

From: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Sent time: 02/09/2022 02:17:29 PM
To: john.hamilton@nara.gov; garym.stern@nara.gov; congress.affairs@nara.gov
Cc: Boyd, Krista <Krista.Boyd@mail.house.gov>; Robinson, Daina <Daina.Robinson@mail.house.gov>; Stratton, Amy <Amy.Stratton@mail.house.gov>; Solomon, Morgan <Morgan.Solomon@mail.house.gov>; Miller, Aidan <Aidan.Miller@mail.house.gov>; Erundu, Ozioma <Ozioma.Erundu@mail.house.gov>
BCc: kate.slaugh@nara.gov
Subject: Letter for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration
Attachments: 2022-02-09.CBM to Ferriero-NARA re Trump Mar-a-Lago.pdf

Hello—

Please see the attached letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration.

Please acknowledge receipt of the letter. Thank you.

Sincerely,

Melanie Mpanju

Staff Assistant | Committee on Oversight & Reform
Chairwoman Carolyn B. Maloney
melanie.mpanju@mail.house.gov

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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

February 9, 2022

The Honorable David S. Ferriero
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Mr. Ferriero:

The Committee is seeking information about the 15 boxes of presidential records that the National Archives and Records Administration (NARA) recently recovered from former President Trump's Mar-a-Lago residence. I am deeply concerned that these records were not provided to NARA promptly at the end of the Trump Administration and that they appear to have been removed from the White House in violation of the Presidential Records Act (PRA). I am also concerned by recent reports that while in office, President Trump repeatedly attempted to destroy presidential records, which could constitute additional serious violations of the PRA.

The PRA preserves the records made by a sitting president, while giving legal ownership of those records to the American people.¹ Congress enacted the PRA in response to President Nixon's attempts to destroy presidential records during the Watergate scandal.

President Trump is required not only to preserve presidential records, but to turn them over to the National Archives at the end of his presidential term. The PRA specifically states:

Upon the conclusion of a President's term of office, or if a President serves consecutive terms upon the conclusion of the last term, **the Archivist of the United States shall assume responsibility for the custody, control, and preservation of, and access to, the Presidential records of that President.**²

On February 7, 2022, the *Washington Post* reported that former President Trump improperly removed 15 boxes of records from the White House and transported them to his Mar-a-Lago residence. These boxes reportedly contained correspondence and letters from world leaders, including correspondence with North Korean leader Kim Jong-un, and a letter President

¹ See 44 U.S.C. §§ 2201–2209.

² 44 U.S.C. § 2203(g)(1) (emphasis added).

Obama left for his successor.³ The records recovered from Mar-a-Lago also reportedly include several newspaper clippings. A previous Committee investigation revealed that President Trump wrote notes on press clippings, which could mean that even those clippings were likely presidential records.⁴

On February 5, 2022, it was reported that while in office, former President Trump “tore up briefings and schedules, articles and letters, memos both sensitive and mundane.”⁵

Removing or concealing government records is a criminal offense punishable by up to three years in prison. Former National Security Advisor Sandy Berger, for example, was prosecuted for taking classified documents from NARA.⁶ Former President Trump and his senior advisors must also be held accountable for any violations of the law. Republicans in Congress obsessively investigated former Secretary of State Hillary Clinton for her use of a private email server for official communications. Former President Trump’s conduct, in contrast, involves a former president potentially violating a criminal law by intentionally removing records, including communications with a foreign leader, from the White House and reportedly attempting to destroy records by tearing them up.

In order for the Committee to examine the extent and impact of former President Trump’s violations of the PRA, please provide responses to the following requests by February 18, 2022:

1. Did NARA ask the representatives of former President Trump about missing records prior to the 15 boxes being identified? If so, what information was provided in response?
2. Has NARA conducted an inventory of the contents of the boxes recovered from Mar-a-Lago?
3. Please provide a detailed description of the contents of the recovered boxes, including any inventory prepared by NARA of the contents of the boxes. If an inventory has not yet been completed, please provide an estimate of when such an inventory will be completed.

³ *National Archives Had to Retrieve Trump White House Records from Mar-a-Lago*, Washington Post (Feb. 7, 2022) (online at www.washingtonpost.com/politics/2022/02/07/trump-records-mar-a-lago/).

⁴ Committee on Oversight and Reform, *Press Release: Committee Chairs Release New Documents Showing Mar-a-Lago Trio Violated Transparency Law and Improperly Influenced Veterans Policies Under President Trump* (Sept. 27, 2021) (online at <https://oversight.house.gov/news/press-releases/committee-chairs-release-new-documents-showing-mar-a-lago-trio-violated>).

