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United States Senate

COMMITTEES:
FINANCE
ENERGY AND NATURAL
RESOURCES
ETHICS
INDIAN AFFAIRS
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

September 16, 2021

The Honorable David S. Ferriero
Archivist of the United States
700 Pennsylvania Ave, NW
Washington, DC 20408

Dear Mr. Ferriero,

I am deeply concerned with the National Archives and Records Administration's (NARA) blanket application of a "Harmful Language Alert," to all documents in the Archives Catalog. Most disturbing is use of the alert for our nation's founding documents, including the Constitution, Declaration of Independence, and the Bill of Rights. It should be removed immediately.

As you are well aware, NARA's *Statement on Potentially Harmful Content* states:

> *"The Catalog and web pages contain some content that may be harmful or difficult to view. NARA's records span the history of the United States, and it is our charge to preserve and make available these historical records. As a result, some of the materials presented here may reflect outdated, biased, offensive, and possibly violent views and opinions. In addition, some of the materials may relate to violent or graphic events and are preserved for their historical significance."[1]*

This obviously politically-charged qualifier goes leaps and bounds beyond the role of NARA, which has been established to operate as a nonpartisan entity responsible for providing public access to federal government records. As you said in 2019, "One of the great values of having a nonpartisan, independent agency responsible for the records is we're preserving the good stuff and the bad stuff. Unlike some other countries where there's less focus on ensuring that there is a nonpartisan approach, we're pretty particular about that." [2]

While our nation undoubtedly has stains on its history, we have, from our founding, created the most free and diverse society on earth. Nevertheless, the people of the United States have continued their mission of forming a more perfect union.

As a nation, we should take pride in our founding documents, not stipulate them as if we are ashamed of the very freedoms that provide individuals in our nation with the ability to discuss and discern for themselves how to engage with and respond to their government, its laws, and its history. As NARA's mission states, "Public access to government records strengthens democracy by allowing Americans to claim their rights of citizenship, hold their government accountable, and understand their history so they can participate more effectively in their government."[3]

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[1] https://www.archives.gov/research/reparative-description/harmful-content
[2] https://washingtoncitypaper.com/article/178944/the-10th-archivist-of-the-us-on-the-national-archives/
[3] https://www.archives.gov/about/info/mission

In light of this alert and the Archivist's Task Force on Racism's report[4], both of which should be revoked, please provide a response to the following questions by September 30, 2021.

1. In your capacity as Archivist, do you view the Constitution, Bill of Rights, and Declaration of Independence as presenting outdated, biased, offensive, and violent views and opinions?
   o Do you intend to add this warning to physical exhibits of the documents at NARA facilities?
   o Additionally, will such warnings or labels be attached to items for purchase and/or free educational materials available at NARA facilities?
2. The report states that the Task Force "had to consider the implications of the new executive orders 13950 and 13985 which were established prior to and during the review period…" Do you view the report and its content as meeting the intent of President Biden's Executive Order 13985?[5]
3. How did the Task Force ensure that it was collecting information from individuals and experts with a variety of perspectives when compiling the report to ensure balance in its findings?
4. I've attached the definitions included in the report as an addendum to this letter. How does NARA intend to use the definitions listed in the report both to achieve the recommendations and subsequent changes and to develop educator resources or toolkits on its website?
5. The report is critical of President Trump and a commission established by his Administration. Do you view those references as keeping in line with the independent and nonpartisan mission of NARA? How will you ensure any implementation from the report, including the establishment of the working group tasked with executing the report, be nonpartisan and neutral? [6]

Thank you for your prompt attention to this matter as we work toward the shared goal of promoting educational opportunities for Americans to have access to and learn about their government. If you have any additional questions, please do not hesitate to contact my office. I look forward to your prompt response and reiterate my expectation that the alert be immediately removed.

In God We Trust,

James Lankford
United States Senator

[4] https://www.archives.gov/files/news/archivists-task-force-on-racism-report.pdf
[5] Pg. 6
[6] Pg. 103

Appendix IV: Glossary of Select Terms & Concepts Related to Race and Racial Equity

These working definitions are synthesized from professional literature and other resources. Where we have drawn specific wording, the source is cited. This list is not intended to be a comprehensive collection of terms relating to either racial equity or archival/museum work. It is an effort to clarify some terminology used in our reports, as well as outline some of the related concepts that heavily influenced our discussions during the process of creating the reports. Language and grammatical styles evolve quickly, and these terms should be continuously evaluated for their usefulness.

