

United States Senate

WASHINGTON, DC 20510

March 22, 2004

The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

This week, the National Commission on Terrorist Attacks Upon the United States is expected to hear testimony from your Administration and the preceding one regarding the attacks of September 11, 2001. While the Secretaries of Defense and State from both Administrations, along with the Director of Central Intelligence, are planning to testify, we are struck by the absence of your national security adviser from the Commission's hearing schedule. We are writing to respectfully request that you require Condoleezza Rice to testify publicly before the Commission.

Although Secretary of State Colin Powell, Defense Secretary Donald Rumsfeld, and CIA Director George Tenet are expected to testify, along with Clinton Secretary of State Madeleine Albright, Defense Secretary William Cohen, and former National Security Adviser Samuel Berger, Dr. Rice has refused to do so. The White House's rationale for Dr. Rice's failure to testify publicly is that staff-level officials do not offer sworn testimony before Congress because such testimony would raise separation of powers concerns. We respectfully disagree.

First, Dr. Rice is not being asked to testify before Congress, but is being called to appear before an independent, bipartisan commission investigating one of the worst tragedies in American history.

Second, the White House's argument against requiring Dr. Rice to testify is contradicted by prior decisions to testify made by Samuel Berger, President Clinton's national security adviser, and Richard Clarke, a top counter-terrorism aide in both Administrations. Like Dr. Rice, they served at the staff level but are complying with the Commission's request to testify.

Third, Dr. Rice has not shied away from discussing the National Security Council staff's role in responding to the al Qaeda threat. Indeed, she wrote a newspaper opinion article today in which she voluntarily discusses proposals that were considered by the White House to thwart al Qaeda. In our view, there is no reason why she can discuss these issues in a newspaper article but not under oath before the Commission in public.

Fourth, notwithstanding the fact that the Commission is not Congress, there are several examples of Presidential advisors voluntarily testifying before Congress. According to the Congressional Research Service, during World War Two, Presidential advisors Donald M. Nelson, Jonathan Daniels, and Donald S. Dawson all appeared before various Senate Committees.

The requirement that Dr. Rice testify publicly is further underscored by new claims that efforts to brief you, your Cabinet officers, and top staff members about the pending threat of al Qaeda were repeatedly rebuffed by Dr. Rice in the months leading up to and immediately following the 9/11 attacks. In addition, Mr. Clarke, Mr. Berger, and other Clinton Administration officials are expected to testify before the Commission this week that they warned Dr. Rice and national security staff about the need to address the al Qaeda threat following the 2000 elections.

While we acknowledge her efforts to work with the Commission in private, we believe that these revelations demonstrate a need for Dr. Rice to appear publicly before the Commission. She has been appearing in frequent television interviews to present her position on these issues. Her refusal to testify before the Commission can only lead the American people to one conclusion: that she has something to hide and is not fully committed to finding the truth.

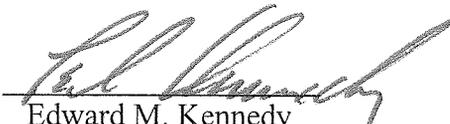
Finally, we ask that you take pains to ensure that no one in the Administration engages in any effort to denigrate or otherwise retaliate against those who testify before the Commission.

Thank you for your attention to this matter.

Sincerely,


Robert C. Byrd
United States Senate

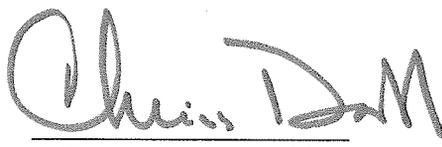

Charles E. Schumer
United States Senate

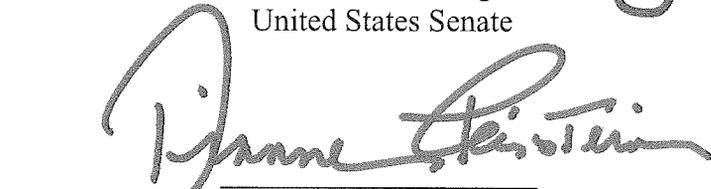

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