

# 9/11 and the Right to Reopen History

*For twenty-five years, September 11 has functioned not only as a national trauma but as a governing premise. If an event is used to justify war, surveillance, secrecy, and durable changes in civic life, then democratic legitimacy requires more than ritual remembrance. It requires permanent adversarial scrutiny.*

**By Franc DeBuc**

There are events that wound a nation, and then there are events that reorganize it. September 11, 2001 did both. It killed thousands, scarred the public imagination, and reoriented the political life of the United States and much of the Western world. The wars that followed it, the expansion of surveillance, the growth of executive power, and the institutional consolidation of homeland-security powers all drew force from the story told about that day.<sup>1</sup>

That is precisely why 9/11 should remain open to serious scrutiny.

## **A Constitutional, Not Cultic, Question**

This is not a demand for cultic doubt. It is a demand for constitutional hygiene. Any event used to justify lasting changes in war powers, intelligence authorities, policing doctrine, and civic life must remain open to adversarial audit. A democratic society cannot permanently reorganize itself around a trauma while treating the factual and procedural record of that trauma as effectively closed.

The issue is not whether 9/11 was investigated at all. It was. Reports were written. Hearings were held. Technical models were produced. The official account did not emerge from thin air. It emerged from an institutional process that included the 9/11 Commission, NIST engineering reports, and later archival releases. The Commission itself described its mandate as preparing a “full and complete account” of the circumstances surrounding the attacks, including preparedness and the immediate response.<sup>2</sup>

The real question is narrower and more difficult: was that scrutiny sufficient to justify permanent democratic closure?

The answer, at minimum, is less certain than public culture has pretended.

## **What Is Settled, and What Is Not**

Much about 9/11 is settled. Aircraft were hijacked. Massive loss of life occurred. The event was real, catastrophic, and world-changing. The official investigations attributed the plot to al-Qaeda, identified the hijackers, traced financing and planning networks, and described a matrix of intelligence failures, bureaucratic fragmentation, and missed warning opportunities.<sup>3</sup>

That settled ground should be acknowledged plainly. Doing so is not concession. It is discipline.

But settled ground is not the same thing as exhaustive closure.

### **The Technical Dispute**

Some major disputes remain technically or institutionally live. The collapse of World Trade Center Building 7 is the clearest example. The official explanation, as articulated by NIST, attributes the collapse of WTC 7 to prolonged uncontrolled fires that caused thermal expansion of floor beams and girders, the loss of a critical girder connection near Column 79, cascading floor failures, and a fire-induced progressive collapse that culminated in the building's visible descent. NIST's public summary further describes the visible exterior descent as occurring in three stages over about 5.4 seconds, including a Stage 2 free-fall interval from 1.75 to 4.0 seconds.<sup>4</sup>

That model exists. It is detailed. It should not be caricatured.

At the same time, critics have argued that the official modeling depends on assumptions that remain contestable, and that independent technical review has not fully stabilized the dispute. The best-known formal challenge remains the 2020 University of Alaska Fairbanks report by J. Leroy Hulseley, Zhili Quan, and Feng Xiao, which concluded that fire did not cause the collapse of WTC 7 and instead posited near-simultaneous failure of the building's columns.<sup>5</sup> That study, however, remains contested rather than dispositive. A 2022 Fire Technology article by Mhd Anwar Orabi, Liming Jiang, Asif Usmani, and Jose Torero likewise situates WTC 7 within a serious structural-fire literature in which expert teams have reached varying conclusions about the mechanisms responsible for initiating and propagating collapse.<sup>6</sup>

The point is not that WTC 7 proves a hidden theory. The point is that it remains a concentrated technical dispute inside an event that still governs public life. In a healthy epistemic order, that means transparent replication, open comparison of assumptions, preserved data, and public technical contest. It does not mean taboo.

### **Evidence Handling and Closure**

The same logic applies to the evidentiary and administrative aftermath. Concerns about evidence handling after 9/11 do not, standing alone, prove orchestration. But they do bear directly on whether the public was given a process sufficient to justify durable closure. The 9/11 Commission was created on November 27, 2002, more than a year after the attacks. Even the early FEMA study described itself as preliminary and called for more detailed engineering studies to complete the assessment. At the same time, contemporaneous reporting recorded that large quantities of World Trade Center steel had already entered the recycling stream within months of the disaster, while NIST later noted that WTC 7 steel removed from the site could no longer be clearly identified once the formal investigation began.<sup>7</sup>

Those facts do not settle causality. They do, however, support the narrower and more defensible claim that evidence handling and inquiry timing remain legitimate subjects of public scrutiny.

