

## Civics Lesson

*The Commission: The Uncensored History of the 9/11 Investigation*

By Philip Shenon

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*By Max Holland*



The citizens who lost beloved ones on September 11, 2001 were once like most Americans: politically disengaged if not disenchanted, preoccupied with family and friends, earning a living, and life's pleasures. On 9/10, a majority of them would undoubtedly have been hard pressed to name George Bush's national security adviser. "*Is it Colin Powell?*" But her identity hardly seemed to matter outside the beltway until precisely 9:03:11 AM on September 11. At that moment a second passenger jet crashed into the World Trade Center, and it instantly became apparent that the federal government had failed miserably in a most fundamental obligation.

There are a hundred different ways to write about 9/11's impact, but surely one of the most revealing is the unwanted civics lesson the bereaved families received after the terrorist attacks. For many of them, their last exposure to how federal government worked was probably a high school class, and they only dimly remembered "how a bill becomes law." But they naturally wanted answers and accountability from their government in the wake of the terrorist attacks. Why had fathers, sons, and brothers, mothers, daughters, and sisters—non-combatants all—been killed, most of them pulverized beyond recognition, for the crime of showing up on time?

What these families received instead of prompt answers was an advanced and protracted course in high-stakes Washington politics. To denizens of the nation's capital, who have devoted their lives to working in or covering government, none of this came as a particular surprise. To the families, particularly the so-called "Jersey Girls" who spear-headed the search for answers and accountability, it was in many ways a bitter education.[\[1\]](#)

This clash is at the heart of Philip Shenon's book on the 9/11 Commission. Shenon, who was the lead reporter on the panel for *The New York Times*, has written an account of the commission's 20-month investigation from start to finish. In the process, *The Commission* unavoidably lays bare the difference between what we are taught to think about how the government works, and the actual, often deflating, reality. After reading it, one cannot help but think back to Attorney General Janet Reno's response to the 1993 debacle at the Branch Davidian compound in Waco, Texas. Reno did the unimaginable:

she promptly took responsibility for a decision that turned out to have terrible consequences. But her public contrition was the exception that proved the rule. In Washington, the single hardest thing to do is to get a government official or agency to own up to a mistake—the finely-honed strategies of avoidance would tax the imagination of any great novelist.

Shenon skips the first semester in the education, i.e., the protracted political wrangling that lasted more than a year before President Bush reluctantly signed the legislation creating the commission on November 27, 2002.<sup>[2]</sup> The White House's opposition was comprehensible if untenable, and almost certainly reflected the then-dominant mentality of Vice President Dick Cheney. Experienced Washington hands know that commissions tend to take on a life of their own and can be unpredictable. Besides, any bipartisan commission would be an irresistible vehicle for Democrats bent on making the Bush administration bear the lion's share of responsibility for 9/11. And if they succeeded, George Bush could presumably kiss good-bye his chances of being re-elected.

Shenon's basic argument, however, is that rather than becoming an instrument of Bush's demise, the commission helped reelect George Bush. As the panel's general counsel, Daniel Marcus, a liberal Democrat, put it to Shenon, the August 2004 final report, by "pulling its punches" to achieve unanimity, mainly served to remind Americans of a dire threat to their security and well-being.<sup>[3]</sup> It thus played into the hands of the White House's re-election strategy, which was to depict George Bush as far more reliable and steady than John Kerry in the face of this existential menace.

At least one commissioner, though, former Nebraska Senator Bob Kerrey (D), takes strong exception to the view Shenon posits. Kerrey [argues](#) that the *9/11 Report* provided plenty of fodder for the Democrats' 2004 nominee, and that the real problem was John Kerry's failure to exploit fully what was in the final report. Rather than harp on the warnings that went unheeded inside the White House, Kerry stupidly (from a political point of view) concentrated on trying to express more enthusiasm for the report than did the White House, which abruptly decided it liked the final document after all. Kerry was also content with trying to outbid Bush in terms of the haste with which a Democrat would implement the panel's recommendations.

Bob Kerrey may have a point. Any Democratic nominee with a sure instinct for the jugular—say, John F. Kennedy, who based his 1960 campaign on a non-existent "missile gap"—might easily have turned the *9/11 Report* to partisan advantage. That John Kerry did not says more about his political instincts than about the report.