⁵ *“He Never Stopped Ripping Things Up”: Inside Trump’s Relentless Document Destruction Habits*, Washington Post (Feb. 5, 2022) (online at www.washingtonpost.com/politics/2022/02/05/trump-ripping-documents/).

⁶ See e.g., National Archives and Records Administration, *Notable Thefts from the National Archives* (online at www.archives.gov/research/recover/notable-thefts.html) (accessed Feb. 8, 2022).

The Honorable David S. Ferriero

Page 2

4. Are the contents of the boxes of records recovered by NARA undergoing a review to determine if they contain classified information? If so, who is conducting that review and has any classified information been found?
5. Is NARA aware of any additional presidential records from the Trump Administration that may be missing or not yet in NARA's possession?
6. What efforts has NARA taken, and is NARA taking, to ensure that any additional records that have not been turned over to NARA are not lost or destroyed?
7. Has the Archivist notified the Attorney General that former President Trump removed presidential records from the White House? If not, why not?
8. Is NARA aware of presidential records that President Trump destroyed or attempted to destroy without the approval of NARA? If so, please provide a detailed description of such records, the actions taken by President Trump to destroy or attempt to destroy them, and any actions NARA has taken to recover or preserve these documents.

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."

An attachment to this letter provides additional instructions for responding to the Committee's request. If you have any questions regarding this request, please contact the Oversight Committee staff at (202) 225-5051.

Thank you for your prompt attention to this matter.

Sincerely,


Carolyn B. Maloney
Chairwoman

Enclosure

cc: The Honorable James Comer, Ranking Member

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 02/09/2022 02:22:37 PM
To: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Subject: Re: Letter for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration

Receipt confirmed.

Thank you,
John Hamilton

On Wed, Feb 9, 2022 at 2:17 PM Mpanju, Melanie <Melanie.Mpanju@mail.house.gov> wrote:

Hello—

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Sincerely,

Melanie Mpanju

Staff Assistant | Committee on Oversight & Reform

Chairwoman Carolyn B. Maloney

melanie.mpanju@mail.house.gov

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John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959

From: Shawn Morton <shawn.morton@nara.gov>
Sent time: 02/09/2022 02:49:05 PM
To: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Cc: john.hamilton@nara.gov; garym.stern@nara.gov; congress.affairs@nara.gov; Boyd, Krista <Krista.Boyd@mail.house.gov>; Robinson, Daina <Daina.Robinson@mail.house.gov>; Stratton, Amy <Amy.Stratton@mail.house.gov>; Solomon, Morgan <Morgan.Solomon@mail.house.gov>; Miller, Aidan <Aidan.Miller@mail.house.gov>; Erundu, Ozioma <Ozioma.Erundu@mail.house.gov>
BCc: kate.slaugh@nara.gov; groups.archive1@nara.gov; julie.agurkis@nara.gov
Subject: Re: Letter for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration
Attachments: image001.png

Acknowledging receipt! We will prepare a response to the committee.

Thanks--
Shawn

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Shawn Morton
Deputy Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Ave, NW
Washington, DC 20408

Office (202) 357-7449



A

From: Boyd, Krista <Krista.Boyd@mail.house.gov>
Sent time: 02/17/2022 11:13:09 AM
To: Shawn Morton <shawn.morton@nara.gov>
Cc: john.hamilton@nara.gov; garym.stern@nara.gov; Robinson, Daina <Daina.Robinson@mail.house.gov>
Subject: RE: Letter for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration

Hi, all,

I'm checking in to confirm that NARA will respond to the Chairwoman's letter by tomorrow's deadline.

Thank you,
Krista

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To: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Cc: john.hamilton@nara.gov; garym.stern@nara.gov; congress.affairs@nara.gov; Boyd, Krista <Krista.Boyd@mail.house.gov>; Robinson, Daina <Daina.Robinson@mail.house.gov>; Stratton, Amy <Amy.Stratton@mail.house.gov>; Solomon, Morgan <Morgan.Solomon@mail.house.gov>; Miller, Aidan <Aidan.Miller@mail.house.gov>; Erondy, Ozioma <Ozioma.Erondy@mail.house.gov>
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Cc: garym.stern@nara.gov; Shawn Morton <shawn.morton@nara.gov>; Robinson, Daina <Daina.Robinson@mail.house.gov>
Subject: Re: Letter for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration

We are working on it, and we hope to have it for you tomorrow.

