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Congress of the United States
House of Representatives
Washington, DC 20515-2402

January 23, 2024

The Honorable Barry Loudermilk
Chairman, Subcommittee on Oversight
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Dear Representative Loudermilk:

I am in receipt of your January 18, 2024, letter regarding the records of the bipartisan Select Committee to Investigate the January 6th Attack on the United States Capitol.

The many accusations in your letter are false. As I wrote to you on July 7, 2023, the Select Committee worked diligently, and in close coordination with the Office of the Clerk, House attorneys, and the National Archives and Records Administration, to archive its more than 1 million pages of records in accordance with House rules and House Resolution 503 (117th Congress).

Further, the Select Committee operated with unprecedented transparency and made as many records as possible available to the American people through the Government Publishing Office's repository website (<https://www.govinfo.gov/collection/january-6th-committee-final-report>). At the end of the Select Committee's work, however, government agencies expressed national security concerns about a small number of transcripts. In letters properly archived to provide the successor committee visibility into their security review, we instructed the agencies to return the transcripts for archiving upon completion.

Since the Select Committee concluded its work, you and other allies of the ex-President have engaged in a concerted—but futile—effort to amplify conspiracy theories and attack the credibility of the Select Committee and outside prosecutors.

In one of his first acts in office, then-Speaker Kevin McCarthy exclusively shared tens of thousands of hours of sensitive surveillance footage with then-Fox News host Tucker Carlson despite objections from the United States Capitol Police. When that footage failed to confirm pre-existing conspiracy theories regarding the deadly events of January 6th, your subcommittee officially launched its so-called investigation into the attack and the Select Committee's work.

On March 29, 2023, your subcommittee’s first order of business—a so-called “flash report”—attempted to exonerate you of suspicions raised by the Select Committee and fellow Members of Congress about a tour you led on the eve of the attack with at least one individual who engaged in suspicious behavior during the tour, was part of the mob the next day, and who made threatening comments toward congressional leaders.¹

On June 26, 2023, you sent me the first in a series of letters accusing the Select Committee of improperly archiving its records. Despite my response and independent fact-checkers debunking your baseless claim,² the disgraced ex-President took your accusation and crafted an even bigger lie out of it: that the Select Committee “extinguished and destroyed all evidence and records.” This, despite the fact that the evidence is still very much online for everyone to see. He even shoehorned his lie into a motion in his Federal trial, which the court denied and compared to a fishing expedition.³ And after he lost in court, the ex-President repeated his lie on social media on January 1, 2024, and it was, again, promptly fact-checked as false by the media.⁴

When your initial accusations of improper archiving failed to discredit the Select Committee’s work, you and Rep. Jim Jordan tried in December to manufacture a scandal out of a routine request by prosecutors in Georgia conducting an independent, concurrent investigation of the ex-President’s attempt to fraudulently “find 11,780 votes” and overturn the will of Georgia voters in the 2020 Presidential election—and for which he faces 13 felony charges.

Again, this attempt to further January 6th conspiracy theories of improper “coordination” is unsupported by the facts. On page 112 of its Final Report, the Select Committee acknowledged directly sharing its records with prosecutors.⁵ More importantly, neither the Fulton County, Georgia, nor the Department of Justice’s criminal cases against Donald Trump are predicated on the Select Committee’s work. Federal and Georgia prosecutors had to independently develop their own cases and present their own evidence before grand juries. Indeed, Federal prosecutors have stated in court that relevant Select Committee material has already been provided to the defendant.⁶

In your latest missive, you raise the specter of encrypted, password-protected files. The mere accusation can keep alive this subterfuge of “secret evidence” that exonerates the ex-President of his culpability for the insurrection on January 6, 2021. But alas, I have absolutely no idea what you are talking about, and I will not speculate.

¹ Trevor Hallgren, who was on your January 5th tour, said, “[T]here’s no escape Pelosi, Schumer, Nadler. We’re coming for you....Even you AOC.” See Final Report of the Select Committee to Investigate the January 6th Attack on the United States Capitol, H. Rept. 117–663 (2022), at 642.

² Joedy McCreary, “No evidence January 6 committee destroyed records, contrary to online claims | Fact check.” *USA Today* (Aug. 21, 2023), available at <https://www.usatoday.com/story/news/factcheck/2023/08/21/no-congressman-did-not-say-j6-panel-destroyed-records-fact-check/70620164007/>.

³ Opinion and Order at 6, *United States of America v. Donald J. Trump*, No. 23–cr–257 (D.D.C. Nov. 27, 2023), ECF No. 99.

⁴ See, e.g., Glenn Kessler, “Trump says Liz Cheney deleted evidence of Jan. 6 troops. There isn’t any.” *The Washington Post* (Jan. 3, 2024), available at <https://www.washingtonpost.com/politics/2024/01/03/trump-says-liz-cheney-deleted-evidence-jan-6-troops-there-isnt-any/>.

⁵ Letter from Representative Bennie G. Thompson to Representative Barry Loudermilk (Dec. 13, 2023), at fn 1.

⁶ Gov’t’s Opp’n. to Def.’s Mot. for Pre-Trial Rule 17(c) Subpoenas at 1, *United States of America v. Donald J. Trump*, No. 23–cr–257 (D.D.C. Oct. 25, 2023), ECF No. 99.

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It appears now that you and other MAGA extremists in the House are engaged in an effort, possibly urged by the ex-President, to foster unsupported conspiracies about the Select Committee's investigation and somehow link it with the criminal charges Donald Trump faces. That is misleading. The evidence gathered by prosecutors through their respective grand jury processes forms the basis for Donald Trump's criminal charges.

Finally, as I informed you in my December 13, 2023 letter, clause 2(e)(2)(A) of rule XI of the Rules of the U.S. House of Representatives require committee records be kept separate and distinct from the records of the congressional office of the Member serving as the committee's chair, so I am unable to provide the materials your letter requests. Pursuant to section 3(y) of House Resolution 5 (118th Congress), the Committee on House Administration alone has all the archived records of the Select Committee, which I have repeatedly informed you.

I cannot assist your attempts to keep January 6th conspiracy theories alive with your subcommittee's misrepresentations and continued fishing expeditions all in the service of your and Donald Trump's political interests.

Sincerely,



Bennie G. Thompson

cc: The Honorable Norma J. Torres, Ranking Member, Subcommittee on Oversight
The Honorable Joseph D. Morelle, Ranking Member, Committee on House Administration