Shenon ignores this nuance, perhaps because it clashes with his major theme, which is a very dramatic one: that the commission's ability to report the truth was neutered and neutralized by an executive director, Philip Zelikow, who was allowed to serve despite deep conflicts-of-interest, as well as surreptitious ties to the White House, including with then-national security adviser Condoleezza Rice. Although there are other revelations, the book's axis of criticism is almost entirely about Zelikow, a University of Virginia professor and former director of the Miller Center of Public Affairs. Shenon's book is a

blistering critique of Zelikow's performance, and a not-very-veiled criticism of the commission co-chairmen (Tom Kean and Lee Hamilton) who hired him in the first place, and then allowed Zelikow to stay on even after his multi-faceted conflicts-of-interest were fully revealed under oath.

Kean and Hamilton's seeming obliviousness to appearances, which can be more important than private realities when the political and historical stakes are so high, certainly gnawed at the 9/11 relatives, several of whom called for Zelikow's resignation or recusal from the most sensitive aspects of the inquiry about half-way through the commission's term. In this regard, Shenon's critique closely parallels the perspective of these 9/11 families, who believe the investigation they had to fight for tooth and nail was fatally compromised after Zelikow assumed the commission's most important job.

Shenon goes to some pains to refute the most extreme interpretation of Zelikow's hiring: that he was a "mole" emplaced by the White House to thwart the issuance of a devastating report. In fact, his name was put into play by former Senator Slade Gorton (R-Washington). Zelikow then quickly dazzled the co-chairmen, Tom Kean (R), a former governor of New Jersey, and Lee Hamilton (D), a former Indiana congressman, who were responsible for hiring an executive director. One measure of the suspicion generated by Zelikow's appointment, however, is that this "mole" allegation is widely circulated and given credence (particularly on conspiracy-oriented websites) despite its falsity.

Shenon's portrait of Zelikow is depressingly familiar to anyone who has worked under him, as I did.<sup>[4]</sup> A lawyer and foreign service officer before entering academia, Zelikow has many of the traits once ascribed to a young Henry Kissinger, minus the accent and Central European charm. Zelikow is routinely described, and rightly so, as having a keen and quick mind. He speaks in complete paragraphs, and has a striking capacity for boiling down a complicated problem, conveying its essence, and proposing a solution. He is also, as Shenon depicts, tightly wound, arrogant, unctuous, and prone to bullying. Kissinger himself probably summed up Zelikow best when Kean asked him what he thought about appointing the University of Virginia professor. "[Zelikow's] one of the most brilliant men I know," Kissinger responded. "But you will not like him. Nobody does."<sup>[5]</sup>



If for no other reason, Shenon's book is valuable because it finally provides a coherent explanation for how the 9/11 panel came to have an executive director who simultaneously oversaw the investigation and was a subject of it—an unprecedented situation. According to Shenon, Zelikow minimized, to a point of disingenuousness, the exact nature of his activities until (or so the commissioners thought) it was too late to fire him. Kean and Hamilton, of course, knew and appreciated from the outset 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) under Brent Scowcroft during the presidency of George Bush's father, and they had written a book together about German reunification. The commission co-chairmen were also aware that Zelikow's connections were not just past but current;

Bush had appointed him to the [President's Foreign Intelligence Advisory Board](#) (PFIAB), one of the most sensitive advisory posts an administration "outsider" can hold.

According to Shenon, however, Zelikow failed to disclose on his résumé several more egregious conflicts-of-interest, including the critical fact that as a member of Rice's transition team in 2000-01, he had been the architect responsible for demoting Richard Clarke and his counter-terrorism team within the NSC. As Shenon puts it, Zelikow's reorganization plan "laid the groundwork for much of what went wrong at the White House" in the months before 9/11.<sup>[6]</sup> There was also the fact that Zelikow had secretly authored, at Rice's request, the Bush administration's post-9/11 national strategy paper released in September 2002, a doctrine that justified unilateral and pre-emptive attack whenever Washington felt threatened.<sup>[7]</sup> Given his other entanglements, Zelikow's role on the transition alone was probably sufficient to disqualify him from serving as executive director, and this latter involvement compounded the problem. It was as if J. Lee Rankin, Zelikow's equivalent on the Warren Commission, had written a book with J. Edgar Hoover, frequented Jack Ruby's burlesque joint, and donated money to the Fair Play for Cuba Committee before November 22.

