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April 21, 2005

The Honorable Cameron R. Hume
Acting Inspector General, U.S. Department of State
2201 C Street NW
Room 8100
Washington, DC 20522-0308

Dear Mr. Hume:

I am writing to request an investigation into the decision to withhold terrorism data from the State Department's annual report on global terrorism.

A year ago, I wrote former Secretary of State Colin Powell about serious inaccuracies in the *Patterns of Global Terrorism* report for 2003. This key State Department report asserted that 2003 had "the lowest annual total of international terrorist attacks since 1969."[1] This led Deputy Secretary of State Richard Armitage to claim that the report was "clear evidence that we are prevailing in the fight" against terror.[2]

In fact, my analysis — and the analysis of independent experts at Princeton and Stanford Universities — revealed that the exact opposite was true: significant terrorism attacks actually reached a 20-year high in 2003.[3]

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[1] U.S. Department of State, *Patterns of Global Terrorism — 2003* (Apr. 2004).

[2] U.S. Department of State, *Statement of Deputy Secretary of State Richard Armitage upon Release of the 2003 "Patterns of Global Terrorism" Annual Report* (Apr. 29, 2003). *See also* Letter from Paul V. Kelly, Assistant Secretary of State for Legislative Affairs, to Members of Congress (Apr. 29, 2004) (stating that the 2003 terrorism data was "an indication of the great progress that has been made in fighting terrorism").

[3] Letter from Rep. Henry A. Waxman to Secretary of State Colin L. Powell (May 17, 2004). *See also* Professors Alan B. Krueger and David Laitin, *Faulty Terror Report Card,* Washington Post (May 17, 2004).

A subsequent investigation by your office confirmed the flaws in the 2003 report. Your investigation concluded that State Department officials used incorrect figures "to bolster the assertion that the Administration was winning the global war on terrorism."[4]

To his credit, former Secretary of State Colin Powell recognized that the 2003 report contained major errors. He pulled the initial report, directed his staff to scrub the data for errors, and issued a revised report.[5] The revised report painted a significantly different picture than the initial report: rather than terrorist attacks being "at a 34-year low," significant terrorist attacks were actually at "a 20-year high."[6]

Although the revised report undercut the Administration's claim that terrorist attacks were declining, Secretary Powell never sought to withhold the data. To the contrary, he provided updated data on significant terrorist attacks, as well as specific data on nonsignificant attacks, which had not previously been made public. Secretary Powell also discussed changes to the terrorism data personally with Members of Congress, including myself, and he directed Cofer Black, the State Department's Coordinator for Counterterrorism, and John Brennan, the Director of the Terrorism Threat Integration Center, to brief congressional staff on multiple occasions.

This week, press accounts have reported that the new Secretary of State, Condoleezza Rice, has taken a different approach from her predecessor, deciding to withhold data regarding terrorist events from the annual terrorism report for 2004. According to these accounts, Secretary Rice decided to withhold the terrorism data "because the 2004 statistics raised disturbing questions about the Bush administration's frequent claims of progress in the war against terrorism."[7] In contrast to Secretary Powell's approach, Secretary Rice did not consult with Congress before ordering this action, and no officials from the State Department's Counterterrorism Center or any other Administration office briefed congressional staff.

Secretary Rice's decision denies the public access to important information about the incidence of terrorism. It also suggests that the Bush Administration is applying a double standard. Last month, Defense Department officials touted terrorism statistics when they claimed a drop in terrorist attacks in Iraq. As reported by the *American Forces Press Service,*

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[4] Office of Inspector General, U.S. Department of State, *Review of the Department's Patterns of Global Terrorism — 2003 Report* (Sept. 2004) (SIO-S-04-18).

[5] U.S. Department of State, *Press Statement: Correction to Global Patterns of Terrorism Will be Issued* (June 10, 2004) (noting that a "May 17th letter from Congressman Waxman added impetus to our efforts").

[6] U.S. Department of State, *Remarks on the Release of the Revised Patterns of Global Terrorism 2003 Annual Report* (June 22, 2004).

[7] *Bush Administration Eliminating 19-Year-Old International Terrorism Report,* Knight Ridder Newspapers (Apr. 15, 2005).

Defense Department officials disclosed that "there are between 40 and 60 incidents each day in the country, ... sharply down from the terrorist effort in the week of the Iraqi elections."[8]

With the exception of Secretary Powell, there appears to be a pattern in the Administration's approach to terrorism data: favorable facts are revealed while unfavorable facts are suppressed. This is wrong, and it a grave disservice to the American people. Regardless of whether disclosure of the terrorism data is in the political interests of the White House, the public has a right to know basic facts about the number of attacks launched by terrorists in 2004.

