

September 13, 2004

To The Congress of The United States:

The National Commission on Terrorist Attacks upon the United States ended its report stating that “We look forward to a national debate on the merits of what we have recommended, and we will participate vigorously in that debate.” In this spirit, we the undersigned wish to bring to the attention of the Congress and the people of the United States what we believe are serious shortcomings in the report and its recommendations. We thus call upon Congress to refrain from narrow political considerations and to apply brakes to the race to implement the commission recommendations. It is not too late for Congress to break with the practice of limiting testimony to that from politicians and top-layer career bureaucrats—many with personal reputations to defend and institutional equities to protect. Instead, use this unique opportunity to introduce salutary reform, an opportunity that must not be squandered by politically driven haste.

Omission is one of the major flaws in the Commission’s report. We are aware of significant issues and cases that were duly reported to the commission by those of us with direct knowledge, but somehow escaped attention. Serious problems and shortcomings within government agencies likewise were reported to the Commission but were not included in the report. The report simply does not get at key problems within the intelligence, aviation security, and law enforcement communities. The omission of such serious and applicable issues and information by itself renders the report flawed, and casts doubt on the validity of many of its recommendations.

We believe that one of the primary purposes of the Commission was to establish accountability; that to do so is essential to understanding the failures that led to 9/11, and to prescribe needed changes. However, the Commission in its report holds no one accountable, stating instead “our aim has not been to assign individual blame”. That is to play the political game, and it shows that the goal of achieving unanimity overrode one of the primary purposes of this Commission’s establishment. When calling for accountability, we are referring not to quasi-innocent mistakes caused by “lack of imagination” or brought about by ordinary “human error”. Rather, we refer to intentional actions or inaction by individuals responsible for our national security, actions or inaction dictated by motives other than the security of the people of the United States. The report deliberately ignores officials and civil servants who were, and still are, clearly negligent and/or derelict in their duties to the nation. If these individuals are protected rather than held accountable, the mindset that enabled 9/11 will persist, no matter how many layers of bureaucracy are added, and no matter how much money is poured into the agencies. Character counts. Personal integrity, courage, and professionalism make the difference. Only a commission bent on holding no one responsible and reaching unanimity could have missed that.

We understand, as do most Americans, that one of our greatest strengths in defending against terrorism is the dedication and resourcefulness of those individuals who work on the frontlines. Even before the Commission began its work, many honest and patriotic individuals from various agencies came forward with information and warnings regarding terrorism-related issues and serious problems within our intelligence and aviation security agencies. If it were not for these individuals, much of what we know today of significant issues and facts surrounding 9/11 would have remained in the dark. These “whistleblowers” were able to put the safety of the American people above their own careers and jobs, even though they had reason to suspect that the deck was stacked against them. Sadly, it was. Retaliation took many forms: some were ostracized; others were put under formal or informal gag orders; some were fired. The commission has neither acknowledged their contribution nor faced up to the urgent need to protect such patriots against retaliation by the many bureaucrats who tend to give absolute priority to saving face and protecting their own careers.

The Commission did emphasize that barriers to the flow of information were a primary cause for wasting opportunities to prevent the tragedy. But it skipped a basic truth. Secrecy enforced by repression threatens national security as much as bureaucratic turf fights. It sustains vulnerability to terrorism caused by government breakdowns. Reforms will be paper tigers without a safe channel for whistleblowers to keep them honest in practice. It is unrealistic to expect that government workers will defend the public, if they can't defend themselves. Profiles in Courage are the exception, not the rule. Unfortunately, current whistleblower rights are a cruel trap and magnet for cynicism. The Whistleblower Protection Act has turned into an efficient way to finish whistleblowers off by endorsing termination. No government workers have access to jury trials like Congress enacted for corporate workers after the Enron/MCI debacles. Government workers need genuine, enforceable rights just as much to protect America's families, as corporate workers do to protect America's investments. It will take congressional leadership to fill this hole in the 9/11 Commission's recommendations.

The Commission, with its incomplete report of “facts and circumstances”, intentional avoidance of assigning accountability, and disregard for the knowledge, expertise and experience of those who actually do the job, has now set about pressuring our Congress and our nation to hastily implement all its recommendations. While we do not intend to imply that all recommendations of this report are flawed, we assert that the Commission’s list of recommendations does not include many urgently needed fixes, and further, we argue that some of their recommendations, such as the creation of an ‘intelligence czar’, and haphazard increases in intelligence budgets, will lead to increases in the complexity and confusion of an already complex and highly bureaucratic system.

Congress has been hearing not only from the commissioners but from a bevy of other career politicians, very few of whom have worked in the intelligence community, and from top-layer bureaucrats, many with vested interests in saving face and avoiding accountability. Congress has not included the voices of the people working within the intelligence and broader national security communities who deal with the real issues and problems day-after-day and who possess the needed expertise and experience—in short,

those who not only do the job but are conscientious enough to stick their necks out in pointing to the impediments they experience in trying to do it effectively.

We the undersigned, who have worked within various government agencies (FBI, CIA, FAA, DIA, Customs) responsible for national security and public safety, call upon you in Congress to include the voices of those with first-hand knowledge and expertise in the important issues at hand. We stand ready to do our part.

Respectfully,

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CC: Senate & House Intelligence Committees
Senate & House Judiciary Committees
Senate & House Armed Services Committees
Senate & House Government Reform Subcommittees