



NATIONAL
ARCHIVES

ARCHIVIST *of the*
UNITED STATES

DAVID S. FERRIERO

T: 202.357.5900

F: 202.357.5901

david.ferriero@nara.gov

1 August 2018

Mr. James Grossman
Executive Director
American Historical Association
400 A Street SE
Washington, DC 20003
jgrossman@historians.org

Dear Jim:

Thank you for your letter of July 25, 2018 on behalf of the American Historical Association conveying your concerns related to the disposition of Federal records created by two Department of Homeland Security agencies, U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP). The records schedule that we are actively working on related to this issue, DAA-0567-2015-0013, Detainee Records, is a request for disposition authority from ICE and would not grant disposition authority to CBP.

When we receive a proposed records schedule from an agency, NARA staff determine whether the records warrant preservation in the National Archives (permanent retention) and whether records lack permanent historical or other research value (temporary retention) in accordance with NARA's appraisal policy (available at <https://www.archives.gov/records-mgmt/initiatives/appraisal.html>). Before I receive a recommendation to approve a records schedule, the public has an opportunity to comment on the proposal. The opportunity for public input is mandated by law and is integral to the scheduling and appraisal process.

Schedule DAA-0567-2015-0013 was proposed to NARA in October 2015, and posted to the Federal Register on July 14, 2017. During the comment period, NARA received an unprecedented number of comments on this schedule, and NARA staff have been reviewing the comments and working with ICE to revise the schedule as appropriate. In addition, I have directed staff to conduct a comprehensive review of all ICE schedules that relate to deaths and assaults of detainees in ICE facilities.

After the public comments have been assessed, NARA will require ICE to make changes to the proposed schedule. Our plan is to issue a public notice in the Federal Register responding to all comments. We will make all reasonable efforts to notify interested individuals and organizations, such as media outlets that previously contacted us, the ACLU, and commenters who directly provided substantive comments. We will also include the AHA on our list of contacts to notify as we proceed with the next phase of the process.

NARA did not grant a disposition request from ICE on June 20th, 2017. I believe you are referring to NARA appraisal staff's recommendation that was sent to public requesters. I will not approve the pending ICE schedule until all comments are adjudicated and resolved to my satisfaction.

I agree with your comments regarding the importance of adequate access to records regarding immigration, one of our Nation's most significant national experiences. NARA's appraisal policy specifically refers to records that document the immigration to the United States of the foreign born or their application for legal residence or citizenship.

Thank you for your comments.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Ferriero". The signature is stylized and cursive.

DAVID S. FERRIERO
Archivist of the United States