January 23, 2020

The Honorable David S. Ferriero
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Mr. Ferriero:

The American Historical Association (AHA) fully appreciates the challenges posed by the continually increasing volume of federal and presidential records, the growing proportion of those records that are "born digital," and the lack of extant space required to house those paper records that National Archives and Records Administration still must accession, index, and make available to researchers. Consequently, the AHA recognizes the impetus for digitizing the remaining paper records and for relying more heavily on technology for appraisal and review.

The AHA nevertheless must express its most serious concerns about the risks and potential consequences of the new government-wide policy memorandum issued jointly by NARA and the Office of Management and Budget in June 2019. M-19-21, "Transition to Electronic Records," directs all agencies to manage *all* their permanent records electronically by December 31, 2022. This directive demands that the agencies digitize all their remaining paper records because NARA will no longer accept paper records after that date. Although the AHA acknowledges the long-term benefits of this policy, it fears that the hasty implementation, exacerbated by the lack of dedicated funding and an enforcement mechanism, will impair NARA's mission and prove antithetical to the needs of researchers, and to American public culture.

The most fundamental problem with the new policy is that it presents each agency with an unfunded mandate to digitize all its permanent records. Imposing this cost on the agencies would create a severe burden under any circumstances. But to do so at a time of constrained budgets and staff shortages and an urgent need to purchase advanced technologies appears to the AHA highly imprudent. Indeed, it seems to provides the agencies with an incentive either to ignore extant paper records, to digitize them as inexpensively as possible regardless of the quality of the copies, or even to destroy them. NARA received an increased appropriation for FY 2020 to digitize records, but it is insufficient and targets only those records already accessioned by NARA, not those that have not yet been transferred from the agencies. Further, how will NARA/OMB enforce the agency's mandate to digitize and transfer the records?

The status of the Intelligence Community's paper records is an extreme yet illustrative example. The CIA has reviewed for the purpose of determining whether they can be declassified and released but a fraction of its records dating back to its establishment in 1947. Because of inadequate funding, the CIA has cut back on its historical programs. Will it now pay to digitize those millions of pages that it still retains and has yet to review? This does not seem realistic. The situation is if anything worse with the National Security Agency.

In addition, the AHA judges it very likely that efforts to implement this policy will overwhelm the agencies, causing irreparable harm to records management, future research, and the public interest in the preservation of official materials. Already the exploding volume of records is overburdening those responsible for their appraisal. The transition to electronic records will enable technological tools to mitigate this burden, as records managers might be able to use machine-learning algorithms to distinguish temporary records from permanent ones. But determining whether and how this can be done with acceptable accuracy requires careful study. The diminution and transformation of professional archival staffs at the agencies and NARA over the past decade has left each bereft of subject experts, who will be essential for "training" and evaluating the performance of these algorithms. At the same time, both NARA and the agencies have struggled to hire staff with the requisite expertise in the latest data science methods. This creates the danger that millions of historically important files will be deemed temporary and ultimately destroyed. At the very least, applying these methods poses novel questions that call for broad consultations with all stakeholders. Once agencies transfer the records to NARA, as required by statute, will the trained computers and the personnel that trained them accompany them?

The AHA has learned that in anticipation of this challenge in managing the deluge of electronic records, agencies are already simplifying their records schedules by adopting a "big bucket" framework. This development likewise gravely concerns the AHA. Substituting an effort to identify commonalities across offices and functions for the granular approach to appraising documents that historically served appraisers and records managers so well compounds the risk of classifying as temporary many records that will be vital to future research. The paucity of subject experts at the agencies and at NARA intensifies this danger. Without the specificity afforded by the previous records schedules, researchers will need to search almost aimlessly through "big buckets" that are so amorphous as to defy useful description. Discovering the documents they need will become exponentially more difficult if not impossible even with the most advanced—and expensive--technology.

Accordingly, the AHA recommends that prior to implementing Policy Memorandum M-19-21, NARA and the OMB commission the Congressional Research Service or a comparable entity to conduct a thorough study of the feasibility and implications of the transition to electronic records by December 2022. This study will examine the requisite costs, staffing, technologies, strategies for enforcement, and implications for researchers who seek to discover the records and gain access to them. It should conclude by listing a set of recommendations aimed at advancing NARA's mission as well as serving the needs of NARA's stakeholders.

Sincerely,

James Grossman
Executive Director