designated a senior official at the Justice Department to facilitate Executive Branch cooperation with the Commission.

Yet it is also clear that the Administration underestimated the scale of the Commission's work and the full breadth of support required. The facilitation job previously assigned to

an already busy top official at Justice has now been transferred to another senior Justice official working full-time to support the Commission along with four deputies.

Every bit of that help will be needed in expediting responses to the 26 briefing requests and 44 *sets* of document requests, many with dozens of categorical areas of inquiry, that have already been filed with 16 different agencies. While thousands of documents are flowing in—some in boxes and some digitized—most of the documents we need are still to come. These documents are critical in their own right and to help our staff prepare for their hundreds of interviews with individual officials.

We now detail the status with respect to many agencies:

- The document requests already filed with the Executive Office of the President cover every major part of the EOP, including the NSC. We will not go into detail on the substance of these or other requests. We can say that we have received and are in the process of receiving access to a wide range of sensitive documents and that, to date, no requested access has been denied. Many more documents are being requested. Conditions have been imposed, in some cases, with respect to our access to and usage of these materials. Our discussions continue.
- The Central Intelligence Agency has been arranging needed briefings and providing intelligence products, including essential information that has been developed since 9/11. DCI Tenet composed a strong review group and team of analysts to look back at the pre-9/11 record. Their work has been invaluable. The CIA has been slower in producing the internal documents that we have requested on management and resource choices in the pre-9/11 war on terrorism.
- The Federal Bureau of Investigation got off to a slow start in responding to the Commission's requests. When Director Mueller became aware of the Commission's concerns, he assigned additional agents and staff to assist us. He and his staff have provided us with detailed briefings on the PENTTBOM investigation and the counterterrorism reforms undertaken by the FBI since 9/11. The FBI is now moving constructively to help us utilize the records compiled in the largest criminal inquiry ever conducted by the Bureau. Especially helpful, the Bureau has helped us access documents in a searchable electronic form.
- The Department of Justice has assisted the White House in resolving issues that have arisen in agency responses to our requests. But records requested from DOJ are overdue, and the Department has not yet been able to resolve important issues related to the Moussaoui case. We also disagree with the Administration's general insistence on having agency representatives present during interviews of serving officials, and this matter is still under discussion.
- The problems that have arisen so far with the Department of Defense are becoming particularly serious. We have not received responses to requests relating to NORAD and other DOD components, including the JCS and the

Department's historical office. Delays are lengthening and agency points of contact have so far been unable to resolve them. In the last few days, we have been assured that the Department's leaders will address these concerns. We look forward to seeing the results.

- The Department of State has responded helpfully to all requests made so far. The Department of the Treasury has also been responsive, as have officials at the Securities and Exchange Commission.
- The Department of Transportation and the Federal Aviation Administration have gradually been responsive to the Commission. But we still have some important additional information to obtain from them.
- The record of support from the Department of Homeland Security so far is mixed. Elements of the former Immigration and Naturalization Service have been slow in providing briefings, although there are recent signs of improvement. The Transportation Security Administration has provided a substantial volume of material to us. The Secret Service has also been helpful.
- Relevant congressional committees have displayed good will, but we have encountered problems in obtaining adequate access to the materials compiled by the Joint Inquiry. Through cooperation, almost all of those problems have been resolved. More tests will be coming as the Commission extends its scrutiny of congressional resource allocation and oversight.
- It is still too soon to assess cooperation by local agencies such as New York City, the Port Authority, or Arlington County, or private sector entities such as the relevant airlines.

We believe the President when he says he is committed to assisting the Commission. The White House has demonstrated that commitment in some vital ways, but the next few weeks will be crucial. We will need strong support from the White House to insure that we are able to receive the materials we require in sufficient time to meet the statutory deadline.

We acknowledge the challenge faced in responding to these requests by officials already busy with other tasks. But we must look backward in order to look forward. The contemporary history of the country passed a watershed on 9/11. We must do the job we are required to do by law so that we may understand how we came to this turning point in the way we think about our security and to understand the choices that lie ahead.

We will provide another interim report on our progress in September.