Shenon quotes Kean as saying he "wasn't sure" that he knew anything about Zelikow's work on Rice's transition team before he agreed to hire him, but when he did find out he found it "worrisome."<sup>[8]</sup> Hamilton, for his part, told Shenon, "I think I did [know], but I don't think I'd swear to that." In any case, Hamilton admitted that he did not know any of the "details" of what Zelikow had done during the transition.<sup>[9]</sup> Zelikow, meanwhile, has provided various explanations whenever this issue has arisen. He has claimed, despite the absence of these entanglements on his résumé, that Kean and Hamilton knew all about his past work with Rice because he told them orally. They have no clear recollection of that. Zelikow has also insisted that his transition role was so widely and even publicly known that Kean and Hamilton could not have been unwitting.<sup>[10]</sup> Lastly, Zelikow has attempted to defuse the extremely sensitive matter of his loyalties, by telling Shenon, for example, that "I don't think Tom or Lee or I anticipated the extent to which the commission's work would be used as a partisan battlefield."<sup>[11]</sup> It was this kind of patently false and dismissive remark that used to infuriate the Jersey Girls. They knew better at this point in their crash education.

In October 2003, as word of Zelikow's conflicts spread, the 9/11 relatives' umbrella group, the Family Steering Committee, [released a statement](#) demanding Zelikow's resignation or recusal from the part of the investigation involving the NSC. Shaken by the demand, Zelikow decided on a pre-emptive strategy: he told Kean and Hamilton that he wanted to describe the exact nature of his pre-commission activities under oath. But even before Zelikow's examination by general counsel Daniel Marcus, the co-chairmen made clear they wanted to keep the indispensable Zelikow in place, eight months into the investigation. Marcus was instructed to do what needed to be done on the recusal front, and "make it work."<sup>[12]</sup>

The upshot was that Zelikow was recused from that part of the investigation dealing with the NSC transition, and was barred from participating in interviews of senior Bush

aides. The decision reportedly angered Zelikow, but he nonetheless accepted these limitations. Thereafter he would represent his recusal as voluntary, taken at his own initiative because of his integrity.[\[13\]](#)



Zelikow, rather than tread lightly on those areas where his conflicts were manifest, is depicted by Shenon as inserting himself energetically into the most politically-charged areas of the investigation, and arousing suspicion that he had a bias in favor of the Bush administration. According to Shenon, Zelikow acted as Rice's in-house advocate, repeatedly putting the best spin on her activities in the months leading up to the attacks, especially in comparison to those of the other key officials involved, such as counter-terrorism chief Richard Clarke and CIA Director George Tenet. Certainly Zelikow was hardly the only staffer to harbor a point of view. But few were as manifest about their biases, and there was only one executive director. The investigation was divvied up into 10 teams, and there appears to be a direct correlation between the frequency of Zelikow's interaction with any given team, and the degree to which its members ended up disturbed and angry.

In an early response to Shenon's embargoed book, after some of its disclosures had been first [revealed](#) on *Washington DeCoded*, Zelikow told ABC News that he didn't think most of the 9/11 commission staffers would criticize his leadership. Out of a total of 85, Zelikow said, only about six were disgruntled, and given the circumstances "that was a pretty low fraction."[\[14\]](#) Thus, Shenon's book was not representative because he relied primarily on the recollections of these malcontents. But one staffer told *Washington DeCoded* that when Kirsten Lundberg wrote up a case study on the 9/11 Commission for Harvard University's Kennedy School, Lundberg was taken aback by the harsh reviews of Zelikow that poured forth, often unsolicited, from almost every staffer she interviewed.[\[15\]](#) Lundberg confirmed, when interviewed, that criticism of Zelikow was not limited to a few malcontents. But she also said that virtually every staffer leavened their criticism of Zelikow's management with praise for the other qualities he brought to the undertaking.[\[16\]](#)

Zelikow refused to be interviewed in person for Shenon's book, insisting instead that all questions be submitted in writing via email, which was also the way he answered them. This arrangement has led to an unusual circumstance, whereby the curious reader has instant access to the raw information that Shenon gathered for his book. Both Shenon and Zelikow have made the exchange available; Shenon on the [book's website](#), while Zelikow began distributing [his version](#) of the email compilation to interested journalists and others once word of the book began to seep out.

