

# Congress of the United States

Washington, DC 20515

Alberto R. Gonzales  
Counsel  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

April 1, 2004

Dear Mr. Gonzales,

It is reported in today's *Washington Post* that you had contact with Republican members of the September 11<sup>th</sup> Commission just before the commission was to hear the March 24<sup>th</sup> testimony of former White House counterterrorism chief Richard A. Clarke. It is of great concern to us that the White House may be working behind the scenes with Republican commission members while the commission is investigating the White House's actions before and after the terrorist attacks of 9/11.

The September 11<sup>th</sup> Commission has been repeatedly praised for the bipartisan nature of their proceedings as they have sought the truth about the most tragic terrorist attack in our country's history. The only time the commission appeared to be divided solidly on partisan lines was during the testimony of Richard Clarke. It would be unfortunate if it was found out that your contact with commission members altered the questioning of any witnesses.

In light of today's *Washington Post* article, we have a number of questions that we would like you to answer to ensure the September 11<sup>th</sup> Commission has been allowed to follow their mission of finding the truth about what happened that tragic day and has not been clouded by a partisan personal attack on a sworn witness. Mr. Gonzales please respond to the following questions:


1. Besides the commission's chair and vice-chair, which Republican and which Democratic members of the September 11<sup>th</sup> Commission have you had contact with?
2. What was the nature of the contacts?
3. What information was given to the September 11<sup>th</sup> commission members?
4. Were any commission members given information for the questioning of any

witnesses?

5. Was any information given regarding the testimony of former White House counterterrorism chief Richard Clarke?
6. Was any information given regarding any other witness that has testified before the commission?
7. What is the protocol for the White House counsel in speaking with members of a Congressionally created commission?

Thank you in advance for your prompt attention to this important matter. We trust that you share in our goal of allowing the September 11<sup>th</sup> Commission to complete their work to seek the truth about what happened on September 11<sup>th</sup> and to make recommendations on how to avoid future tragedies.


Sincerely,

  
CAROLYN B. MALONEY  
Member of Congress

  
CHARLES B. RANGEL  
Member of Congress

  
MAURICE D. HINCHEY  
Member of Congress

  
GARY L. ACKERMAN  
Member of Congress

  
EDOLPHUS TOWNS  
Member of Congress

  
MAJOR R. OWENS  
Member of Congress

# Bush Counsel Called 9/11 Panelist Before Clarke Testified

By Dana Milbank and Dan Eggen  
Washington Post Staff Writers  
Thursday, April 1, 2004; Page A13

President Bush's top lawyer placed a telephone call to at least one of the Republican members of the Sept. 11 commission when the panel was gathered in Washington on March 24 to hear the testimony of former White House counterterrorism chief Richard A. Clarke, according to people with direct knowledge of the call.

White House counsel Alberto R. Gonzales called commissioner Fred F. Fielding, one of five GOP members of the body, and, according to one observer, also called Republican commission member James R. Thompson. Rep. Henry A. Waxman, the ranking Democrat on the House Government Reform Committee, wrote to Gonzales yesterday asking him to confirm and describe the conversations.

Waxman said "it would be unusual if such ex parte contacts occurred" during the hearing. Waxman did not allege that there would be anything illegal in such phone calls. But he suggested that such contacts would be improper because "the conduct of the White House is one of the key issues being investigated by the commission."

White House spokesmen were unable to get a response from Gonzales.

Fielding did not return phone calls seeking comment.

Thompson declined yesterday to say whether he spoke with Gonzales. "I never talk about conversations with the White House," he said. Asked about the source of his information for his questioning of Clarke, Thompson said: "I ask my own questions."

During the commission's 2 1/2 hours of questioning Clarke, Fielding and Thompson presented evidence questioning the former official's credibility.

Fielding, a former White House counsel under President Ronald Reagan, raised questions about Clarke's "integrity," and suggested classified testimony he gave a congressional inquiry in 2002 was different from his current version of events.

Thompson, a former Illinois governor, pointed to Clarke's remarks praising Bush in a previously anonymous 2002 news briefing. It was reported on Fox News two hours before the hearing started; the White House that morning had authorized Fox News to identify the anonymous briefer as Clarke.

The commission has functioned largely on a bipartisan basis, but the testimony by Clarke, which was highly critical of Bush, split the members along party lines.

Clarke was counterterrorism coordinator in the Clinton and Bush White Houses, and has charged that the Bush administration was insufficiently concerned about terrorism before the Sept. 11, 2001, attacks. The White House has worked aggressively to raise doubts about him and his account. It alleges that he is a disgruntled former colleague, has partisan motives and is trying to promote his book on the subject.

*Staff researcher Lucy Shackelford contributed to this report.*