

9/11

Public Discourse Project

June 16, 2005

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The Honorable Alberto R Gonzales
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

We write with respect to last year's final report of the National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission) and subsequent legislative action, including Public Law 108-458 (The Intelligence Reform and Terrorism Prevention Act of 2004).

Specifically, we are interested in actions by the Department of Justice to implement the recommendations of the Commission.

The purpose of our inquiry is to assess the performance of departments and agencies of the government—both through panel discussions and the issuance of a “report card” to the public on the Commission’s recommendations one year later—on steps taken to make the American people safer and more secure.

We would appreciate your comments specifically on steps taken this past year by the Justice Department, with respect to three of the Commission’s recommendations:

-- “The United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. New principles might draw on Article 3 of the Geneva Conventions on the law of armed conflict. That article was specifically designed for those cases in which the usual laws of war did not apply. Its minimum standards are generally accepted throughout the world as customary international law.

-- “As the President determines the guidelines for information sharing among government agencies and by those agencies with the private sector, he should safeguard the privacy of individuals about whom information is shared.

-- “The burden of proof for retaining a particular governmental power should be on the executive, to explain (a) that the power actually materially enhances security; and (b) that there is adequate supervision of the executive’s use of the powers to ensure protection of civil liberties. If the power is granted, there must be adequate guidelines and oversight to properly confine its use.”

We thank you in advance for your time and attention, and welcome any additional observations you wish to make. We do not seek to duplicate the extensive reporting requirements of PL 108-458. Our purpose is to inform the American public about efforts underway to protect them. We would appreciate your reply by August 15, 2005.

On behalf of the former Commissioners, we would also like to invite you to meet with us, privately or publicly, to discuss these topics.

Should you or your office have any questions, please feel free to contact us directly or through the 9/11 Public Discourse Project.

With best regards,

Thomas H. Kean

Lee H. Hamilton

CC: Andrew H. Card, Jr.