

United States Senate

WASHINGTON, DC 20510-6200

January 17, 2025

Dr. Colleen Shogan
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Archivist of the United States Shogan,

On January 24, 2025, Americans from across the country will participate in the March for Life, an annual march dedicated to promoting the beauty and dignity of every human life by working to end abortion—uniting, educating, and mobilizing pro-life people in the public square. This peaceful exercise of First Amendment rights has historically provided participants with a positive, welcoming experience in our nation’s capital.

Unfortunately, two years ago pro-life Americans, including children, instead faced harassment and discrimination at the hands of privately contracted security officers employed by the National Archives and Records Administration (NARA) while visiting the National Archives Museum. The individuals, wearing pro-life and human rights-affirming apparel, were threatened with expulsion from the building in violation of their First Amendment rights and NARA policy.

Several Senators and Representatives wrote to then-Acting Archivist of the United States Debra Wall on February 16, 2023, asking for an explanation for this outrageous and unconstitutional behavior.¹ In her response, Wall stated that the security officers involved in the matter were private contractors on a NARA contract and acted “in violation of explicit and long-standing NARA policy that allows museum visitors to wear clothing that expresses their political and religious viewpoints.”² Wall also stated that she sent a communication to all NARA staff following the incident that “no NARA officer, employee, or agent shall prohibit visitors from exercising their First Amendment rights in NARA facilities.”

Furthermore, on February 15, 2023, NARA settled a civil case brought by the impacted individuals (the “Consent Order”) represented by the American Center for Law and Justice.³ As set forth in that Consent Order, the victims alleged that when they had visited the National Archives they were “subject to a pattern of ongoing misconduct” within the National Archives Museum by National Archives contract security officers who allegedly targeted the group, including children, and intentionally chilled their religious speech and expression by requiring them to remove or cover their attire because of their pro-life messages.⁴

¹ <https://www.cruz.senate.gov/newsroom/press-releases/sen-cruz-colleagues-demand-response-from-national-archives-on-harassment-of-pro-life-visitors>.

² <https://www.archives.gov/files/foia/2023.02.16-acting-archivist-response-to-bicameral-congressional-ltr.-senator-ted-cruz.pdf>.

³ <https://www.archives.gov/files/foia/tamara-r-consent-order-signed.pdf>.

⁴ *Id.* at p. 2.

As a result of this settlement, NARA agreed that its Acting Archivist would provide the students a tour and an apology. NARA also agreed to provide a copy of the Consent Order to all public-facing NARA personnel, including staff and security officers, within five days of the Consent Order's entry. It also agreed to reiterate to its staff, including contracted security personnel, "that NARA policy expressly allows visitors to wear t-shirts, hats, buttons, and other similar items, that display religious and/or political speech or protest language except as pursuant to NARA regulation 36 C.F.R. § 1254.28 (which addresses security requirements in NARA's research rooms)."⁵

As part of this lawsuit, NARA was also "enjoined from prohibiting visitors from wearing t-shirts, hats, buttons, etc., that display protest language, including religious and political speech." This preliminary injunction is scheduled to expire on January 19, 2025, less than one week before the 2025 March for Life.

We are concerned that NARA may interpret the expiration of the Consent Order's preliminary injunction as an invitation to return to its 2023 conduct. Please be aware that Congress will be closely monitoring NARA's conduct next week—and the conduct of any of its employees and private contractors—and stands prepared to exercise all available oversight powers if NARA fails to adhere to the Constitution and NARA policy.

In addition, please respond to the following questions by Thursday, January 23, 2025:

1. Has NARA honored every term of the Consent Order entered on December 19, 2023 (Doc. # 26) in *Tamara R. v. National Archives and Records Administration*, 23-cv-365 (TJK), including any terms not summarized above?
2. If the answer to Question 1 is "No," please explain why NARA has not done so. If the answer to Question 1 is "Yes," please provide a detailed explanation of every action taken.
3. Following the expiration of the Consent Order's preliminary injunction, does NARA commit to continuing a policy that prohibits preventing or discouraging visitors from wearing t-shirts, hats, buttons, etc., that display protest language, including religious and political speech?
4. In preparation for the 2025 March for Life, has NARA provided all security officers, as well as other NARA personnel who interact with the public, such as docents, volunteers, museum staff, and public-facing archivists, a reminder of NARA policies regarding visitors' First Amendment rights?
5. If the answer to Question 4 is "No," please explain why NARA has chosen not to take such action. If the answer to Question 4 is "Yes," please provide a detailed explanation of NARA's actions and communications in advance of the 2025 March for Life, including dates.

⁵ *Id.* at p. 3.

Thank you for your prompt attention to this matter.

Sincerely,



Todd Young
U.S. Senator



Ted Cruz
U.S. Senator