

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON; AMERICAN
HISTORICAL ASSOCIATION; and
SOCIETY FOR HISTORIANS OF
AMERICAN FOREIGN RELATIONS,

Plaintiffs,

v.

Civil Action No. 20-cv-739-APM

NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION; DAVID S.
FERRIERO, in his official capacity as
Archivist of the United States; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; and MATTHEW T.
ALBENCE, in his official
capacity as Acting Director of U.S.
Immigration and Customs Enforcement,

Defendants.

DECLARATION OF KRISTIN L. HOGANSON

I, Kristin L. Hoganson, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the President of the Society for Historians of American Foreign Relations (“SHAFR”), a plaintiff in the above-captioned case. I have served in that position since November 1, 2019.

2. SHAFR is a professional society dedicated to the study of U.S. foreign relations history. On behalf of its nearly 1,000 members, it advances its mission to promote the study, advancement and dissemination of knowledge about U.S. foreign relations history by awarding research grants and prizes, holding conferences, publishing an academic journal, *Diplomatic History*, and furthering archival access to government documents.

3. As SHAFR's President, I have knowledge of and am familiar with the work of SHAFR's members, as well as their research and academic interests.

4. SHAFR's members include historians, researchers, and educators who depend on preservation of and access to federal records in order to present a full and accurate accounting of the past in their teaching, public speaking, exhibitions, publications, and research endeavors. These members routinely rely on permanent federal records stored at National Archives and Records Administration ("NARA") facilities, and have filed thousands of Freedom of Information Act ("FOIA") and mandatory declassification review requests. On behalf of its members, SHAFR has long advocated for the preservation, declassification, and public availability of federal records, because of the fundamental importance of these records for their investigation of the country's past. Thus, SHAFR and its members have a strong interest in federal agencies' compliance with their recordkeeping obligations under the Federal Records Act. The destruction of federal records relevant to SHAFR members' work thwarts SHAFR's mission and impede its members' informational rights under FOIA.

5. I have reviewed the complaint in this action and understand that it concerns NARA's approval of the records disposition schedule for Detainee Records proposed by U.S. Immigration and Customs Enforcement, Schedule No. DAA-0567-2015-0013 (the "ICE Schedule").

6. As noted, SHAFR is dedicated to the study of the history of U.S. foreign relations. SHAFR construes the concept of foreign relations history broadly to encompass topics such as immigration policy, the treatment of migrants, and cross-border mobility.

7. SHAFR's members include numerous historians who focus on U.S. immigration issues in their research, scholarship, and teaching. As part of that work, SHAFR's members routinely rely on U.S. immigration records—including detention records like those listed in the ICE Schedule—as primary source material, and will continue to rely on such records decades into the future. SHAFR's members gain access to these records by, among other things, visiting NARA facilities where the records are stored permanently and through FOIA requests submitted to relevant agencies. Given the nature of historians' work, SHAFR's members frequently seek these records many decades after their creation—far beyond the temporary retention periods set forth in the ICE Schedule. If the records listed in the ICE Schedule are destroyed, SHAFR's members will be irreparably harmed because they will be deprived of current and future access to critical records on which they routinely rely in their research, scholarship, and teaching. For example:

- a. SHAFR member Lucy Salyer is Professor of History at the University of New Hampshire. She specializes in the history of immigration and citizenship policies, focusing especially on the Chinese exclusion policy and Asian American citizenship. Professor Salyer has relied extensively on INS records (the predecessors of the ICE records) as part of her research and educational work, including in her award-winning book *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill & London: Univ. of North Carolina Press, 1995). That book relied on INS records documenting the circumstances of the government's detention of Chinese immigrants in California in the early 20th century, including records concerning complaints outside groups

submitted to the government about the poor conditions of immigrant detention, and the government's investigation of those complaints. Professor Salyer gained access to those records by visiting NARA's Record Group 85 in Washington, D.C.

- b. SHAFR member Jennifer Cullison is a postdoctoral fellow in the Core Humanities program at the University of Nevada, Reno. She specializes in U.S. history and global issues of race, migration and citizenship, with a particular focus on immigration detention. Dr. Cullison has relied extensively on immigration detention records of INS and ICE, including in her dissertation "Spawning a Hydra: The Policy and Practice of Immigrant Caging in Postwar America" (filed Spring 2018). That dissertation explores the growth of immigrant detention writ large in the U.S. since World War II, and includes case studies focused on individual detainee experiences. Dr. Cullison gained access to immigration detention records by, among other things, visiting the NARA facilities in Washington, D.C., and College Park, Maryland, and through FOIA requests. In keeping with her research interests, I have been informed that Dr. Cullison intends to seek and use ICE records, including those listed in the ICE Schedule, as part of her future work.
- c. SHAFR member Kristina Shull is a postdoctoral fellow in Global American Studies at Harvard University where she teaches in the Ethnicity, Migration, and Rights unit. She specializes in race, foreign relations, and immigration enforcement, with a particular focus on immigration detention. Dr. Shull has

relied extensively on immigration detention records of INS and ICE, including in her current book project, *Invisible Bodies: Immigration Crisis and Private Prisons Since the Reagan Era*, which explores the rise of immigration detention and prison privatization in the early 1980s. Dr. Shull has also relied extensively on ICE records in her collaborations with the non-profit organization Freedom for Immigrants. For example, Dr Shull is the creator of and a frequent contributor to Freedom for Immigrant's IMM Print blog (imm-print.com), a publication of stories from immigration detention that draws heavily from ICE records and data. Dr. Shull has also worked on reports for Freedom for Immigrants that relied on ICE's detention monitoring reports, which are slated for destruction under the ICE Schedule. In keeping with her research interests, I have been informed that Dr. Shull intends to seek and use ICE records, including those listed in the ICE Schedule, as part of her future work.

8. In SHAFR's view, the ICE records scheduled for destruction document a pivotal moment in U.S. immigration policy that is of significant public interest, and have research and historical value comparable to other immigration records NARA has appraised as permanent, such as those found in NARA's Record Group 85. Case-specific records concerning individual immigrants and agency officials, such as the ICE records, provide immigration historians vital proof of the on-the-ground implementation of our nation's immigration policy, which often cannot be discerned from higher-level agency records. The records also hold unique historic value because ICE is a relatively new agency, having been established in 2003. Records from this period will therefore provide critical insight to historians and researchers as to the operations

of a newly formed federal agency, which, as discussed above, has the been the subject of extensive public criticism and scrutiny with respect to its treatment of immigrant detainees. Because these records will serve as essential evidence needed to piece together the historical record decades into the future, their destruction will inflict irreparable harm to the work of the SHAFR's members.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 12, 2020.



Kristin L. Hoganson