



**The U. S. 9/11 Commission Records:
History, collection access, and issues**

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Abstract:

The National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) was established in 2002 to provide a full and complete accounting of the attacks of September 11, 2001 and to provide recommendations as to how to prevent such attacks in the future. This paper discusses the workings of the 9/11 Commission, the processing, preservation and public access to the findings, and the work carried out by the Center for Legislative Archives of the National Archives and Records Administration to make the information available to the public.

The views expressed in this paper are personal and do not reflect the position or views of the author's agency or organization.

History

On Sept. 11, 2001, New York City and Washington, D.C. were the targets of perhaps the most horrific act of terrorism on U.S. soil. The series of events ultimately brought down the twin towers of the World Trade Center and several surrounding buildings as well as

having caused damage to the Pentagon. The loss of lives on the ground and in the air was devastating.



This paper is less about the events of what has come to be known as simply, “9/11,” but more about the workings of the National Commission on Terrorist Attacks Upon the United States, better known as the 9/11 Commission. This paper was prepared based on information on the National Archives and Records Administration (NARA) website, personal research, and input from the staff of the Center for Legislative Archives.

The National Archives Building is located at 7th Street and Pennsylvania Avenue NW in Washington, DC just a few blocks from the U.S. Capitol. The National Archives is the nation’s record keeper. Many people know the National Archives as the keeper of the



Declaration of Independence, the Constitution, and the Bill of Rights. The Archives also holds in trust the records of ordinary citizens—for example, military records, naturalization records of the immigrants. It even houses the canceled check for the purchase of Alaska.

In a democracy, records belong to the people, and for more than seven decades, the National Archives has preserved and provided access to the records of the United States of America. Records help to claim our rights and entitlements, hold our elected officials accountable for their actions, and to document our history as a nation. In short, the National Archives ensures continuing access to the essential documentation of the rights of American citizens and the actions of their Government.

The National Archives was established in 1934 by President Franklin Roosevelt, but its major holdings date back to 1775. The records capture and provide a picture of the past: slave ship manifests and the Emancipation Proclamation; captured German records and the Japanese surrender documents from World War II; journals of polar expeditions and

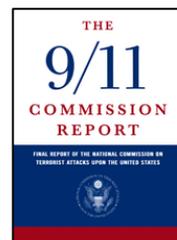
photographs of Dust Bowl farmers; Indian treaties making transitory promises; and a richly bound document bearing the bold signature "Bonaparte"—the Louisiana Purchase Treaty that doubled the territory of the United States.

The National Archives keeps only those Federal records that are judged to have continuing value – about 2 to 5 percent of those generated in any given year. Today, they add up to a formidable number, diverse in form as well as in content. There are approximately 9 billion pages of textual records; 7.2 million maps, charts, and architectural drawings; more than 20 million still photographs; billions of machine-readable data sets; and more than 365,000 reels of film and 110,000 videotapes. All of these materials are preserved because they are important to the workings of Government, have long-term research worth, or provide information of value to citizens.

The collections are open to nearly everyone as long as the user is age 14 or older. Researchers are even allowed to take photographs and to scan materials from the declassified collections for their own use.

Housed within the National Archives, is the Center for Legislative Archives. The Center preserves and makes available to researchers the historical records of the U.S. House of Representatives, the U.S. Senate, and the legislative branch. Through its public outreach programs, the Center uses these historical records to promote a better understanding of Congress and the history of American representative government.

The 9/11 Commission was an independent, bipartisan commission created by Congress. Its mandate was to provide a “full and complete accounting” of the attacks of September 11, 2001 and to provide recommendations as to how to prevent such attacks in the future. Given the broad mandate of the Commission, the workload was divided among nine teams. Teams 8 and 9, investigating the local and national response on the day of September 11, 2001, were eventually merged. Team 1 split into two teams – one to assess al-Qaeda and the other to focus specifically on the 9/11 plot. The work of the Commission continued from the moment it was created by public law on November 2, 2002 until it



closed its doors on August 21, 2004. On July 22, 2004 the Commission released its public report which was made widely available in bookstores and from its website (<http://www.9-11commission.gov>). Even though the Commission has been closed for six years, this document is still available from their website.

Commission Members

The presidentially appointed commission consisted of ten distinguished individuals, five Democrats and five Republicans. The members were:

Thomas Kean (Chairman) - Republican, former Governor of New Jersey

Lee H. Hamilton (Vice Chairman) - Democrat, former U.S. Representative from the 9th District of Indiana

Richard Ben-Veniste - Democrat, attorney, former chief of the Watergate Task Force of the Watergate Special Prosecutor's Office

Max Cleland - Democrat, former U.S. Senator from Georgia; Resigned December 2003.

Fred F. Fielding - Republican, attorney and former White House Counsel

Jamie Gorelick - Democrat, former Deputy Attorney General in the Clinton Administration

Slade Gorton - Republican, former U.S. Senator from Washington

Bob Kerrey - Democrat, President of the New School University and former U.S. Senator from Nebraska. Replaced Max Cleland as a Democratic Commissioner, after Cleland's resignation.

