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9 April 2012

The Honorable Jim Webb  
The Honorable Claire McCaskill  
United States Senate  
Washington, DC 20510

Dear Senators Webb and McCaskill:

Following up on my December 13, 2011, letter to you regarding your request of November 7, 2011, for immediate release of the records of the Commission on Wartime Contracting in Iraq and Afghanistan (CWC), I have determined that it is not appropriate to release any records of the CWC at this time.

My staff conducted a detailed survey of the paper and digital records comprising the Questions for the Record (QFR) series, which was of particular interest to your staff. The result indicates that the records are too replete with sensitive information to merit a line-by-line review for release to the public. The releasable portions of the records consist primarily of innocuous administrative material or information already available in open sources. Based on our sampling, it appears that approximately 99 percent of the QFR's digital records include proprietary contracting or auditing information, generally prohibited from release for 10 years.

As you know, the CWC established a 20 year closure period, which was consistent with how records of Congress are treated. You may also know that other recent legislative branch commissions – i.e., the 9/11 Commission and the Financial Crisis Inquiry Commission – established five year closure periods. Accordingly, I am prepared to revisit this decision in five years' time by reassessing the sensitivities in the collection.

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Thank you for your interest in the records. While I share your interest in transparency, I am also obligated to weigh statutory protections as well as the public interest when determining access to records in the National Archives. I would also like to remind you that these records can be made available to the Congress in response to a formal request from the chairman of a committee with jurisdiction.

Sincerely,

A handwritten signature in black ink, appearing to read "D. S. Ferriero", with a stylized flourish at the end.

DAVID S. FERRIERO  
Archivist of the United States