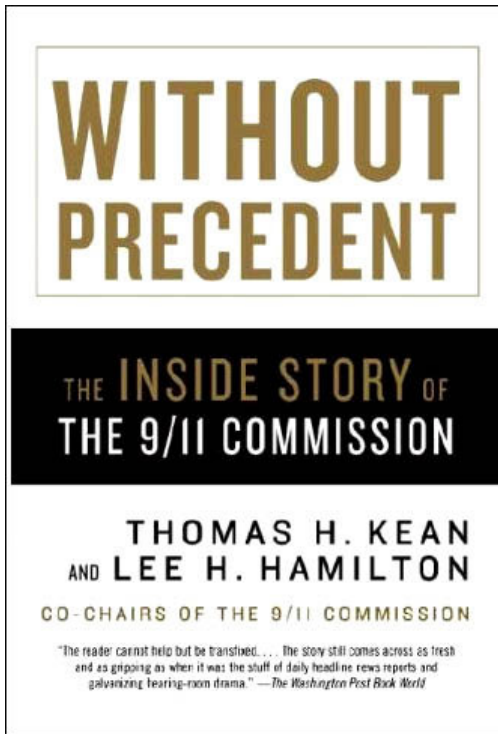


Without Precedent – The Inside Story of the 9/11 Commission



Review by Publishers Weekly

A re-creation of the inner workings of a government commission threatens to be a dry bureaucratic procedural, but the 9/11 Commission was so politically fraught that its story is compelling in its own right. Chairman Kean and vice-chair Hamilton detail the commission's fight with Congress for more money and time; its wranglings with the Bush administration to win access to witnesses and classified documents; its delicate relations with victims' families, who were its harshest critics and staunchest champions; its strategic use of public censure to wring concessions from recalcitrant officials; and the forging of a bipartisan consensus among fractious Republican and Democratic commissioners. Their tone is evenhanded and diplomatic, but some adversaries—NORAD, the FAA, House Republicans—get singled out as stumbling blocks to the investigation. The authors cogently defend the compromises they made and swat

conspiracy theories about coverups, but critics unhappy with the commission's refusal to "point fingers" or its lukewarm resistance to White House claims of executive privilege may not be satisfied. The issues the commission wrestled with—official incapacity to prevent disaster, the government's use and misuse of intelligence, presidential accountability—are still in the headlines, which makes this lucid, absorbing account of its work very timely.

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Quotations from Without Precedent:

The Inside Story of the 911 Commission, by Thomas Kean and Lee Hamilton

"We were set up to fail" (14).

"The chief obstacle was the White House, which argued that the congressional inquiry was continuing, and that an independent investigation would distract the government from waging the ongoing war on terrorism" (17).

"The two sides decided to split the difference, allowing eighteen months for the inquiry—a period of time that proved insufficient" (20).

"The White House also suggested some candidates for executive director for our staff. The importance of this position cannot be overstated" (22).

"...we seriously only considered one candidate: Philip Zelikow.... Zelikow was a controversial choice. In the 1990s, as an academic, he had co-authored, with Condoleezza Rice, a book about German unification, and he later assisted Stephen Hadley in running the National Security Council transition for the incoming Bush administration in 2000-2001" (28).

"...our office space and employees had to be cleared by the FBI and CIA to handle top-secret information..." (34)

"After Philip Zelikow came on board as executive director, he began recruiting and interviewing candidates.... Zelikow was selected with little consultation with the rest of the committee, but several commissioners had concerns about the kind of inquiry he would lead" (35)

"...Zelikow drove and organized the staff's work..." (38)

"The House Republican caucus and Speaker Dennis Hastert's office remained the most difficult obstacles. Throughout the life of the commission, and indeed through the passage of intelligence reform legislation based upon our recommendations, the strongest congressional wariness came from House Republicans" (45)

"We had to decide: How deep and how far do the roots of 9/11 run? That is a difficult question to answer.... In a way, we would define what information was relevant to 9/11 by asking for it" (58)

"We soon encountered problems, both in obtaining information and with the laborious conditions placed on our access to some information" (63)

"We decided against an aggressive use of subpoenas for several reasons.... Furthermore, we knew that many of the most important documents we sought were potentially the subject of an executive privilege claim—meaning that the president might not be legally compelled to share that material with another branch of government, even with a subpoena" (64)

"We were supposed to be independent, not necessarily confrontational. We were investigating a national catastrophe, not a White House transgression; this was 9/11, not Watergate" (65)

"When the Joint Inquiry report was released, there were twenty-eight blank pages where information had been 'redacted' from public view.... By being secretive, the government opened the door to cynicism and conspiracy theories.... The core of the problem is the fact that people in government can get in trouble for revealing something that is secret, but they cannot get in trouble for stamping SECRET on a document. Thus the default rule becomes: when in doubt, classify. Particularly in our early days, the 9/11 Commission faced this problem" (69)

"The White House wanted strict limitations on both of these fronts—limiting staff with access to White House documents to just two or three people, limiting the commissioners with access to certain materials to just the chair and vice-chair, and restricting the amount of notes the staff could bring back to the 9/11 Commission's office" (72)

"...the FAA had turned over to us the distilled product of their own internal investigation into 9/11, but had failed to turn over the extensive raw materials that had gone into that investigation, even though that is precisely what our staff had asked for" (83)

"There were also discrepancies between things NORAD was telling us about their performance on the morning of September 11—things that the agency had stated publicly after 9/11—and the story told by the limited tapes and documents the commission had received.... These were puzzling and disturbing developments, and they account in part for some of the more bizarre and inaccurate conspiracy theories about 9/11."