John

On Thu, Feb 17, 2022 at 11:13 AM Boyd, Krista <Krista.Boyd@mail.house.gov> wrote:

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John O. Hamilton

Director of Congressional Affairs

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Subject: Re: Letter for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration

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Sent: Wednesday, February 9, 2022 2:49 PM
To: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Cc: john.hamilton@nara.gov; garym.stern@nara.gov; congress.affairs@nara.gov; Boyd, Krista <Krista.Boyd@mail.house.gov>; Robinson, Daina <Daina.Robinson@mail.house.gov>; Stratton, Amy <Amy.Stratton@mail.house.gov>; Solomon, Morgan <Morgan.Solomon@mail.house.gov>; Miller, Aidan <Aidan.Miller@mail.house.gov>; Erondu, Ozioma <Ozioma.Erondu@mail.house.gov>
Subject: Re: Letter for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration

Acknowledging receipt! We will prepare a response to the committee.

Thanks--

Shawn

On Wed, Feb 9, 2022 at 2:17 PM Mpanju, Melanie <Melanie.Mpanju@mail.house.gov> wrote:

Hello—

Please see the attached letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration.

Please acknowledge receipt of the letter. Thank you.

Sincerely,

Melanie Mpanju

Staff Assistant | Committee on Oversight & Reform

Chairwoman Carolyn B. Maloney

melanie.mpanju@mail.house.gov

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You received this message because you are subscribed to the Google Groups "Congress Affairs" group.

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<https://groups.google.com/a/nara.gov/d/msgid/congress.affairs/DM6PR09MB52220726C864CD6B4D362F1CAD2E9%40DM6PR09MB5222.namprd09.prod.outlook.com>.

--

Shawn Morton

Deputy Director of Congressional Affairs

National Archives and Records Administration

700 Pennsylvania Ave, NW

Washington, DC 20408

Office (202) 357-7449

--

John O. Hamilton

Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 02/18/2022 01:58:55 PM
To: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Christian.hoehner@mail.house.gov; Boyd, Krista <Krista.Boyd@mail.house.gov>; Robinson, Daina <Daina.Robinson@mail.house.gov>;
Cc: Stratton, Amy <Amy.Stratton@mail.house.gov>; Solomon, Morgan <Morgan.Solomon@mail.house.gov>; Miller, Aidan <Aidan.Miller@mail.house.gov>; Erundu, Ozioma <Ozioma.Erundu@mail.house.gov>
BCc: garym.stern@nara.gov
Subject: Two Letters from US Archivist David Ferriero
Attachments: Ferriero Response to 02.09.2022 Maloney Letter.02.18.2022.pdf WH Counsel Letter re Politico Article, June 2018.pdf Ferriero Letter to Maloney on Trump Presidential Records on Social Media Platforms.02.18.2022_Signed.docx.pdf

Please find attached a response from US Archivist David Ferriero to Chairwoman Maloney's letter of February 9, 2022. To accompany his answer to question number 8 in the Chairwoman's letter, also attached is a letter from June 24, 2018 from NARA's General Counsel to the White House Deputy Counsel.

Additionally, please find attached a letter from the Archivist to Chairwoman Maloney advising her that the Trump Administration did not fully capture, and therefore NARA did not receive, all of the Presidential records created by President Trump and White House staff that were posted on social media platforms. This same letter has also been addressed and sent to Senator Peters, Chairman of the Senate Homeland Security and Government Affairs Committee.

Sincerely,
John Hamilton

On Wed, Feb 9, 2022 at 2:17 PM Mpanju, Melanie <Melanie.Mpanju@mail.house.gov> wrote:

Hello—

Please see the attached letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration.

Please acknowledge receipt of the letter. Thank you.

Sincerely,

Melanie Mpanju

Staff Assistant | Committee on Oversight & Reform

Chairwoman Carolyn B. Maloney

melanie.mpanju@mail.house.gov

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959

4. Are the contents of the boxes of records recovered by NARA undergoing a review to determine if they contain classified information? If so, who is conducting that review and has any classified information been found?

Answer: NARA has identified items marked as classified national security information within the boxes.

5. Is NARA aware of any additional presidential records from the Trump Administration that may be missing or not yet in NARA's possession?

Answer: NARA has identified certain social media records that were not captured and preserved by the Trump Administration. NARA has also learned that some White House staff conducted official business using non-official electronic messaging accounts that were not copied or forwarded into their official electronic messaging accounts, as required by section 2209 of the PRA. NARA has already obtained or is in the process of obtaining some of those records.

6. What efforts has NARA taken, and is NARA taking, to ensure that any additional records that have not been turned over to NARA are not lost or destroyed?

