

## SEPTEMBER 11 COMMISSION

Chairman Joe Lieberman

September 24, 2002

The creation of a Department of Homeland Security, in which we're now engaged, is an urgent investment in the present and future safety of America. We need to take this step, and we need to take it now.

But even as we do, we must recognize that we're acting on an incomplete picture of the problems that need to be fixed. We're relying on partial and sporadic reports about how the government failed to meet the challenge of securing our homeland pre-September 11<sup>th</sup>.

When the new department gets up and running, we owe it to ourselves, and to the country we're striving to secure, to give it as complete and independent an assessment as possible of what went wrong before September 11<sup>th</sup> and why. If we don't come to terms with the whole truth by looking back at what happened, we can never move forward with the knowledge and confidence we need to set things right.

Since September 11<sup>th</sup>, all of us, and particularly the families of the victims, have been subjected to the wrenching process of learning about their government's failures through a tortuous trickle of leaks and soundbites.

All of this has hurt the nation psychologically by increasing anxiety and feeding speculation, leaving doubts about whether our government has come to terms with the full scope of the failures that allowed those terrible attacks to succeed. It has also damaged our spirit by turning almost every revelation into a regrettable volley of charges and counter-charges. And it has hurt us practically by failing to give us a clear, clean picture—with perspectives, context, nuance and shades of gray—of what agencies failed, how they failed, and why. As we begin to build a Department of Homeland Security, we will need that picture to make sure we do it right.

I do want to pay tribute to the joint House-Senate Intelligence Committees, which have uncovered valuable and disturbing evidence of the intelligence community's failure to share and capitalize on information about the hijackers, in the months preceding September 11<sup>th</sup>.

As Senator John McCain and I see it, a non-political, blue-ribbon commission would build on the joint committees' work - reviewing their findings and continuing to explore areas they touched on - as part of a sober, comprehensive inquiry into all our pre-September 11<sup>th</sup> institutional shortcomings.

I also must add that I was enormously gratified last Friday when the administration reversed its longstanding opposition to creating an independent commission. Last November, even before we began drafting a bill, Senator McCain and I wrote the President inviting him to work with us. Since we never heard back, we introduced legislation in December. In the intervening months, we held an informative hearing on the proposal, reported it out of the Governmental Affairs Committee, which I am privileged to chair, and eventually won the backing of 22 co-sponsors from both parties. As was the case with creating a Department of Homeland Security, I welcome the administration's support - regardless of when it arrives.

Since Friday, we have entered into discussions with the administration, which requested a variety of changes. Assuming passage of the amendment today, we will gladly continue these talks.

This amendment is based on S. 1867, legislation I introduced with Senator McCain on December 20 of last year. The legislation has been revised as it made its way through the legislative process. The Committee on Governmental Affairs heard from a distinguished panel of witnesses at a February hearing. The witnesses, all of whom had served on past commissions, recommended an inquiry

by an independent commission into the September 11 terrorist attacks. The bill was reported out of committee by voice vote on March 21 of this year. I refer my colleagues to the committee's written report, no. 107-150, for a fuller explanation of the legislation's, and this amendment's, context, purposes and justification. The bill reported out of committee contained some changes from our original version. Several of those changes were the result of our discussions with Senator Torricelli, who had introduced a similar bill with Senator Grassley and others. Others were the result of the recommendations of our hearing witnesses and extensive consultations with experts.

Last Thursday I described several ways in which the amendment we are voting on today differs from S. 1867, the bill that was reported out of committee. The amendment would ensure an even division between Republicans and Democrats in choosing commission members - with the majority parties in the Senate and the House receiving three picks each, while the minority parties in each house get two picks each. This is the configuration of an equivalent commission recently created by the House, and it has other notable precedent, in the form of the National Commission on Terrorism, created by Congress in 1999, and headed by former Ambassador Paul Bremer.

There are three other changes from the text of S. 1867. The amendment emphasizes that the Commission should build upon the work of Congressional committees and other inquiries, especially the joint inquiry of the Senate and House Intelligence Committees regarding the terrorist attacks. We do not by any means intend this change to suggest that the Commission should avoid looking at specific issues related to intelligence just because the Committees had investigated the same issues. Rather, the Commission should use the Committees' fine report as a resource, as it continues to review the role of the intelligence community.