From these emails, it's possible to juxtapose Shenon's account with how Zelikow attempted to characterize his role when the commission's work rubbed up against the Bush administration's rationale for the invasion of Iraq. In a way, this was an issue even more sensitive than the [Rashômon](#)-like problem of how the White House performed in the months prior to September 11. Specifically, the issue here was what role the

commission would play with respect to the White House's assertion of a meaningful link between al Qaeda and Saddam Hussein's security services.

The first episode concerned an interim staff report on the history of the State Department's efforts to counter al Qaeda, which was drafted by Team 3's Scott Allan, an attorney specializing in international law. When Zelikow returned the draft, according to Shenon, Allan was shocked to find that it had been altered in one direction: it now read so that it would surely be interpreted in public as supportive of the Bush administration's unsubstantiated case. Allan was aghast, and a meeting was arranged between Zelikow and Team 3 to talk over the inserted language. Zelikow, at the outset, expressed "surprise" that anyone had gotten worked up about the changes.<sup>[17]</sup> With the entire Team 3 arrayed against him, Zelikow backed off, the language was re-jiggered, and when staff statement was presented to the commission in March 2004, it generated only modest attention.<sup>[18]</sup>

When Shenon raised this episode with Zelikow in two separate emails, in March and September 2007, the former executive director gave somewhat contradictory answers. He claimed initially that the dispute had not been over the substance at all, but over whether Allan's statement was the proper place to discuss the linkage. Zelikow admitted subsequently to being "argumentative about this [subject], since I resented any implication of [a] political motive." He then went on to claim that he "was probably too defensive about the matter, and I was *defensive on behalf of [Douglas] MacEachin too* [emphasis added], since I have a high regard for his integrity."<sup>[19]</sup>

Zelikow was thus asserting that the language had been drafted principally by MacEachin, a well-regarded former deputy director of intelligence at the CIA, and that Zelikow had merely inserted it into Allan's draft in a misplaced act of respect. (MacEachin was the head of Team 1, charged with writing a history of al Qaeda). But MacEachin, who came out of semi-retirement after 9/11 to write a crash, all-source history of al Qaeda for the CIA, had neither drafted nor proposed anything that resembled Zelikow's insertions. Indeed, MacEachin was known within the commission as the most outspoken critic of any claim of meaningful collaboration between al Qaeda and Hussein's Iraq.

MacEachin also figured in a subsequent episode in which Zelikow displayed a skewed sense of history. Three months after Allan's interim staff report, it was MacEachin's turn to present Team 1's findings before the commission. In keeping with a thoroughly-researched conclusion, the statement noted that while there were reports of contacts between Iraq and al Qaeda, "they do not appear to have resulted in a collaborative relationship . . . . We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States."<sup>[20]</sup>



The statement was duly vetted by the so-called "front office." Yet, when MacEachin actually presented the statement to the commissioners on Wednesday, June 16, it instantly created a media firestorm. The press picked up on the fact that the staff statement was directly

challenging the Bush administration's insinuations. When MacEachin returned to his office, he was bombarded by dozens of calls from reporters. In response to one query, which pointed out that the Bush administration was claiming the opposite, MacEachin flatly asserted that he stood by the statement.

When Zelikow eventually realized what was happening, and that the media was going to use the finding to impugn the White House, he exploded at the supposed temerity of the former CIA deputy director. *You can't do that!* Zelikow screamed, according to one staffer. MacEachin refused to back down. President Bush and Vice President Cheney (the latter, in particular) then made a number of public statements reasserting a sinister connection. The following Sunday, Tom Kean, in an effort to dampen the still-raging controversy, pointed out to ABC's George Stephanopoulos that MacEachin's finding was an interim report, but also vindicated MacEachin's unyielding stance. Commission members "do not get involved in staff statements."<sup>[21]</sup>

Ultimately, the *9/11 Report* stoutly affirmed and only elaborated upon MacEachin's finding.<sup>[22]</sup> Yet when Shenon asked Zelikow about this celebrated judgment—the first indication that the commission would not simply parrot the administration line, vigorously advanced by Dick Cheney—in Zelikow's recounting, all the accolades belonged to the commission's executive director. As he explained to Shenon,

When we then came to judgment on how to describe the Iraq connection, I was the initial point person defending it, first to the commissioners and then to the American people . . . . I wanted to put myself behind that judgment and stake my integrity on it. I took some heat from folks like [William] Safire . . . . At the time, there was also a spectrum of views about these questions within the commission. But at that point I could look anyone in the eye—including any commissioner—and tell them, honestly, that we had looked hard and fairly at this, and there was simply no credible evidence of a connection between Iraq and 9/11.<sup>[24]</sup>

Here, too, Zelikow's account was an audacious rewrite of what actually happened. It seems fair to conclude that Zelikow has a supple relationship to the truth.

