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April 26, 2005

The Honorable Condoleezza Rice
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Madam Secretary:

I am writing to urge you to reverse your decision to withhold government data on significant terrorist attacks from the State Department's annual *Patterns of Global Terrorism* report. At a congressional briefing yesterday, Administration officials revealed that the information you are withholding shows a "dramatic up-tick" in terrorist attacks. According to the data being concealed from the public, global terror attacks were more than three times higher in 2004 than the record levels set in 2003. In Iraq, where we are spending billions to restore order, terrorist attacks were nine times higher in 2004 than in 2003.

These are important facts that the American public has a right to know.

The 2004 Data

Officials from the State Department and the National Counterterrorism Center (NCTC) came to Congress yesterday to provide a private briefing to committee staffs on the *Patterns of Global Terrorism* report. The officials who conducted the briefing, Karen Aguilar, the Acting Coordinator for Counterterrorism at the State Department, and Russ Travers, the Deputy Director of the National Counterterrorism Center, indicated that the data on terrorist attacks in 2004 is the most comprehensive and most reviewed data ever compiled. They reported that both the State Department and the NCTC devoted significant time, personnel, and resources to developing the most reliable terrorism data possible.

During the briefing, the officials provided a summary of this 2004 terrorism data. Although the data is not classified and has been released publicly in the past, the handout summarizing the data was marked "FOUO," meaning "for official use only."

According to the 2004 data presented at the briefing, there has been a "dramatic up-tick" in significant terrorism attacks throughout the world. Overall, there were approximately 650 significant terrorist attacks in 2004, compared with 175 attacks in 2003. Prior to 2004, the 175 significant terrorist attacks in 2003 represented a 20-year high.[1]

Ms. Aguilar and Mr. Travers indicated that a major source of this increase was the high number of terrorist attacks in Iraq. According to information provided at the briefing, there were approximately 198 significant terrorist attacks in Iraq in 2004. This is nine times more than the 22 significant terrorist attacks in Iraq identified in the State Department's 2003 report. Indeed, the number of significant terrorist attacks in Iraq in 2004 exceeded the 175 significant terrorist attacks that occurred throughout the entire world in 2003.

Ms. Aguilar and Mr. Travers said another factor in the global increase was greater awareness of terrorist events. In particular, they emphasized that enhanced efforts to monitor newspapers, television, and other media for incidents of terrorist attacks resulted in identifying many more attacks in India and Pakistan related to Kashmir. Yet even if every terrorist attack in India and Pakistan is removed from the database, the 2004 data still shows a record increase in terrorist attacks. Excluding attacks in India and Pakistan, more than 350 significant terrorist attacks occurred worldwide last year, still double the total number of attacks in 2003.

Other parts of the world also experienced significant increases in terrorist attacks in 2004. In Afghanistan, for example, the number of significant terrorist attacks doubled, increasing from 14 in 2003 to approximately 27 in 2004. The number of significant terrorist attacks in Israel, Gaza, and the West Bank also more than doubled, increasing from 19 in 2003 to approximately 45 in 2004.[2]

Despite the large increase in terrorist attacks in 2004, it appears that the 2004 data may be a significant underestimate. Many incidents that most Americans would regard as terrorist attacks were excluded from the database because they did not meet the strict State Department definitions of an international terrorist attack. Mr. Travers explained that the data collected for Iraq did not include a large number of attacks by insurgents that resulted in only Iraqi fatalities or

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

[2] The briefing document provided to congressional staff yesterday included a pie chart depicting the number of attacks in selected countries and regions. Accompanying the pie chart was text stating that there were "about 650" significant terrorist attacks in 2004, which was ">3X 2003." Country and region-based data in this letter have been assessed from the pie chart graphic.

that were directed at U.S. armed forces. Over 100 attacks by "foreign terrorist organizations" were "not counted" because they were not considered "international" attacks.

No data was presented at the briefing on the number of fatalities or injuries caused by the terrorist attacks. This essential information has traditionally been released as part of the annual global terrorism report.

The Decision to Withhold the 2004 Data

During the briefing yesterday, Ms. Aguilar and Mr. Travers also discussed whether the terrorism data would be released to the public. What they said about this question appears to conflict with the previous claims by State Department officials.

