

## Commission Confidential

*By Max Holland*

In a revelation bound to cast a pall over the 9/11 Commission, Philip Shenon will report in a forthcoming book that the panel's executive director, Philip Zelikow, engaged in "surreptitious" communications with presidential adviser Karl Rove and other Bush administration officials during the commission's 20-month investigation into the 9/11 attacks.

Shenon, who led *The New York Times'* coverage of the 9/11 panel, reveals the Zelikow-Rove connection in a new book entitled *The Commission: The Uncensored History of the 9/11 Investigation*, to be published next month by Twelve Books. *The Commission* is under an embargo until its February 5 publication, but *Washington DeCoded* managed to purchase a copy of the abridged audio version from a New York bookstore.

In what's termed an "investigation of the investigation," Shenon purports to tell the story of the commission from start to finish. The book's critical revelations, however, revolve almost entirely around the figure of Philip Zelikow, a University of Virginia professor and director of the Miller Center of Public Affairs prior to his service as the commission's executive director. Shenon delivers a blistering account of Zelikow's role and leadership, and an implicit criticism of the commissioners for appointing Zelikow in the first place—and then allowing him to stay on after his myriad conflicts-of-interest were revealed under oath.

Shenon's narrative is built from extensive interviews with staff members and several, if not all, the commissioners. He depicts Zelikow as exploiting his central position to negate or neutralize criticism of the Bush administration so that the White House would not bear, in November 2004, the political burden of failing to prevent the attacks.

*The Commission* includes these specific revelations:

- Kean and Hamilton appreciated that Zelikow was a friend and former colleague of then-national security adviser Condoleeza Rice, one of the principal officials whose conduct would be scrutinized. Zelikow had served with her on the National Security Council (NSC) during the presidency of Bush's father, and they had written a book together about German reunification. The commission co-chairmen also knew of Zelikow's October 2001 appointment to the President's Foreign Intelligence Advisory Board. According to

Shenon, however, Zelikow failed to disclose several additional and egregious conflicts-of-interest, among them, the fact that he had been a member of Rice's NSC transition team in 2000-01. In that capacity, Zelikow had been the "architect" responsible for demoting Richard Clarke and his counter-terrorism team within the NSC. As Shenon puts it, Zelikow "had laid the groundwork for much of what went wrong at the White House in the weeks and months before September 11. Would he want people to know that?"

- Karen Heitkotter, the commission's executive secretary, was taken aback on June 23, 2003 when she answered the telephone for Zelikow at 4:40 PM and heard a voice intone, "This is Karl Rove. I'm looking for Philip." Heitkotter knew that Zelikow had promised the commissioners he would cut off all contact with senior officials in the Bush administration. Nonetheless, she gave Zelikow's cell phone number to Rove. The next day there was another call from Rove at 11:35 AM. Subsequently, Zelikow would claim that these calls pertained to his "old job" at the University of Virginia's Miller Center.
- The full extent of Zelikow's involvement with the incumbent administration only became evident within the commission on October 8, 2003, almost halfway into the panel's term. Determined to blunt the Jersey girls' call for his resignation or recusal, Zelikow proposed that he be questioned under oath about his activities. General counsel Daniel Marcus, who conducted the sworn interview, brought a copy of the résumé Zelikow had provided to Kean and Hamilton. None of the activities Zelikow now detailed—his role on Rice's transition team, his instrumental role in Clarke's demotion, his authorship of a post-9/11 pre-emptive attack doctrine—were mentioned in the résumé. Zelikow blandly asserted to Marcus that he did not see "any of this as a major conflict of interest." Marcus's conclusion was that Zelikow "should never have been hired" as executive director. But the only upshot from these shocking disclosures was that Zelikow was involuntarily recused from that part of the investigation which involved the presidential transition, and barred from participating in subsequent interviews of senior Bush administration officials.
- Some two months later, as Bob Kerrey replaced disgruntled ex-Senator Max Cleland on the panel, the former Nebraska senator became astounded once he understood Zelikow's obvious conflicts-of-interest and his very limited recusal. Kerrey could not understand how Kean and Hamilton had ever agreed to put Zelikow in charge. "Look Tom," Kerrey told Kean, "either he goes or I go." But Kean persuaded Kerrey to drop his ultimatum.
- In late 2003, around the time his involuntary recusal was imposed, Zelikow called executive secretary Karen Heitkotter into his office and ordered her to stop creating records of his incoming telephone calls. Concerned that the order was improper, a nervous Heitkotter soon told general counsel Marcus. He advised her to ignore Zelikow's order and continue to keep a log of his telephone calls, insofar as she knew about them.
- Although Shenon could not obtain from the GAO an unredacted record of Zelikow's cell phone use—and Zelikow used his cell phone for most of his outgoing calls—the *Times* reporter was able to establish that Zelikow made numerous calls to "456" numbers in the 202 area code, which is the exclusive prefix of the White House.

- Even after his recusal, Zelikow continued to insert himself into the work of “Team 3,” the task force responsible for the most politically-sensitive part of the investigation, counter-terrorism policy. This brief encompassed the White House, which meant investigating the conduct of Condoleeza Rice and Richard Clarke during the months prior to 9/11. Team 3 staffers would come to believe that Zelikow prevented them from submitting a report that would have depicted Rice’s performance as “amount[ing] to incompetence, or something not far from it.”

In *Without Precedent*, Kean and Hamilton’s 2006 account of the 9/11 panel, the two co-chairmen wrote that Zelikow was a controversial choice

. . . [but] we had full confidence in Zelikow’s independence and ability—and frankly, we wanted somebody who was unafraid to roil the waters from time to time. He recused himself from anything involving his work on the NSC transition. He made clear his determination to conduct an aggressive investigation. And he was above all a historian dedicated to a full airing of the facts. It was clear from people who knew and worked with him that Zelikow would not lead a staff inquiry that did anything less than uncover the most detailed and accurate history of 9/11.

Shenon’s radically different account of the commission’s inner workings promises to achieve what none of the crackpot conspiracy theorists have managed to do so far: put the 9/11 Commission in disrepute.

*The Commission* will be reviewed in the February issue of *Washington DeCoded*.