While Shenon makes the case that Zelikow was widely perceived by the staff to have dual loyalties—or at least a loyalty to something other than the task at hand—gauging Zelikow's exact influence is nonetheless difficult. No one exercised more day-to-day influence over the investigation, and had more of a hand in drafting the final report than Zelikow. But Shenon veers toward giving the executive director too much agency, falsely depicting him as the architect of the report and the main obstacle to the truth being told.<sup>[3]</sup> It makes for good drama but is simplistic and not accurate.

For one, it ignores what might be called the "foxhole effect" that typically occurs among the staff. Working on a commission combines the urgency of a political campaign with a sense that everything hinges on getting it right. Whatever institutional loyalties

existed prior to the commission tend to get subsumed by an increasing dedication to the task at hand. And when the worker bees are as talented as the 9/11 staff was, the notion of a single executive director wielding the kind of control suggested by Shenon doesn't add up. Typically, the executive director becomes preoccupied with getting the job done, and simply doesn't have the luxury of policing the report, much as he might want to.

Another truth is that the formative die was cast by the legislation which set the terms for the bipartisan commission, and via the nature of the appointments to the panel by the White House and the congressional leadership from both parties. The panel's essence was congenital bipartisanship, not nonpartisanship. At the point where the ownership, if not authorship, of the report was given to the commission, the nature of the panel dictated the lack of precise accountability that so disappointed the 9/11 families. Blame was spread so diffusely that everyone involved was responsible in some way, and, as a result, no one in particular was to blame.



If the commission was to hold together and deliver a unanimous bipartisan report that meant, by definition, a report with a “he said, she said” quality to it—especially when it came to sorting out what had happened inside the White House between Richard Clarke and Condoleeza Rice. The commission was bound to the [Sergeant Joe Friday](#) school of history—just the facts, ma’am, without analysis or common-sense judgments. Anything much beyond that would have split the panel down the middle, or very close to it. If one cost was to leave citizens feeling dissipated and amorphous after reading the report . . . well, that was a small price to pay for bipartisan unanimity.

These factors were beyond Zelikow's control, though he surely played to them. But the decisive influence on the tone and content of the *9/11 Report* was exercised by the commissioners, as it always is, even if the words were first put on paper by a staff with a far superior grasp of the source material. Shenon doesn't exactly ignore these truths, but makes them appear relatively less important than Zelikow's supposed ability to browbeat everyone into submission.

Shenon could have made a more sophisticated argument: namely, that Zelikow, even while he was being loyal to the 9/11 mission by pushing for full disclosure of relevant documents, was essentially trying to get the Bush administration to act in its own self-interest. Zelikow likes to point out that “I was not a very popular person in the Bush White House when this [investigation] was going on. There's a lot of carryover of that to this day.”<sup>[25]</sup> While that is true amongst the maximalist defenders of executive privilege, like Vice President Cheney, it also skirts the point.

As Zelikow himself has been known to observe, there is actually no such unitary thing as “the White House” or “the Bush administration.” Every presidency is like a “Medieval village,” with intensely competitive factions, shifting alliances, and backchannels of communication.<sup>[26]</sup> Zelikow, notwithstanding his abrasiveness, was in effect an external agent for those within the administration who advocated modest

cooperation with a temporary commission that had the potential to do enormous harm to Bush's chances for re-election. Put another way, Zelikow acted in the classic role of a expensive outside counsel: helping clients to act in their own best interests, even if they have to be dragged, kicking and screaming, into doing it.<sup>[27]</sup> If the 9/11 Commission had not secured access to the President's Daily Brief, apart from turning the report into a whitewash, the 2004 Democratic nominee would certainly have been able to paint the incumbent administration as obsessively secret and obstructionist, if not the perpetrators of a cover-up.