Last week, State Department spokesman Richard Boucher stated that the "people of the United States will get all the facts."[3] He said "the government has decided that the [NCTC] should compile and publish the statistical data on terrorism."[4] Yesterday, however, Ms. Aguilar and Mr. Travers contradicted these statements, saying that no decision to publish the data has been made. Instead, they said that Ambassador Negroponte, the recently confirmed Director for National Intelligence, was in the process of making this decision. Ms. Aguilar also said the State Department would not publish the data, even if Ambassador Negroponte decided that the NCTC was not the proper office to release this information.

Mr. Boucher also stated last week that the State Department would not release the data because it would be inappropriate to have "some State Department cutout trying to explain someone else's methodology."[5] However, Ms. Aguilar and Mr. Travers indicated at the briefing that the methodology and definitions used to vet the data were identical to last year's and were taken directly from the statute governing the State Department's annual report. They also made clear that NCTC compiled the data specifically for the State Department's annual report. Mr. Travers called the State Department "the client" for this information. And the briefing document provided yesterday describes the NCTC as providing "support" for the "Patterns" report, depicting the Department's annual report as the final stop on a terrorism data flow chart.

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[3] U.S. Department of State, *Daily Press Briefing* (Apr. 18, 2005). Mr. Boucher's statements were in response to questions about Larry Johnson, a former counterterrorism official who first reported Secretary Rice's decision to withhold the terrorism data from the Department's annual terrorism report. *See* Larry C. Johnson, *Goodbye Patterns of Global Terrorism?,* The Counterterrorism Blog (Apr. 14, 2005) (online at http://counterterror.typepad.com/).

[4] *Id.*

[5] *Id.*

Moreover, Ms. Aguilar conceded at yesterday's briefing that numerous Department officials — including officials from the Department's Counterterrorism Center and the Department's Bureau for Intelligence and Research — had extensive involvement in the preparation of this terrorism data. Not only did they identify and submit information about specific terrorism incidents, but they also participated in an interagency adjudication process that had as its sole purpose determining whether these terrorist incidents met the statutory standards for inclusion in the Department's annual report.

We also learned at the briefing that the State Department failed to implement numerous recommendations made by the Inspector General last September that could have prevented questions about the data's origins and methodology from arising. For example, the Inspector General recommended that the data be distributed to State Department bureaus "at a minimum on a quarterly basis," enabling the bureaus to evaluate the data regularly.[6] The Inspector General also recommended that the State Department conclude a "Memorandum of Understanding" to govern how the Department obtains terrorism data from organizations outside the Department, including "complete minutes of meetings and notes on how decisions were made."[7] Ms. Aguilar reported yesterday that neither recommendation had been implemented over the past seven months.

The main rationale given by Ms. Aguilar for your decision to exclude the 2004 data from the *Patterns of Global Terrorism* report is that the terrorism data is not "relevant" to the report itself. With all due respect, this is a ludicrous position. As the Inspector General concluded last year, "The accuracy of the report is dependent on accurate and complete data."[8]

Conclusion

Last year, Bush Administration officials cited the annual terrorism data as an illustration of "the great progress that has been made in fighting terrorism."[9] Members of Congress and the public discovered that these statements were erroneous only because the underlying data on

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

[7] *Id.*

[8] *Id.*

[9] Letter from Assistant Secretary of State for Legislative Affairs to Members of Congress (Apr. 29, 2004). *See also* U.S. Department of State, *Statement of Deputy Secretary of State Richard Armitage on the Release of the 2003 "Patterns of Global Terrorism" Annual Report* (Apr. 29, 2003) (claiming the data provided "clear evidence that we are prevailing in the fight" against terrorism).

terrorist attacks was available for scrutiny.[10] In effect, your decision to withhold the data this year eliminates this vital check on the veracity of the Administration's claims.

The contrast between your approach and the approach of your predecessor, former Secretary of State Colin Powell, could not be more stark. To Secretary Powell's credit, he recognized that the 2003 report contained major errors. He withdrew the initial report, directed his staff to scrub the data for errors, discussed these problems personally with Members of Congress, including myself, and issued a revised report based on the most up-to-date information.[11] Although the revised report undercut the Administration's claims that terrorist attacks were declining, Secretary Powell never sought to hide behind the actions of another agency, avoid responsibility, or conceal data.

I urge you to follow Secretary Powell's example. The large increases in terrorist attacks reported in 2004 may undermine Administration claims of success in the war on terror, but political inconvenience has never been a legitimate basis for withholding facts from the American people.

Sincerely,

Rep. Henry A. Waxman
Ranking Minority Member

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[10] 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).

[11] *See* 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").