

Congress of the United States
Washington, DC 20515

November 10, 2020

William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Barr,

In light of past concerning reports that President Trump has taken deliberate action obstructing adherence to the Presidential Records Act, I am writing to urge your office to ensure the Executive Office of the President fully complies with the Presidential Records Act in the closing months of the Trump Administration.

The Presidential Records Act was passed in 1978 in reaction to President Nixon's secret audiotapes during the Watergate investigation. It states that all documents of the Presidents are public information to be saved in the National Archives.¹ The Act defines "Presidential records" as "documentary materials, or any reasonably segregable portion thereof, created or received by the President, the President's immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise or assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President."² The Archivist of the National Archives and Records Administration (NARA) "may maintain and preserve Presidential records on behalf of the President, including records in digital or electronic form."³

As Attorney General, you play an important role as adviser to the President regarding this law. Under the Presidential Records Act, the Department of Justice "provides guidance to the executive branch on how to comply with the legal requirements of government information policy, of which records maintenance policy, including presidential records, is a part. Additionally, the Archivist and the Attorney General jointly investigate the unlawful removal or destruction of government and presidential records."⁴

The Presidential Records Act is crucial to maintaining the transparency within the Executive Office of the President, the trust between the government and the people, and the accountability of the government to the people. Every document that the President interacts with is a piece of history and belongs to the people through the NARA.

¹ [Richard Nixon Is the Reason President Trump's Aides Have to Repair Documents He Rips Up](#). *Time*. June 11, 2018

² 44 U.S.C. § 2201(2)

³ 44 U.S.C. § 2203(f)

⁴ [The Presidential Records Act: An Overview](#). *Congressional Research Service*. December 17, 2019.

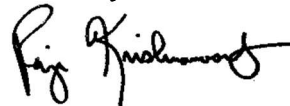
I am specifically concerned by reports that the Trump Administration's internal processes may impede adherence to the Presidential Records Act. It's been reported that President Trump tends to rip up pieces of paper and throw them away after reading them, leaving staffers at records management to tape together documents with scotch-tape.⁵ It has been reported that President Trump has taken notes from his interpreter in meetings with Russian President Vladimir Putin, and there is also a concern that reports on the treatment of undocumented immigrants are not being saved.⁶⁷ In addition, The Presidential and Federal Records Act Amendments of 2014 specified that the Act's definition of "Presidential records" includes electronic content, so it's concerning that members of the Executive Office of the President have been using messaging applications to conduct official business.⁸⁹ Furthermore, given ongoing investigations into the Administration on a variety of issues, records within the White House's possession may be relevant to the investigations and need to be released.

In light of these issues, please provide the following information:

1. What steps are you taking to ensure all members of the Executive Office of the President fully comply with the Presidential Records Act?
2. What steps are you taking to ensure all required materials are properly included in the record, regardless of the actions of officials, including the President?
3. Please submit to my office all documents the Department of Justice has provided to the White House outlining guidance for their archiving of records in accordance with the Presidential Records Act.
4. Please submit to my office all documents the White House has provided to the Department of Justice regarding their compliance with the Presidential Records Act.

As we approach a transition to the Biden administration in January, please ensure that all documents from the Trump Administration are archived in accordance with the Presidential Records Act and provide responses to my aforementioned requests by November 23rd.

Sincerely,



Raja Krishnamoorthi
Member of Congress

⁵ [Meet the guys who tape Trump's papers back together](#). *Politico*. June 10, 2018.

⁶ [Trump has concealed details of his face-to-face encounters with Putin from senior officials in administration](#). *Washington Post*. January 13, 2019.

⁷ [Off The Record: Trump Administration Criticized For How It Keeps Documents](#). *NPR*. February 24, 2020.

⁸ [As President Trump Tweets And Deletes, The Historical Record Takes Shape](#). *NPR*. October 25, 2019.

⁹ [Trump and the Demise of the Presidential Records Honor System](#). *Just Security*. March 22, 2019.