Perhaps because Shenon does not pay sufficient attention to the commission's elemental nature, the greatest deficit in the commission's work—all but ignored in the hullabaloo about the final report—eludes him. Unlike most comparable efforts, virtually none of the paper trail forming the basis for the report was made available in supplementary volumes.<sup>[28]</sup> Citizens have not been permitted access to the documents that would allow them, at least, to go beyond the mere exposition of facts. It is enormously telling, but entirely in keeping with the panel's essence, that the commissioners agreed to [sequester the documents](#) for five years, until at least January 2009—far too late to affect the 2004 campaign, and Bush's effort at re-election, and just long enough to be a non-factor in the 2008 election, when it was easily presumed another Clinton would be a candidate.

Even though Shenon's book falls short of depicting the commission in full, it nonetheless is likely to have an impact. It may do for the *9/11 Report* what Edward J. Epstein's 1966 book, *Inquest*, did for the *Warren Report*—or more accurately, what *Inquest* did to the reputation of the Warren Commission. Epstein made skepticism of the Warren Commission's probity mainstream and respectable, as his book inexorably drew attention to forensic irregularities that had been swept under the rug rather than frankly explained. The poor decisions there were traceable to Chief Justice Earl Warren, whose self-regard was such that he did not think that due investigative process (such as an independent examination of the autopsy X-rays and photographs by forensic experts) needed to be followed. If Earl Warren and his fellow commissioners affirmed a fact, well, by God, the American public would surely accept it as true.

But elision left the Warren Commission vulnerable to Epstein's thesis: that the *Warren Report* was an exercise in delivering a politically palatable version of what happened, rather than the absolute truth.<sup>[29]</sup> The commission never recovered its reputation after the controversies that erupted in 1966—nine years before it became undeniable that the CIA had withheld information from the panel about its attempts to assassinate Castro.<sup>[30]</sup>

The parallel with Shenon's book is not exact; for one, there is not the outstanding question of “whodunit,” notwithstanding all the Oliver Stone-like conspiracy theories about the Bush administration. Still, the revelations contained in *The Commission* are bound to have a negative effect on the public's perception of that panel. Few readers will come away from Shenon's account of the inner workings believing that Zelikow did not taint the proceedings.

Appearances beget perceptions which do become reality, yet Kean and Hamilton seem to have been curiously impervious to this truism. In their own account of the commission's investigation, they made several, lofty-sounding remarks about avoiding the Warren Commission's fate. Unfortunately, they failed to understand that the first ineradicable doubts about that panel arose from self-inflicted mistakes, not because it did not lay its hands on certain CIA documents.



The 9/11 commissioners (excepting Fred Fielding, who is now White House counsel) have issued a statement disputing Shenon's portrait of Zelikow and defending their executive director's integrity. This statement is nearly identical to the "Talking Points" Zelikow drafted and distributed to the media once word of Shenon's book began to seep out.<sup>[31]</sup> Yet, the former commissioners, no matter what their private regrets now, have no other choice but to close ranks. They forever fused their report and reputations with Zelikow in 2003. And if, as one staff member laments, Shenon's book means "we won't even get our five years now," Tom Kean and Lee Hamilton will have no one to blame but themselves.

As for many 9/11 relatives, their parting lesson in the ways of the capital came when Zelikow became a principal officer at the State Department, shortly after Condoleeza Rice became secretary of state in 2005, despite having received the largest "no" vote of any nominee for that post since 1825.

Zelikow's appointment was not the only example of what Ralph Nader likes to call Washington's "deferred bribe syndrome," but it certainly was one of the more prominent. Little wonder that so many 9/11 relatives are cynical after the unsought civics lesson.

<sup>[1]</sup> Following 9/11, relatives of the victims eventually banded together to form the Family Steering Committee (FSC) to press for an independent federal investigation. The FSC was composed of 12 individuals who represented various groups that had been founded in the wake of the attacks, including the "September 11th Advocates" or "Jersey Girls," as this group of four women (originally) was dubbed by the press. September 11th Advocates is now the primary organization for relatives who remain active.

<sup>[2]</sup> Although there was a joint congressional investigation soon after the 9/11 attacks, the interval between September 11 and the commission's creation—442 days—far exceeded the amount of time that passed between comparable crises and the appointment of a special panel. President Roosevelt appointed the Roberts Commission nine days after the surprise attack at Pearl Harbor, for example, and President Ford appointed the Rockefeller Commission 13 days after the allegations about illegal domestic activities by the CIA appeared in print. Kenneth Kitts, *Presidential Commissions & National Security: The Politics of Damage Control* (Boulder, CO: Lynne Rienner, 2006), 139.

