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Rice to testify under oath before 9/11 commission

After a long debate, the White House has agreed to let Condoleezza Rice testify on the events of Sept. 11

By Michelle Mittelstadt
The Dallas Morning News (KRT)

WASHINGTON — Moving to quell a controversy that has thrown the Bush team on the defensive and could hold political peril, the White House reversed course Tuesday and agreed to allow National Security Adviser Condoleezza Rice to testify publicly and under oath before the independent commission investigating the Sept. 11, 2001 attacks.

President Bush's decision follows weeks of insistence by Rice and other White House aides that the appearance of a presidential adviser before the commission would weaken executive privilege.

But amid a furious war of words between the White House and a one-time Rice deputy — former counterterrorism chief Richard Clarke — over the Bush's terrorism-fighting efforts, administration officials voiced growing concern that the executive privilege argument was being lost in the noise.

New polls also suggest that confidence in the president's leadership in the war on terrorism — a key plank of his re-election campaign — has eroded among swing voters in recent days as the dispute unfolded.

The White House also settled another lingering conflict with the Sept.

11 commission, agreeing that Bush and Vice President Dick Cheney would jointly sit for a private interview with all 10 commissioners. Previously, the White House had insisted that only the panel's chairman and vice chairman could question them.

"I've ordered this level of cooperation because I consider it necessary to gaining a complete picture of the months and years that preceded the murder of our fellow citizens on September the 11th, 2001," Bush told reporters.

No date has been set for Rice's appearance or for the private meeting for Bush and Cheney.

The compromise, finalized Monday night, was reached after the commission agreed to write a letter saying Rice's testimony would not set a precedent for testimony by presidential aides in future administrations.

The panel, which has until July 26 to prepare a final report listing the Sept. 11 failings and proposing fixes, also agreed not to seek the public testimony of any additional White House officials.

Commission members, Democrats and Republicans on Capitol Hill, and relatives of Sept. 11 victims welcomed the White House's about-face.

"We're very grateful to the White House for understanding that this was necessary for us to meet our mandate," said the commission's chairman, former New Jersey Republican Gov. Tom Kean.

The Family Steering Committee, a group of relatives of Sept. 11 victims that was instrumental in establishing the bipartisan panel, said the agreement will "undoubtedly make the 9-11 commission's final report more complete, comprehensive, and transparent in nature."

Kean previously had said the White House had "shot itself in the foot" by not permitting Rice to testify publicly, even as she made herself widely available for media interviews to debunk Clarke's new tell-all book and his testimony last week before the Sept. 11 commission in which he said the Bush team lacked the urgency in fighting terrorism of the Clinton administration.

Democrats faulted the White House for its delay in changing course.

"Why all this obstruction in the first place? It was an intolerable and untenable position to have Rice speaking to every talk show in the country and failing to speak to the 9-11 commission," Sen. Ted Kennedy, D-Mass., told a news conference.

Some political experts said the White House had little choice but to capitulate — or face the danger that the public would view its actions as stonewalling.

"What they've done with this fangango over Condi is take a one-week story and made it into a three-week story," said Norm Ornstein, a political

analyst at the conservative American Enterprise Institute. "The more this is a story out there, the more almost by osmosis it seeps into people's consciousness and raised doubts about the credibility of the administration."

Others said the administration is making it harder to protect executive privilege.

Ted Galen Carpenter, vice president for foreign policy studies at the libertarian Cato Institute, said the White House sacrificed executive privilege for a "public relations problem."

"The fact is, a precedent will be set, however much they might argue otherwise," he said. "Certainly, it will be harder for a subsequent administration to raise that objection."

Paul Rosenzweig, a legal fellow at the conservative Heritage Foundation, said executive privilege won't be weakened in the courts by the Bush action but may suffer elsewhere.

"As a matter of precedent, it clearly adds to the historical record of the erosion of the privilege," he said.

In a letter Tuesday to the commission, White House counsel Al Gonzales said Bush relented because of the "most extraordinary and unique circumstances" of the Sept. 11 attacks and only after receiving congressional and commission assurances that "limit harm to the ability of future presidents to receive candid advice."

Rice, who already has spent four hours in private debriefings by the commission, had always wanted to appear in public session but was overruled by White House lawyers, Kean said Tuesday, adding that the matter was "of some distress to her personally."

While welcoming the White House reversal, Sept. 11 widow Kristen Breitweiser expressed concern that the partisanship evident in last week's questioning of Clarke by some of the 10 commissioners will reach new highs when Rice appears before the panel.

"The bottom line is Ms. Rice is an important person," Breitweiser said. "I would hope any time she spends with the commission would be time well spent, not wasted on political jibes."

Commission Vice Chairman Lee Hamilton, a former Democratic congressman from Indiana, conceded a partisan tone crept into last week's hearing and said he and Kean would urge commissioners to focus on factual and policy questions.

At her public appearance, Rice is sure to be asked about her differing views with Clarke. Commissioners also say they want to better understand the transition from the Clinton to the Bush national security teams, and the nearly eight-month process that Rice supervised to develop a new counterterrorism strategy.

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