It is important not to overstate this point. Governments behave badly after crises they did not cause. Evidence mismanagement, institutional self-protection, reputational defense, and bureaucratic chaos are real forces. Incompetence and malice are not the same thing. But neither are they interchangeable

excuses. Where a defining national trauma is followed by evidence degradation, politically bounded inquiry, and continuing opacity around key records, the public has reason to resist ritualized closure.

### **Exploitation Is Not Authorship**

That resistance becomes even more justified when one considers what followed. The attacks were followed by the Authorization for Use of Military Force on September 18, 2001, the USA PATRIOT Act on October 26, 2001, and the subsequent consolidation of homeland-security institutions under the Homeland Security Act of 2002.<sup>8</sup>

This requires precision. Exploitation is not authorship. Benefit is not identity. Exploitation is not orchestration.

But exploitation still matters. If a crisis becomes the moral and political basis for a new civic order, the public has every right to ask which institutions were prepared to exploit it, which authorities expanded under its cover, and whether the investigative process surrounding the event was robust enough to justify the permanence of the order built on top of it. Those are not fringe questions. They are basic democratic questions.

### **Why Reopening Matters Now**

This is the larger point. The argument for reopening 9/11 is not antiquarian. It is constitutional. The event still governs the moral architecture of the present. It still authorizes narratives of emergency, secrecy, and trust in institutions that have not always earned that trust. That alone is enough reason to reject the idea that the record can be treated as permanently settled by institutional decree.

### **The Democratic Demand**

A democratic reopening would not begin with slogan or certainty. It would begin with a program: full release of still-withheld relevant records where lawful, transparent technical review of disputed structural and operational questions, adversarial comparison of official and critical models, sworn testimony where the historical record remains materially unstable, and permanent public archives for the evidence streams that continue to shape collective memory.<sup>9</sup>

This is not revenge. It is repair.

If the official account can withstand renewed scrutiny, it will stand stronger for it. If it cannot, then the public has lived too long inside a closure it never truly earned.

A civilization that cannot re-examine the event that still governs it is not fully self-governing. It is administratively managed inside inherited memory.

That is the real constitutional issue of 9/11.

Not whether the public can still remember it.

Whether the public is still permitted to examine it.

## Selected Notes

1. Authorization for Use of Military Force, Pub. L. 107-40, 115 Stat. 224 (Sept. 18, 2001); Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act), Pub. L. 107-56, 115 Stat. 272 (Oct. 26, 2001); Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2135 (Nov. 25, 2002).
2. National Commission on Terrorist Attacks Upon the United States, “About the Commission” and FAQ, 9-11commission.gov; see also National Commission on Terrorist Attacks Upon the United States, The 9/11 Commission Report (2004).
3. National Commission on Terrorist Attacks Upon the United States, The 9/11 Commission Report (2004), esp. chapters 5-8 and staff statements on plot development, financing, and intelligence failures.
4. National Institute of Standards and Technology, “FAQs - NIST WTC 7 Investigation,” updated Sept. 10, 2021.
5. J. Leroy Hulsey, Zhili Quan, and Feng Xiao, A Structural Reevaluation of the Collapse of World Trade Center 7 (Fairbanks: University of Alaska Fairbanks, Mar. 2020).
6. Mhd Anwar Orabi, Liming Jiang, Asif Usmani, and Jose Torero, “The Collapse of World Trade Center 7: Revisited,” Fire Technology 58, no. 5 (2022): 2963-2990, <https://doi.org/10.1007/s10694-022-01225-2>.
7. National Commission on Terrorist Attacks Upon the United States, FAQ (Commission created Nov. 27, 2002); FEMA, World Trade Center Building Performance Study: Data Collection, Preliminary Observations, and Recommendations (FEMA 403, May 2002); Danielle Jackson, “60,000 Tons of World Trade Center Steel Recycled,” Waste360, Jan. 31, 2002; National Institute of Standards and Technology, “Status Updated on Recovered World Trade Center Steel at NIST,” Sept. 17, 2002; National Institute of Standards and Technology, “FAQs - NIST WTC 7 Investigation” (noting WTC 7 steel removed from the site before the NIST investigation began and that, once removed, it could no longer be clearly identified).
8. See note 1 above.
9. For public-record access and structured archival release models, see Freedom of Information Act, 5 U.S.C. § 552; President John F. Kennedy Assassination Records Collection Act of 1992, Pub. L. 102-526; and National Archives, “The President John F. Kennedy Assassination Records Collection.”