

# Exhibit B

THE  
COMMISSION



PHILIP SHENON

Chapter 6, footnote 164: "Public references by candidate and then President Bush about terrorism before 9/11 tended to reflect... [his concern with] state-sponsored terrorism and WMD as a reason to mount a missile defense."

FOR MIKE JACOBSON, Raj De, and the other members of the "plot" team who felt strongly that they had demonstrated a close Saudi government connection to the two hijackers in San Diego, their opponent in revealing the full story was not Zelikow. It was Dieter Snell, the hypercautious prosecutor who was their team leader.

Jacobson and De felt they had explosive material on the Saudis: the actions by Omar al-Bayoumi, the Saudi "ghost employee" who played host to the two hijackers in San Diego, and Fahad al-Thumairy, the shadowy Saudi diplomat in Los Angeles. Jacobson and De had documentation of the unusual cash transfers from the wife of the Saudi ambassador in Washington to the family of another mysterious Saudi who was tied to al-Bayoumi. They were especially excited by the discovery of the FBI files on the taxi driver who had worked for Thumairy in Los Angeles and had initially identified the photos of Nawaf al-Hazmi and Khalid al-Mihdhar.

But after presenting Snell with their final drafts outlining their findings, Jacobson was alarmed to get a phone call close to midnight on one of the final nights of editing. Snell and Zelikow were in the office, rewriting the report. Snell had presented an alternative draft of the chapter, and it removed virtually all of the most serious allegations against the Saudis. Jacobson called De, and they both rushed back to the offices on K Street.

Snell made clear that he was not going to stand for a final report that made allegations that could not be backed up conclusively. From his long career as a prosecutor, he knew that an allegation based on partial evidence should not be made at all, he said. Snell was widely admired by the commissioners for his dedication to the truth. His caution had obviously served him well as a prosecutor. But members of his team believed that the level of proof he was demanding on the 9/11 commission would exonerate the guilty.

In front of Zelikow, Jacobson and De tried all of the arguments they

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had been using for months—how it was “crazy” to insist on 100 percent proof of guilt when it came to a terrorist network like al-Qaeda or the workings of an authoritarian regime like Saudi Arabia’s. The commission was not a trial jury; there was no “reasonable doubt” requirement. Couldn’t he see that by removing this material from the report, he was effectively telling the public that Saudi Arabia had done nothing wrong, when in fact there was every reason to fear what Saudi officials had done? But Snell was determined.

Zelikow seemed sympathetic to some of the arguments being made by Jacobson and De; he, too, initially had grave suspicions about the Saudis. But at this late hour, his role was as mediator between Snell and the staff. There were only days left before the entire report had to be at the printers. Short of resigning and removing their names from the report entirely, Jacobson and De had to compromise, and much of their most damning material was moved to the report’s footnotes. It was in the report, but readers would have to find it to decipher it in the tiny type of the footnotes.

W. W. NORTON & COMPANY has long been one of the nation’s most distinguished publishing houses. The employee-owned company, founded in the 1920s, was the principal American publisher of Sigmund Freud and the British philosopher Bertrand Russell. It prided itself on working with some of the country’s best scholars. It was Zelikow’s principal publisher at the Miller Center of Public Affairs at the University of Virginia. Zelikow’s résumé listed eight books published by Norton that he had either edited or written.

It was Zelikow’s idea in the early days of the investigation, endorsed enthusiastically by Tom Kean, that the commission find a private publisher to release the report on the day it was made public in Washington. That way, the report would be instantly available in bookstores around the country. The government’s official printer, the Government Printing Office, would take days to distribute even a small number of the reports and would likely need to charge as much as \$65 a copy to recoup its costs. Kean left it to Zelikow to conduct the review to decide which private publisher would be best. The idea was to find a publisher that would agree to the commission’s strict security arrangements and would



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confrontational for the hypercautious Snell—so they went around him to Jamie Gorelick. She was among the most approachable of the commissioners, and she knew the FBI from her years at the Justice Department. Gorelick went to see Mueller personally to complain. She warned him that he was fast losing the goodwill of the commission. If Mueller wanted to save the FBI, he needed to listen and cooperate.

JACOBSON AND the others had an ally in John Lehman. Just as he was worried about ties between Iraq and al-Qaeda, Lehman was also concerned about a Saudi tie to the 9/11 plot itself. He thought it was clear early on that there was some sort of Saudi support network in San Diego that had made it possible for the hijackers to hide in plain sight in Southern California.

He was especially intrigued by the thousands of dollars' worth of "charity" checks that had been signed by the wife of the Saudi ambassador to Washington and how that money had ended up in the bank accounts of the men in Southern California who had befriended Hazmi and Mihdhar.

Lehman was convinced that Princess Haifa, the ambassador's wife, had no idea where the money was going to end up. She had simply signed checks that had been put in front of her by the radicals who worked in the embassy's Islamic affairs office in Washington. Lehman said it was well-known in intelligence circles that the Islamic affairs office functioned as the Saudis' "fifth column" in support of Muslim extremists.

When he went to the White House to talk about a possible connection between Iraq and al-Qaeda (a conversation the White House was eager to have), Lehman also brought up Saudi Arabia (a conversation the White House never wanted to have).

Lehman was struck by the determination of the Bush White House to try to hide any evidence of the relationship between the Saudis and al-Qaeda. "They were refusing to declassify anything having to do with Saudi Arabia," Lehman said. "Anything having to do with the Saudis, for some reason, it had this very special sensitivity."

He raised the Saudi issue repeatedly with Andy Card. "I used to go over to see Andy, and I met with Rumsfeld three or four times; mainly to say, 'What are you guys doing? This stonewalling is so counterproductive?'"