John F. Lehman - Republican, former Secretary of the Navy

Timothy J. Roemer - Democrat, former U.S. Representative from the 3rd District of Indiana

James R. Thompson - Republican, former Governor of Illinois

Dozens of government agencies and other entities provided the Commission with more than 1.5 million pages of documents and other materials, including more than 1,000 hours of audiotapes. The Commission's final report was lengthy and based on extensive interviews and testimony.

Collection Access

Information on public access to the collections is available at <http://www.archives.gov/legislative/research/9-11/about-commission.html>. A concerted effort was made to allow public access to as much of the collected and written material as possible. From the website researchers have access to descriptions of Memorandums for the Record (MFR), something called Front Office Files, Subject Files of various counsel that includes their personal memoranda, correspondence, articles, work plans, briefs and memoranda of understanding. The team files are also available including some Federal Bureau of Investigation (FBI) reports and draft questions for interviewees and team interview notes. Some team files are closed and not available for viewing. Also included are press clippings, files from the New York City office and a staff monograph on civil aviation security.

By agreement between the City of New York and the Commission, Memorandums for the Record of New York City's first responders are closed for 25 years. What is recorded is that the restricted record exists and that it is an interview of a first responder such as an officer of the New York Police Department or a New York City Fire Department member. The chair and the co-chair of the Commission may have made a determination that records:

- (a) contain information that continues to be classified;
- (b) disclose private information that the Commission agreed to protect from public disclosure; or
- (c) are otherwise barred from public disclosure by law, as determined by the Archivist of the United States.

The 9/11 Commission records have specific limitations to their access. There is much content of a sensitive nature in the collections and specific agreements have been made with some agencies to withhold certain records for an extended period. In the United States public information is covered by the Freedom of Information Act (FOIA) and citizens may invoke a FOIA request for information from any federal executive branch

agency. Each agency has staff review such requests to make a determination if what is being requested can be released. In the case of the records contained in a legislative commission, the Freedom of Information Act does not apply. You will also find a clear explanation of this on the Center for Legislative Archive's website. Classification and declassification is controlled by the President of the United States through the executive order process. While the current executive order focuses on records 25 years old and older, anyone can request a review of any classified record regardless of its age. Because the records of the 9/11 Commission are so current, most of them remain closed.

National security clearances are required and there must be a need to know in order to view any classified records. A line by line review of every released record has been made by authorized staff with the appropriate security clearances. Those employees with proper clearance, such as those who processed the collections and those who manage the collections today, are bound by strict laws of confidentiality. As one may imagine, this is most complex, there are privacy issues, and even nearly ten years after the tragedy, investigations are still going on.

9/11 Commission Website

The 9/11 Commission website (<http://9-11commission.gov>) is preserved as it appeared on September 20, 2004. It remains accessible but no data can be added, deleted, or altered. The website still contains a variety of information including staff monographs and statements, Commission and staff biographies, the final report, hearing transcripts and video, lists of witnesses, press releases, and other resources.

There is an extremely useful Frequently Asked Questions (FAQs) page on the 9/11 Commission records. Here is part of the page available at <http://www.archives.gov/legislative/research/9-11/faqs.html>.)



The FAQs attempt to address all the questions researchers may have, policy issues, links are provided to documents, the collection contents are described, and procedures for accessing the declassified portions of the collection. A reproduction fee schedule is also provided so that researchers who do not physically visit and access the collection will know the reproduction services available for the type of file and the mail order charges.

When the Commission closed and released its archived textual records, approximately 35% of the collection had been made publicly available in January 2009. Approximately 150 cubic feet of records are available for access which represents 35% of the predominately unclassified series of the collection. The National Archives and Records Administration continues to process the remaining 420 cubic feet of material – most of which is highly classified.

Issues

For the staff of the Center for Legislative Archives who received and processed the 9/11 Commission collections, the sheer variety of the media presented was a challenge. In

addition to paper content, the collection is comprised of audio tapes, video tapes, and CDs. The Commission wanted the collection to be as open and accessible as possible for the present and the future. Since the available technology advances so rapidly, efforts have been made to ensure that decades from now researchers will still be able to access the collections in what may become antiquated and obsolete formats.

For the Center staff who personally handled, touched, viewed or listened to 9/11 Commission collection content, there were many sensitivities. The subject of the collection is an emotional one and processing staff and their management had to deal with the difficulties some staff experienced when reading the graphic details of survivor experiences.

There are still present-day issues of ongoing lawsuits, terrorist financing is still being investigated, and there are many first responder concerns.

In closing, the Center for Legislative Archives and the National Archives and Records Administration are doing their part to preserve, to protect, and to make accessible the records of the 9/11 Commission as well as other valuable historical collections. Should you find yourself in Washington, D.C., it is hoped that you will find the time to enjoy some of our national treasures or to use the collections of the National Archives for your own research.