The amendment also provides that the Vice Chairperson of the Commission, in addition to the Chairperson and others, can issue subpoenas. The amendment envisions a Vice-Chairperson with powers and responsibilities essentially equivalent to that of the Chair. This model worked very well in the case of the National Commission on Terrorism. Finally, the amendment makes technical improvements to the bill's alternative subpoena enforcement mechanism.

As Senator McCain and I envision it, the commission would have purview over a broad range of areas. Of course, it would examine intelligence shortcomings, which are at the very core of our failure to anticipate September 11<sup>th</sup>. But it could also scrutinize a variety of other factors - law enforcement, immigration and border control, foreign policy, commercial aviation, for example - before recommending reforms.

Commission members would be private citizens - not elected officials - with expertise in a range of subjects related to what went wrong on September 11<sup>th</sup>. And the commission would have subpoena power and the right to meet in private session. It would also have enough time, a top level staff, ample investigatory powers, and adequate funding to perform its job properly.

We are not interested in using this commission to point fingers across the room. I hope and believe that an independent commission will make the government as a whole look in the mirror. After all, it is our common security, and improving it is our common responsibility.

Mr. President, we have a history of learning from history. America's first day of infamy, Pearl Harbor, was followed both by congressional investigations and by an independent commission. In the wake of other national tragedies - the assassination of President Kennedy, for example, and the Challenger explosion - similar independent investigations were launched immediately.

In the last two decades, investigative panels were convened after devastating terrorist attacks against U.S. military and diplomatic facilities, including the Marine barracks in Beirut; Khobar Towers in Saudi Arabia; U.S. embassies in Kenya and Tanzania; and the USS Cole. In 1989 - after months of

pressure from Congress and families of victims -the first President Bush created a commission to investigate the Pan Am bombing over Lockerbie, Scotland.

Essential lessons were learned from each of these inquiries, and the inquiries represent a recognition in the value of immediately reviewing terrorist attacks, to provide vital information about possible vulnerabilities which could be corrected. The commission we propose would build on those examples.

I have heard the criticism that recommendations of commissions are not followed, and therefore the modest expense in establishing them is not justified. Yet past commissions, with a small investment of resources, have had a real impact. Just ask Donald Rumsfeld: the Commission to Assess the Ballistic Missile Threat to the United States, which he chaired, recast our assumptions about the ballistic missile threat. What better evidence can there be than the homeland security legislation we are debating today, modeled closely on the recommendations of the prescient Hart-Rudman Commission? The National Commission on Terrorism issued a litany of policy prescriptions ranging from domestic law enforcement to intelligence to foreign policy — a number of those immediately passed the Senate, and more have been implemented since the September 11 attacks. And if in the past we had been lulled into complacency that we were safe against terrorism within our borders, how can anyone doubt that the enormity of the September 11 attacks will not keep this nation focused on what needs to be done?

At our Governmental Affairs Committee hearing on the commission bill in February, Columbia University Professor Richard Betts, who served on the National Commission on Terrorism, said an independent commission is important because it would conduct a - quote - “sober investigation that the public could have confidence is as objective as humanly possible.” This is our goal.

Mr. President, I have met with families of September 11<sup>th</sup> victims on several occasions, and their desire for this commission is the strongest argument I can present on its behalf. The persistent advocacy of Stephen Push, Kristen Breitweiser, Mary Fetchet, Beverly Eckert, Monica Gabrielle, and many others - despite their devastating loss - has inspired my profound respect.

Husbands, wives, and children were murdered on September 11<sup>th</sup>. Their survivors need to come to terms with what happened so that they may move on with their lives. The families want answers to questions that echo in my own mind and heart: Why was such a simple plan so successful in achieving its evil goals? What opportunities were missed to prevent the destruction?

At a June rally organized by family members in support of this legislation, Mindy Kleinberg, a mother of three who lost her husband, Alan, on September 11<sup>th</sup>, told the *New York Times* -“I want to be able to look into the eyes of my children, and tell them the evil is over there, that they are safe, and that their country is secure. Nine months have passed, and I still cannot do that. I do not have answers.”

Mr. President, let us help these families - and the nation they represent - find closure. Three thousand men, women, and children of America’s family were murdered. We need definitive answers that force us to face what happened and why - answers that will ultimately lead to a stronger and better America, and an America less tortured by piecemeal speculations about what might have been.

President John F. Kennedy said, “In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility; I welcome it.”

We too must welcome it, with a strong vote in favor of creating this commission so that we might live well-informed and therefore safer lives in the future.