Answer: NARA has asked the representatives of former President Trump to continue to search for any additional Presidential records that have not been transferred to NARA, as required by the Presidential Records Act.

7. Has the Archivist notified the Attorney General that former President Trump removed presidential records from the White House? If not, why not?

Answer: Because NARA identified classified information in the boxes, NARA staff has been in communication with the Department of Justice.

8. Is NARA aware of presidential records that President Trump destroyed or attempted to destroy without the approval of NARA? If so, please provide a detailed description of such records, the actions taken by President Trump to destroy or attempt to destroy them, and any actions NARA has taken to recover or preserve these documents.

Answer: In June 2018, NARA learned from a press report in Politico that textual Presidential records were being torn up by former President Trump and that White House staff were attempting to tape them back together. NARA sent a letter to the Deputy Counsel to the President asking for information about the extent of the problem and how it is being addressed. The White House Counsel's Office indicated that they would address the matter. After the end of the Trump Administration, NARA learned that additional paper records that had been torn up by former President Trump were included in the records transferred to us. Although White House staff during the Trump Administration recovered and

taped together some of the torn-up records, a number of other torn-up records that were transferred had not been reconstructed by the White House.

Sincerely,

A handwritten signature in dark ink, appearing to read "David S. Ferriero". The signature is fluid and cursive, with a long horizontal stroke at the end.

DAVID S. FERRIERO
Archivist of the United States

cc: The Honorable James Comer, Ranking Member



NATIONAL
ARCHIVES

June 14, 2018

Stefan Passantino
Deputy Counsel to the President
The White House
Washington, DC 20501
By Email

Dear Mr. Passantino:

A June 11, 2018, article in Politico, entitled “Meet the guys who tape Trump’s papers back together,” states that two former White House employees were responsible for taping together textual documents that were torn up by President Trump. To the extent that this Politico article and related news stories is accurate in the assertion that documents were torn up and that these items are Presidential records as defined in the Presidential Records Act (PRA), I am writing to request information on how the White House is addressing this issue.

The Politico article states that “White House aides realized early on that they were unable to stop [President] Trump from ripping up paper after he was done with it and throwing it in the trash or on the floor, according to people familiar with the practice. Instead, they chose to clean it up for him, in order to make sure that the president wasn’t violating the law.” The article goes on to state that, “[d]espite the president’s apparent disregard of the Presidential Records Act, sources said, aides around him have tried to take an overly inclusive approach to what would be considered a presidential record.”

In accordance with the requirements of the PRA and our mutual interest in ensuring that all Presidential records are properly managed, preserved, and available for transfer to the National Archives at the end of the Administration, please let us know the extent of the problem and how it is being addressed. For example: How many records have been torn up? Have any records been destroyed or were in a state that they cannot be recovered? What steps are taken to recover any records that have been torn up? Is training about the requirements of the PRA and as it applies to this issue provided to White House personnel who may encounter the problem, including in the Oval Office and the residence? Is there a protocol to copy or scan all records, including correspondence, before they are presented to the President? NARA would also be happy to provide guidance on best practices for restoring damaged records.

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001
www.archives.gov

GARY M. STERN
GENERAL COUNSEL

Suite 3110
t. 301.837.3026
garym.stern@nara.gov

Thank you in advance for addressing our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary M. Stern". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gary M. Stern
General Counsel



Archivist of the
United States

February 18, 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 to you pursuant to my authority under section 2203(e) of the Presidential Records Act (PRA), as amended (44 U.S.C. §§ 2201-2209), which establishes that I may “request the advice” of the appropriate committees of the House and the Senate when I consider that a proposed disposal of Presidential records by the incumbent President “may be of special interest to the Congress” or that “consultation with the Congress regarding the disposal of these particular records is in the public interest.” While this provision specifically applies to disposals proposed by the incumbent President, the National Archives and Records Administration (NARA) has always interpreted it to apply to disposals of Presidential records of which I was not informed.

Under the PRA, all Presidential records automatically transfer to NARA’s legal custody when the President leaves office. With respect to the Trump Presidential records, the legal transfer took place on January 20, 2021. However, it is not uncommon for there to be a delay before NARA takes physical custody of all of the records. The complex technical work needed to transfer hundreds of terabytes of electronic records, coupled with a one-term transition, meant that the physical transfer could not be completed between the Presidential election and Inauguration Day. It took until November 2021 for NARA to receive all of the electronic Trump Presidential records.

Included among the Trump Presidential electronic records are those created on social media platforms. NARA recognizes that social media records are a relatively recent phenomenon, that capturing records on social media platforms is an evolving process, and that different platforms pose different issues with respect to how records are defined and managed.