<sup>[3]</sup> Shenon, *Commission*, 413.

[4] From December 1998 to December 2003, I worked at the [Presidential Recordings Project](#) at the Miller Center of Public Affairs, which Zelikow ran before taking leave in January 2003 to work on the 9/11 panel. At Zelikow's request, I agreed to be interviewed for a vaguely-described job with the commission. But that position never materialized, though subsequently, I gave an informal talk about presidential commissions to one of the teams. I have also been critical of [Zelikow's scholarship](#) on the Kennedy presidential recordings.

[5] Shenon, *Commission*, 61.

[6] *Ibid.*, 65.

[7] Judith Miller, "[Keeping US No. 1: Is It Wise? Is It New?](#)" *NYT*, 26 October 2002. Zelikow, who was interviewed by Miller for this article, coyly described the new doctrine as "aggressively opaque" but did not disclose his principal role in drafting it. Other analysts cited by Miller described the new strategy as the "Hertz doctrine" (as in "We're No. 1"), because it advocated a kind of military superiority not even sustained during the Cold War. Shenon points out that Abraham Sofaer, a Hoover Institution fellow, was the very first outside witness to testify at the 9/11 panel's first public hearing, which occurred just days after the Bush administration commenced the US invasion of Iraq. At that time, March 2003, it was not public knowledge that Zelikow had authored the strategy paper justifying pre-emption. Sofaer, a former State Department legal adviser, was an unabashed supporter of the new doctrine and even called on the commission to endorse it explicitly. Shenon, *Commission*, 103-104.

[8] *Ibid.*, 61.

[9] *Ibid.* Zelikow tried to make the case to Shenon that the recalibration of Clarke's role represented continuity rather than a demotion. But that was decidedly not Clarke's perception, and separate efforts by former Senator Warren Rudman (R-New Hampshire) to warn the president about the terrorist threat were also rebuffed. A contemporaneous remark by Zelikow suggests the mindset at the time. "The two words they [Rice's NSC staff] use the most often are discipline and strategy," Zelikow was quoted as telling *The New York Times* in an article about the new administration's foreign policy. "It comes out of a sense that the Clinton people were too undisciplined, and they let events drive them . . . [the Bush team is] trying hard to recover choice." David E. Sanger, "[A New View of Where America Fits in the World](#)," *NYT*, 18 February 2001. Clarke's subordination was not personal, in other words, but reflected Rice's priorities and concept of how she wanted to run the NSC.

[10] "It was very well-known I had served on this transition team and had declined to go into the administration," Zelikow told ABC after news of Shenon's forthcoming book broke in *Washington DeCoded*. Justin Rood, "[Ex-9/11 Panel Chief Denies Secret White House Ties](#)," ABC News, 30 January 2008. A Lexis-Nexis search, however, turned up only one news story from February 2001 (in *The Washington Post*) that described the NSC's reorganization, and Zelikow's assistance in "organizing the NSC along [Brent]

Scowcroft's lines." The only mention of what might happen to Richard Clarke's brief came in the article's last paragraph. "Still up in the air is what to do with the NSC Office of Transnational Threats, initiated and headed under Clinton by Richard A. Clarke. Clarke has remained in place while the administration decides what to do with the office." Karen DeYoung and Steven Mufson, "A Leaner and Less Visible NSC; Reorganization Will Emphasize Defense, Global Economics," *WP*, 10 February 2001.

[11] Shenon, *Commission*, 61.

[12] *Ibid.*, 169. Marcus, according to Shenon, was not certain that Zelikow had deliberately "blind-sided" the co-chairmen. But Marcus found Zelikow shockingly oblivious to his own conflicts, blinded by ego and ambition, and furious whenever anyone dared question his integrity.

[13] "I recused myself," Zelikow claimed. Zelikow [email](#) to Shenon, 18 May 2007. Indeed, Zelikow would assert that he "recused [himself] on transition issues very early on." [Ibid.](#), 9 February 2007.

[14] Rood, "[Ex-9/11 Panel Chief Denies Secret White House Ties](#)," 30 January 2008.