General Definitions and Acronyms

- **Anti-racism**: An active and consistent process of change to eliminate individual, institutional, and structural racism.[1] [Return to reading]
- **BIPOC**: This acronym is meant to unite these communities in the work for liberation while intentionally acknowledging each has unique histories and faces different kinds of injustices. The term was designed to be an alternative to the term **people of color (POC)** which many felt erased the historical and contemporary prominence and uniqueness of anti-Blackness and Indigineous-erasure when discussing racism in the United States. BIPOC is a useful umbrella term but specificity is best; e.g., do not use BIPOC when referring to issues specific to the Black community.[2] [Return to reading]
- **Content Warning**: A verbal or written notice that precedes potentially sensitive content. Such notices flag the contents of the material that follows, so readers, listeners, or viewers can prepare themselves to adequately engage or, if necessary, disengage for their own well being. A **trigger warning** is a specific variety of content warning that attempts to forewarn audiences of content that may cause intense physiological and psychological symptoms for people with Post-Traumatic Stress Disorder (PTSD) and other anxiety disorders.[3] [Return to reading]
- **DEAI**: An initialism standing for Diversity, Equity, Accessibility, and Inclusion, defined individually below. DEAI work is a core component of several professional organizations, such as the American Alliance of Museums. [Return to reading]
  - **Diversity**: Socially, it refers to the wide range of identities, including: race, ethnicity, gender, age, national origin, religion, disability, sexual orientation, socioeconomic status, education, marital status, language, veteran status, physical appearance, etc. Within an organization diversity entails examining and questioning the makeup of a group to ensure multiple perspectives are represented.[4]
  - **Equity**: The consistent and systematic fair, just, and impartial treatment, access, opportunity, and advancement of all individuals, while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups. The principle of equity acknowledges that there are historically underserved and underrepresented populations and

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[1] "Race Equity Glossary," Minnesota Education Equity Partnership, accessed March 8, 2021, https://mneep.org/word/#

[2] This definition is derived from *8 Terms used in Anti-Racism Work Explained* (https://futureofgood.co/8-terms-anti-racism-explained/), *Making a Microaggression: Using Big Data and Qualitative Analysis to Map the Reproduction and Disruption of Microaggressions through Social Media* (https://journals.sagepub.com/doi/full/10.1177/2056305120975716), and *Why the term "BIPOC" is so complicated, explained by linguists* (https://www.vox.com/2020/6/30/21300294/bipoc-what-does-it-mean-critical-race-linguistics-jonathan-rosa-deandra-miles-hercules)

[3] "An Introduction to Content Warnings and Trigger Warnings." University of Michigan, College of Literature, Science, and the Arts Inclusive Teaching, accessed March 8, 2021, https://sites.lsa.umich.edu/inclusive-teaching-sandbox/wp-content/uploads/sites/853/2021/02/An-Introduction-to-Content-Warnings-and-Trigger-Warnings-Draft.pdf

[4] This definition is derived from *Diversity, Equity, and Inclusion Glossary* (https://environment.uw.edu/about/diversity-equity-inclusion/tools-and-additional-resources/glossary-dei-concepts/) and *Definitions of Diversity, Equity, Accessibility, and Inclusion* (https://www.aam-us.org/programs/diversity-equity-accessibility-and-inclusion/facing-change-definitions/).

that fairness regarding these unbalanced conditions is needed to assist in the provision of adequate opportunities to all groups.[5]

- ○ **Accessibility/Access**: Giving equitable access to everyone along the continuum of human ability and experience. This also encompasses broader meanings of compliance and refers to how organizations make space for characteristics that each person brings. Access can also refer to public accommodations and job opportunities for marginalized populations; the context of the use of the word(s) will determine if accessibility is meant in the physical, legal, or experiential sense.[6]
  - ■ In the context of archival description, the term **accessibility** can also refer to the characteristic of being easily reached or used with minimal barriers; the ability to locate relevant information through the use of catalogs, indexes, finding aids, or other tools; and the permission to locate and retrieve information for use (consultation or reference) within legally established restrictions of privacy, confidentiality, and security clearance; access.[7] [Return to reading]
- ○ **Inclusion**: The act of creating environments in which any individual or group can be and feel welcomed, respected, supported, and valued as a fully participating member. An inclusive and welcoming climate embraces differences and offers respect in words and actions for all people. While a truly "inclusive" group is necessarily diverse, a "diverse" group may or may not be "inclusive."