I am writing to request that you investigate this matter and determine whether political considerations played a role in Secretary Rice's decision. Specifically, I request that you address the following questions:

- **Has the Department already circulated versions of the report with the terrorism data included?** According to the *Washington Post,* "the State Department had already circulated secret early versions of the annual report, due to Congress on April 30, with the statistics included."[9] Is this report accurate? If so, please identify how many drafts were circulated, when, and to whom, and please provide copies of these drafts.

- **What terrorism data was included in these drafts?** According to the *Los Angeles Times,* former CIA and State Department counterterrorism official Larry C. Johnson reported that drafts circulated by the State Department indicated that there were 655 significant terrorist events in 2004, more than three times the number of such events in 2003.[10] Is this report accurate? What other data was included in the draft reports?

- **Were drafts of the report classified based on national security protocols?** The *Washington Post* reported that the Department circulated previous drafts of the report in "secret" form.[11] Is this report accurate? If so, on what basis were the drafts classified, and was this classification appropriate under national security classification procedures? Has it been the practice of the State Department in past years to classify drafts of the annual terrorism report?

- **Was the decision to withhold the terrorism data from the annual terrorism report made before or after the 2004 data was circulated?** According to State Department spokesman Richard Boucher, the decision to withhold the terrorism data from the annual

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[8] *Iraq Attacks Lowest Since March 2004, Officials Say,* American Forces Press Service (Mar. 31, 2005).

[9] *Annual Terror Report Won't Include Numbers,* Washington Post (Apr. 19, 2005).

[10] *New Office to Issue Terrorism Data,* Los Angeles Times (Apr. 19, 2005).

[11] *Annual Terror Report Won't Include Numbers,* Washington Post (Apr. 19, 2005).

terrorism report was made in response to the 9/11 legislation that Congress passed last year.[12] At the same time, however, Mr. Boucher said that the decision to withhold the terrorism data from the annual terrorism report was not made in 2004, but "in the last, what, month or two."[13] Was there any discussion or consideration of withholding the terrorism data prior to the 2004 data being circulated?

- **Did political appointees attempt to affect the methodology used to calculate the number of terrorist attacks?** According to *Knight Ridder Newspapers,* one Administration official claimed that "Rice's office was leery of the methodology the National Counterterrorism Center used to generate the data for 2004."[14] The National Counterterrorism Office reportedly "declined to use alternative methodology that would have reported fewer significant attacks."[15] What efforts did Secretary Rice, her counselor Philip Zelikow, or other political appointees at the Department make to alter the methodology for calculating terrorist events?

- **Who had input into the decision to withhold the terrorism data from the annual terrorism report?** According to State Department spokesman Richard Boucher, the decision to withhold the terrorism data from the annual terrorism report was made by "Dr. Rice, with the advice of the Counselor [Philip Zelikow] and of the bureaus involved."[16] What was Mr. Zelikow's role and recommendation? What specific bureaus were consulted, and what were their recommendations regarding the withholding of terrorism data from the annual terrorism report? Also, what communications, if any, did State Department officials receive from the White House regarding any aspect of the 2004 terrorism report? Please provide copies of all documents relating to such recommendations.

In addition to the questions set forth above, I request that you examine whether the recommendations your office made last year to improve the accuracy of the terrorism data have been implemented. For example, in last year's report, your office recommended that the State Department: (1) establish a Memorandum of Understanding with other agencies working on the annual terrorism report; (2) circulate terrorism data at a minimum on a quarterly basis; (3) reestablish and fill positions related to the preparation of the annual terrorism report; and (4) identify for attribution the source of terrorism data included in the report. I request that you

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[12] U.S. Department of State, *Daily Press Briefing* (Apr. 18, 2005).

[13] *Id.*

[14] *Bush Administration Eliminating 19-Year-Old International Terrorism Report,* Knight Ridder Newspapers (Apr. 15, 2005).

[15] *Id.*

[16] U.S. Department of State, *Daily Press Briefing* (Apr. 18, 2005).

provide an update on the Department's compliance with each of these and other recommendations included in your office's report.

If you have any questions about this request, please contact David Rapallo of my staff at (202) 225-5420. Thank you for your attention to this matter.

Sincerely,

Henry A. Waxman
Ranking Minority Member