[15] Lundberg's study was conducted while the intense experience was still very fresh in mind. It was not adversarial or investigative in nature, and it was sponsored by Harvard history professor Ernest May, a colleague of Zelikow's brought aboard the 9/11 staff to help write the final report. Kirsten Lundberg, "[Piloting a Bipartisan Ship: Strategies and Tactics of the 9/11 Commission](#)," Case Studies in Public Policy & Management, John F. Kennedy School of Government, Harvard University, 20 October 2005.

[16] Interview of Lundberg, 13 February 2008.

[17] Shenon, *Commission*, 323.

[18] Staff Statement No. 5, "[Diplomacy](#)," 23-24 March 2004.

[19] Zelikow [email](#) to Shenon, 20 September 2007.

[20] Staff Statement No. 15, "[Overview of the Enemy](#)," 16-17 June 2004.

[21] William Safire, "[The Zelikow Report](#)," *NYT*, 21 June 2004. Safire primarily (and incorrectly) attributed the finding to Zelikow.

[22] The final report read, "But to date we have seen no evidence that these or earlier contacts ever developed into a collaborative operational relationship. Nor have we seen evidence indicating that Iraq cooperated with al Qaeda in developing or carrying out any attacks against the United States." [9/11 Report](#), 66.

[23] Zelikow [email](#) to Shenon, 15 March 2007. Shenon's book actually attaches too much credibility to Zelikow's version.

[24] Shenon, *Commission*, 393.

[25] Rood, "[Ex-9/11 Panel Chief Denies Secret White House Ties](#)," 30 January 2008.

[26] Zelikow made this observation during a luncheon address before the Society of Historians of American Foreign Relations, 5 January 2008.

[27] It's entirely possible that Zelikow only decided to accept the job as executive director after learning that he would not be leading an investigation that promised to doom the Bush administration by uncovering "smoking gun"-quality documents in the President's Daily Briefs (PDBs) or NSC records. In the Kennedy School case study, Zelikow talked openly about sounding out then chief of staff Andrew Card and Condoleeza Rice in December 2002/January 2003—before he agreed to take the job. Shenon's emphasis on Zelikow's alleged surreptitious communications while he was executive director may be misplaced, because the most important information exchange with Rice probably occurred earlier, in December/January. See Lundberg, "[Piloting a Bipartisan Ship](#)," 9-10.

[28] Judging from their book, Kean and Hamilton (and their ghostwriter) were remarkably ignorant about the work of the Warren Commission. They wrote, ". . . the Warren Commission convinced us of the need to clearly reference our sources. The Warren Commission . . . had this problem: probably good conclusions, but the reader couldn't tell where they were coming from. If we were going to write a definitive historical account, every fact and conclusion in the report had to be easily referenced to its source—which is why we ended up with two hundred pages of endnotes." Thomas H. Kean and Lee H. Hamilton with Benjamin Rhodes, *Without Precedent: The Inside Story of the 9/11 Commission* (New York: Knopf, 2006), 29. Not only does the [Warren Report](#) have 62 pages of notes in agate type, but that commission also provided all the referenced documents in 26 supplementary volumes, along with thousands more un-footnoted documents.

[29] Epstein's conclusion read, "In establishing its *version* [emphasis added] of the truth, the Warren Commission acted to reassure the nation and protect the national interest." Edward J. Epstein, *Inquest: The Warren Commission and the Establishment of Truth* (New York: Viking, 1966), 154.

[30] "For decades, the Warren Commission's findings have been poked and prodded by conspiracy theorists, in large measure because the commission is not perceived as having had full access to the most secretive materials in the government." Kean and Hamilton, *Without Precedent*, 25. This assertion is both true and ahistorical. Also, it could easily be argued that the analogy Kean, Hamilton, and Zelikow used to justify the 9/11 Commission's access to the PDBs was false. The Warren Commission was charged with investigating the murder of President Kennedy in lieu of a trial of the alleged assassin, Lee Harvey Oswald. It was not tasked with investigating US foreign policy, either overt

or covert, and had no obligation to do so until and unless Oswald could be tied to a hostile power. By contrast, the PDBs were part and parcel of the 9/11 Commission's legislative mandate from the outset, and failure to gain access to them would have turned the *9/11 Report* into a whitewash.

[31] [Statement by the Former Commissioners](#), 8 February 2008; Zelikow, "[Talking Points](#)," 1 February 2008.