- **Harmful**: Within the context of our report, harmful is used to describe words, phrases, and actions that cause harm to marginalized groups. It can include language and behavior that is racist, sexist, ableist, homophobic, transphobic, anti-Semitic, etc. The term "harmful" should not replace or be used as a euphemism for these more specific terms but may be used to convey that many types of harm are being described. [Return to reading]
- **Historical Negationism**: The illegitimate distortion of the historical record, often constituting in the denial or lessening of the impact/severity of historical crimes. In order to support a new historical narrative, certain facts are presented while purposely withholding others. This differs from **historical revisionism**, which is the reinterpretations of facts and narratives based on new evidence and sources (which can be negative or positive).[8] As an example of these concepts in use at NARA see the DocsTeach lesson "Assimilation and the Native People of Metlakahtla, Alaska," which encourages students to consider the positives of forced assimilation on Indigenous communities.[9]
- **Implicit/Unconscious Bias**: The unconscious attribution of particular qualities to a member of a certain social group. Shaped by experience and based on learned associations between particular qualities and social categories.[10] [Return to reading]
- **Indigenous**: A term referring to people with preexisting sovereignty who were living together as a community prior to contact with settler populations. **Indigenous American** refers to the descendents of people who lived within what is now the United States prior to European contact. **Native American** and **American Indian** may also be used. Whenever possible, it is best to use the name of an

[5] This definition is derived from *Diversity, Equity, and Inclusion Glossary* (https://environment.uw.edu/about/diversity-equity-inclusion/tools-and-additional-resources/glossary-dei-concepts/)

[6] "Definitions of Diversity, Equity, Accessibility, and Inclusion," American Alliance of Museums, accessed March 8, 2021, https://www.aam-us.org/programs/diversity-equity-accessibility-and-inclusion/facing-change-definitions/

[7] "Accessibility," Dictionary of Archives Terminology, accessed March 8, 2021, https://dictionary.archivists.org/entry/accessibility.html

[8] This definition is derived from *Historical Revisionism (Negationism)*, World Heritage Encyclopedia (http://www.self.gutenberg.org/article/WHEBN0000026092/Historical%20revisionism%20(negationism)) and *Revisionism, Denialism, and Negationism in History* (https://blogs.lt.vt.edu/criticalreading/2017/09/15/revisionism-denialism-and-negationism-in-history/).

[9] "Assimilation and the Native People of Metlakahtla, Alaska," DOCSTeach, 2013, accessed March 11, 2021, https://www.docsteach.org/activities/teacher/assimilation-and-the-native-people-of-metlakahtla-alaska)

[10] "Diversity, Equity, and Inclusion Glossary," University of Washington College of the Environment, accessed March 8, 2021, https://environment.uw.edu/about/diversity-equity-inclusion/tools-and-additional-resources/glossary-dei-concepts/

individual's particular Indigenous community or nation of people. American Indian is currently used by the United States Government.[11] [Return to reading]

