

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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<https://oversight.house.gov>

April 7, 2022

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

The Oversight Committee is investigating potential violations of the Presidential Records Act (PRA) by former President Donald Trump, including the removal of records from the White House and potential destruction of records. As part of this investigation, the Committee requested documents and information from the National Archives and Records Administration (NARA), including an inventory of 15 boxes of documents recovered from the former president's Mar-a-Lago residence. I write today because the Department of Justice is preventing NARA from cooperating with the Committee's request, which is interfering with the Committee's investigation.

The Committee has jurisdiction over the PRA and is conducting this investigation in order to determine the full scope of PRA violations by former President Trump and assess whether legislative reforms are needed to ensure presidential records are preserved in accordance with the law.

On February 9, 2022, the Committee wrote to Archivist of the United States David Ferriero about the 15 boxes of presidential records and reports that Mr. Trump attempted to destroy documents while serving as president, in violation of the PRA.¹

On February 18, 2022, Mr. Ferriero responded with two letters constituting a partial response to the Committee's request, identifying significant potential violations of the PRA and other federal laws governing the preservation of federal records.²

¹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States (Feb. 9, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-09.CBM%20to%20Ferriero-NARA%20re%20Trump%20Mar-a-Lago%20FINAL.pdf>).

² Letter from David S. Ferriero, Archivist of the United States, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 18, 2022) (responding in part to the Committee's February 9, 2022, letter) (online at www.archives.gov/files/foia/ferriero-response-to-02.09.2022-maloney-letter.02.18.2022.pdf); Letter from David S. Ferriero, Archivist of the United States, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 18, 2022) (describing the Trump Administration's failure to capture social media

On February 24, 2022, the Committee wrote to NARA requesting documents, including a detailed description and inventory of the “contents of the boxes recovered from Mar-a-Lago,” as well as “identification of any items that are classified and the level of classification including, if necessary, a classified index.”³

On March 28, 2022, NARA responded to the Committee, writing:

With respect to your request for information about the contents of the 15 boxes that NARA received from President Trump’s Mar-a-Lago residence or about any reviews conducted by other federal agencies, based on our consultation with the Department of Justice, we are unable to provide any comment.⁴

By blocking NARA from producing the documents requested by the Committee, the Department is obstructing the Committee’s investigation. The Committee does not wish to interfere in any manner with any potential or ongoing investigation by the Department of Justice. However, the Committee has not received any explanation as to why the Department is preventing NARA from providing information to the Committee that relates to compliance with the PRA, including unclassified information describing the contents of the 15 boxes from Mar-a-Lago.

Please confirm to the Committee by April 14, 2022, whether the Department will inform NARA that it may fully cooperate with the Committee’s inquiry, including by providing the requested inventory of documents recovered from Mar-a-Lago. If the Department will not allow NARA to comply with the Committee’s requests or if the Department seeks to impose any limitations on NARA’s response, I request a written explanation and briefing on these matters by April 14, 2022.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. In addition, House Rule X states that the Committee on Oversight and Reform has jurisdiction to “study on a continuing basis the operation of Government activities at all levels, including the Executive Office of the President.”

Thank you for your prompt attention to this request.

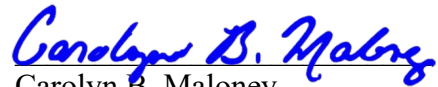
records) (online at www.archives.gov/files/foia/ferriero-letter-to-maloney-on-trump-presidential-records-on-social-media-platforms.02.18.2022.pdf).

³ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States (Feb. 24, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-24.CBM%20to%20Ferriero-NARA%20re%20Document%20Request.pdf>).

⁴ Letter from Gary M. Stern, General Counsel, National Archives and Records Administration, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Mar. 28, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NARA.220328.Response%20to%20CBM%20re%20Document%20Request.pdf>).

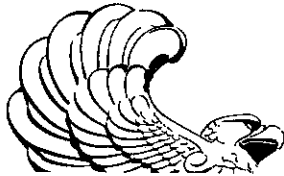
The Honorable Merrick B. Garland
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Sincerely,


Carolyn B. Maloney
Chairwoman

Enclosure

cc: The Honorable James Comer, Ranking Member



NATIONAL
ARCHIVES

March 28, 2022

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Madam Chairwoman:

I write in response to your letter of February 24, 2022, to Archivist of the United States David S. Ferriero, "seeking additional documents about former President Donald Trump's removal of classified documents and presidential records from the White House, President Trump's attempt to destroy records by tearing them into pieces, and other presidential records from the Trump Administration that are missing."

With respect to your request for information about the contents of the 15 boxes that NARA received from President Trump's Mar-a-Lago residence or about any reviews conducted by other federal agencies, based on our consultation with the Department of Justice, we are unable to provide any comment. Please contact Christina Calce at DOJ's Office of Legislative Affairs if you have any questions on this issue.

NARA did not receive any written responses from Stefan Passantino or other White House officials to our June 14, 2018, letter to the Trump Administration or our follow-up queries.

NARA did not send any other letters to the Trump Administration related to the Presidential Records Act that we have not already provided to the Committee. In addition to the June 14, 2018, letter that we provided to you on February 18, 2022, we provided you with five letters to the Trump Administration regarding the disposal of Presidential records on January 5, 2021.

NATIONAL ARCHIVES and
RECORDS ADMINISTRATION

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GARY M. STERN
GENERAL COUNSEL

Suite 3110
t. 301.837.3026

garym.stern@nara.gov

We will continue to keep your staff apprised of our progress in responding to other parts of your request.

Sincerely,

GARY
STERN

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Gary M. Stern
General Counsel

cc: The Honorable James Comer, Ranking Member
The Honorable David S. Ferriero, Archivist of the United States