"Farmer believed that NORAD was delivering incomplete records with the knowledge that the commission had a fixed end date that could be waited out" (86)

"Many interviews were recorded, though we were not permitted to record those conducted with current officials from the Executive Office of the President" (98)

"The FBI and CIA were fairly responsive; the Department of Defense was less so. But it was clear that the government's interrogators were not asking the detainees the kinds of questions we wanted answered.... We also had no way of evaluating the credibility of detainee information.... In some cases, we could corroborate the truthfulness of what a detainee was reported to have said by comparing that information with other evidence. But in some cases we couldn't; and in others, detainees offered contradicting accounts" (119)

"Where we could corroborate these detainee reports from other witnesses or evidence, we did. Where we could not, it was left to the reader to consider the credibility of the source—we had no opportunity to do so" (124)

"Senior officials from the FAA and NORAD—Jane Garvey and Craig McKinley—made statements about the timeline of 9/11 that were later proven to be inaccurate" (127)

"Staff statements also gave us a chance to work out a process for clearing material for publication by the White House. We were determined to avoid the fate of the Joint Inquiry and its redacted pages" (134)

"The evidence showed that some of the hijackers had been here unlawfully, and had not obeyed immigration laws in the United States. Two of the surviving passports had been doctored, and the other two had what our staff referred to as 'suspicious indicators.' Three hijackers had made false statements on visa applications that could have been detected—for instance, saying they had not previously applied for a U.S. visa when they had. Five hijackers had entered the United States more than once, and three of those five had violated immigration laws that could have led to their being barred from reentry, for instance, by entering the United States on a tourist visa and then enrolling in a flight school.... In total, at least six of the nineteen hijackers had violated immigration laws while in the United States" (136)

"The hijackers were nineteen for twenty in getting into the country; they were nineteen for nineteen in getting onto the four flights with lethal knives, box cutters, and—in some cases—probably Mace or pepper spray (which were banned items)" (138)

"Speaker Dennis Hastert continued his staunch opposition to any extension for the commission" (148)

"Then, on March 30, the White House surprised us by offering to have both President Bush and Vice-President Cheney meet with the full commission.... Another condition was that there could not be a recording or transcript of the meeting.... We were permitted one staff member—Philip Zelikow, our staff director—to attend as a note taker, and commissioners also took notes" (206-207)

"The point is terrorists exist in a shadowy world; contacts are made under ambiguous circumstances, for ambiguous reasons" (250)

"Throughout the course of our inquiry, the topic that invited the most skepticism—and thus the most conspiracy theorizing—was the performance of the FAA and NORAD on the day of September 11, 2001" (256)

"Fog of war could explain why some people were confused on the day of 9/11, but it could not explain why all of the after-action reports, accident investigations, and public testimony by FAA and NORAD officials advanced an account of 9/11 that was untrue" (261)

"General Myers asserted that the chain of command was in place, though there were gaps when Secretary Rumsfeld was in the Pentagon's parking lot, and since the president was sometimes out of reach" (265)

"At the outset of our work, Philip Zelikow and Ernest May prepared an outline along these lines, and they presented it to the two of us in July 2003.... [May] and Zelikow had collaborated on books in the past and had a strong mutual regard.... His primary role was advising Zelikow and occasionally weighing in on debates within the staff" (270)

"...Zelikow had an overarching vision for how the report should flow.... Ultimately, the responsibility for final staff edits of the respective chapters was divided up among Zelikow, Kojm, and Marcus" (273)

When Government Writes History

The New Republic, May 16, 2005

Quotes from Earnest R. May

"To some extent, the concept of the report as a narrative history influenced the recruitment of staff. Here were many other constraints. The urgent reporting deadline made it advantageous if a potential member of the staff already had high-level security clearances. (Zelikow had them as a member of the President's Foreign Intelligence Advisory Board. I had them as a member of the Intelligence Science Board.) That meant preference for people who could be detailed from national security agencies or who had been on the staff of one of the congressional intelligence oversight committees. Of the fifty-odd men and women who counted as professional rather than administrative staff, at least half had such backgrounds."

"And no language appeared anywhere in the final text unless Zelikow or I or both of us—and all the commissioners—had accepted it."

"A reader of the commission report should bear in mind that its documentary base was extraordinarily deep but also extraordinarily narrow"

"We never had full confidence in the interrogation reports as historical sources.... I think the commission could have successfully challenged the CIA on both access to detainees and release of names, but it chose not to fight these battles."

"Third, and most troubling to me, the report is probably too balanced. Its harshest criticism is directed at institutions and procedures, particularly the CIA, the FBI, and communications links within the counterterrorist community. But many of the staff had worked in these or other national security agencies. They felt loyal to them and some of them expected to return to work there. Collective drafting led to the introduction of passages that offset criticism of an agency with words of praise. Not all these words were deserved."