- **Intersectional**: The interconnected nature of social categorizations such as race, class, and gender that can create overlapping and interdependent systems of discrimination or disadvantage.[12]
- **Latinx**: A non-gendered, non-binary term for an individual from Latin America or of Latin American descent. The term **Latine** is also used and may be preferable to some. **Hispanic** is also a term commonly used to identify people with historical or cultural links to Spain, or of a Spanish-language background. Individuals who identify by any of these terms may also have direct ties to the varied Indigenous people of Central and South America and the Caribbean. Hispanic is currently used by the United States Government. Whenever possible, it is best to use the name of an individual's particular country of origin or descent.[13] [Return to reading]
- **LGBTQIA+**: A common abbreviation for the Lesbian, Gay, Bisexual, Pansexual, Transgender, Genderqueer, Queer, Intersex, Agender, Asexual and other queer-identifying community.[14]
- **Marginalized Populations**: Groups and communities that experience discrmination and exclusion (social, political, and economic) because of unequal power relationships across economic, political, social, and cultural dimensions. May also be referred to as **systemically minoritized** groups. Both terms are preferable to the word **minority** as not all marginalized groups are minorities in all areas.[15] [Return to reading]
- **Microaggression (specifically racial)**: Everyday verbal/behavioral/environmental insults, indignities, and/or demeaning messages sent to people of color by others who are unaware of the hidden messages being sent; acting with bias.[16]
- **Race**: This Task Force acknowledges that there are many definitions of "race" that are used in different contexts throughout our study. For the purpose of writing this report, the Task Force has followed two definitional guidelines:
  - First—given the charter, objectives, and goals of this Task Force—a broader definition of race helped navigate the complexities and nuances of how race is experienced in the agency. There is a history of how racism and exclusion can be perceived (among staff, across public audiences, across exhibits and collections), that is better understood through this broader explication. This second definition of race is quantified (or expressed) as a subjective social construct based on observed and/or ascribed characteristics that have taken on socially significant meaning. At its core, it is an abstract and fluid concept based on the ever-changing social attitudes and behaviors that evolve over time by different groups. As such, the meaning of race, as it relates to its social-cognitive construct, will surely alter over time as socio-economic, socio-political, and cultural patterns and standards change.
  - Second, we recognize that the EEO definition of race is based in how people are subjected to discrimination. According to the EEO, race discrimination involves the mistreatment of someone (an applicant or employee) because they are of a certain race or because of personal

[11] "Resources on Native American and Indigenous Affairs: Native American and Indigenous Peoples FAQs," UCLA Equity, Diversity, and Inclusion, April 14, 2020, https://equity.ucla.edu/know/resources-on-native-american-and-indigenous-affairs/native-american-and-indigenous-peoples-faqs/
[12] "Building Equity and Inclusion through the Power of Language," Utah Division of Multicultural Affairs, accessed March 8, 2021, https://multicultural.utah.gov/poweroflanguage/
[13] Del Real, Jose A. "'Latinx' Hasn't Even Caught on among Latinos. It Never Will." Washington Post, December 18, 2020, www.washingtonpost.com/outlook/latinx-latinos-unpopular-gender-term/2020/12/18/bf177c5c-3b41-11eb-9276-ae0ca72729be_story.html.
[14] "LGBTQIA+ Terminology: Common Terms associated with the LGBTQIA+ community," Gender and Sexuality Student Services at University of Illinois Springfield, accessed March 10, 2021, https://www.uis.edu/gendersexualitystudentservices/about/lgbtqaterminology/
[15] This definition is derived from *Marginalized Populations* (https://nccdh.ca/glossary/entry/marginalized-populations) and *Building Equity and Inclusion through the Power of Language* (https://multicultural.utah.gov/poweroflanguage/).
[16] Tori DeAngelis, "Unmasking 'racial microaggressions'," American Psychological Association, February 2009, https://www.apa.org/monitor/2009/02/microaggression

characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color or complexion. [Return to reading]

- **Racial Prejudice**: Racial prejudice refers to a set of discriminatory or derogatory attitudes based on assumptions deriving from perceptions about race/skin color.[17]
  - **Reverse racism**: Reverse racism is a fallacy that refers to discrimination against White people, usually in the form of programs meant to advance ethnic minorities such as affirmative action. Anti-racist activists in the U.S. have largely deemed reverse racism to be impossible, as the power structure of the United States has historically benefited White people and continues to do so today. Reverse racism is often confused with racial prejudice against White people, which does exist, but lacks the systemic relationship of power that would qualify such prejudice as racism.[18]
- **Racism, Forms of**:
  - **Structural**: The overarching system of racial bias across institutions and society. These systems give privileges to White people resulting in disadvantages to people of color. Also referred to as **systemic racism**. Structural racism encompasses:
    - history, providing the foundation for white supremacy
    - culture, providing the normalization and replication of racism
    - interconnected institutions and policies providing the legitimacy and reinforcements to maintain and perpetuate racism.[19]
  - **Institutional**: Occurs in an organization; includes discriminatory treatment, unfair policies, and biased practices based on race that result in inequitable outcomes for White people over people of color and extends beyond prejudice
  - **Interpersonal**: Occurs between individuals; often involves slurs or hateful actions.
  - **Individual**: The beliefs, attitudes, and actions of individuals that support or perpetuate racism in conscious and unconscious ways.[20] [Return to reading]
- **Safe Space**: A place or environment where a person or category of people can feel confident that they will not be exposed to discrimination, criticism, harassment, or any other emotional or physical harm; any place or group of people where individuals commit to consistently providing each other with a respectful, supportive environment (especially for people from historically marginalized groups).[21] [Return to reading]
- **Underrepresented Populations**: Populations who are not represented in education, jobs, housing, etc. relative to their numbers in the general population. According to the U.S. Census Bureau and other federal measuring tools, underrepresented populations include African Americans, Asian Americans, Hispanics or Chicanos/Latinos, and Native Americans. However, other underrepresented populations may include, but are not limited to: other ethnicities; adult learners; veterans; people with disabilities; lesbian, gay, bisexual, and transgender individuals; certain religious groups; and groups sharing particular economic backgrounds. For the purposes of this Task Force, underrepresented

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[17] "CARED Glossary," Alberta Civil Liberties Research Centre, accessed March 8, 2021, http://www.aclrc.com/glossary
[18] Nadra Kareem Nittle, "Does Reverse Racism Exist?" ThoughtCo., July 3, 2019, https://www.thoughtco.com/does-reverse-racism-exist-2834942
[19] This definition is derived from *Talking About Race: Being Anti-racist* (https://nmaahc.si.edu/learn/talking-about-race/topics/being-antiracist) and *8 Terms Used in Anti-Racist Work Explained* (https://futureofgood.co/8-terms-anti-racism-explained/)
[20] "Talking About Race: Being Anti-racist," National Museum of African American History and Culture, accessed March 8, 2021, https://nmaahc.si.edu/learn/talking-about-race/topics/being-antiracist
[21] Rachel Terrell, "Ally Question: Why Do We Need Safe Spaces?" National Archives ICN, June 15, 2020, https://icn.nara.gov/groups/stonewallnara/blog/2020/06/15/ally-question-why-do-we-need-safe-spaces

focuses on representation within the NARA workforce, within archival descriptions, and within exhibits.[22] [Return to reading]

- **Underserved Populations**: Populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. In the context of this report, underserved populations generally refers to communities that NARA has historically neglected.[23] [Return to reading]
- **White Privilege**: The unquestioned and unearned set of advantages, entitlements, benefits, and choices bestowed on people solely because they are White.[24]
- **White Supremacy**: The concept that people and communities who are White have superior ideas, beliefs, and actions to those of BIPOC individuals and communities, which affects political and socio-economic systems in which White people have the structural advantage. The phrase "white supremacy" is most often associated with extremist groups; however, white supremacy is present in all American institutions and culture.[25] (See also: White Supremacy Culture.)
  - **White Supremacy Culture**: The dominant, unquestioned standards of behavior and ways of functioning embodied by the vast majority of institutions in the United States. These standards may be seen as mainstream, dominant cultural practices; they have evolved from the United States' history of white supremacy. White supremacy culture is so normalized that it can be hard to see, but it values some ways of thinking, behaving, deciding, and knowing—ways that are more familiar and come more naturally to those from a White, western tradition—while devaluing or rendering invisible other ways.[26]

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[22] This definition is derived from Emory University's Office of Diversity, Equity, and Inclusion, "Common Terms," accessed March 26, 2021, https://equityandinclusion.emory.edu/about/resources/terms.html

[23] Executive Order of January 20, 2021, Advancing Racial Equality and Support of Underserved Communities through the Federal Government,
https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/

[24] "8 Terms Used in Anti-Racism Explained," Future of Good, June 4, 2020, https://futureofgood.co/8-terms-anti-racism-explained/

[25] This definition is derived from "Racial Equity Tools Glossary," accessed March 18, 2021, https://www.racialequitytools.org/glossary

[26] This definition is derived from "Racial Equity Tools Glossary," accessed March 19, 2021, https://www.racialequitytools.org/glossary