By this letter, I am advising you that the Trump Administration did not fully capture, and therefore NARA did not receive, all of the Presidential records created by President Trump and White House staff that were posted on social media platforms, as summarized in more detail below:

DAVID S. FERRIERO • T: 202.357.5900 • F: 202.357.5901 • david.ferriero@nara.gov

National Archives and Records Administration • 700 Pennsylvania Avenue, NW • Washington, DC 20408 • www.archives.gov

- Early in the Trump Administration, questions were raised about President Trump's use of his personal Twitter account to conduct official government business and whether deleted tweets were being captured and preserved as Presidential records. In March 2017, NARA advised the Trump Administration that it should capture and preserve as Presidential records all tweets that the President posts in the course of his official duties, whether on his personal @realDonaldTrump account or on the official @POTUS account, including those tweets that were subsequently deleted. As I reported in a March 30, 2017, letter to Senators Claire McCaskill and Tom Carper, NARA was "informed by White House officials that they [were], in fact, doing so."

Since the end of the administration, we have learned that the White House initially used a manual process to capture tweets that were deleted from @realDonaldTrump and @POTUS by copying them from non-governmental organizations that were capturing them, such as Propublica and Factba.se. The White House did not begin using the vendor ArchiveSocial to automate the capture of tweets and other social media records in real-time until January 2018. Moreover, @realDonaldTrump was not enrolled until August 2018 and the tool stopped capturing @realDonaldTrump in April 2020. The official @POTUS was enrolled in February 2018 and remained connected throughout the rest of the administration.

When properly implemented, ArchiveSocial captures all versions of content as it appears on the platforms, along with any changes, such as deleted or edited content, changes to an account profile, and direct or private messages. However, it cannot capture such changes retroactively. If a social media account is not enrolled or subsequently becomes disconnected from ArchiveSocial, any changes, including deleted or modified posts, cannot be captured.

The Twitter account @realDonaldTrump was disconnected from ArchiveSocial in April 2020. A key feature of ArchiveSocial is that it sends automated alerts to the account owners/system administrators every three to five days to remind them to reconnect any disconnected accounts. The tool also displays information about the account status in the dashboard. This account was not re-enrolled.

When White House officials brought this problem to our attention near the end of the administration, Twitter had permanently suspended @realDonaldTrump. NARA contacted Twitter directly to ask if it retained the account data between April 20th and the account's suspension. Twitter provided us with a copy of the available account data. However, it did not include previously deleted tweets, which are not retained by the company. Accordingly, we were unable to obtain a complete set of these Presidential records from the Trump Administration or Twitter. While we do have access to copies of deleted tweets collected by other non-governmental sources, we do not consider them as official Presidential records and cannot ensure the completeness of their captured account data.

- The Trump White House did not take any steps to capture deleted content from any Trump Administration social media account other than @realDonaldTrump or @POTUS prior to enrolling them with ArchiveSocial. As with @realDonaldTrump, many other Trump Administration social media accounts were not enrolled until the summer or fall of 2018, even though these accounts were active for over a year prior to enrollment, during which time deleted or modified Presidential record content was not captured. Other accounts were not enrolled until just prior to the end of the administration.
- The ArchiveSocial tool included the ability to capture direct messages that may have been used on the platforms, but the Trump Administration opted not to enable capture of direct messages, and was unable to report whether direct messaging was actually used on any of the platforms by the account holders.
- NARA identified seven Twitter accounts that we think contain presidential record information, but were not captured by the Trump Administration. These accounts belonged to Andrew Giuliani, Chad Gilmartin, Ivanka Trump, Kayleigh McEnany, Kellyanne Conway, Mark Meadows, and Peter Navarro. After the end of the administration, NARA obtained the publicly available tweets from these accounts in order to supplement its archival collection.
- In January 2021, administration officials advised NARA that two social media accounts they thought contained Presidential record content were not enrolled in ArchiveSocial and could not be retroactively enrolled as they had been suspended by the platforms. These accounts were Donald J. Trump on Facebook and @realDonaldTrump on Instagram. NARA endeavored to work with Facebook, which operates Instagram, to obtain access to the accounts, but Facebook was not able to provide access.
- SnapChat was used by the Trump Administration (@realdonaldtrump and @whitehouse), which advised NARA that it was capturing content posted to the platform. NARA has not yet been able to locate any SnapChat content in the records transferred to us. SnapChat ultimately banned President Trump from the platform, and it is not possible to see any previous content. SnapChat advised NARA that the Trump Administration used the @whitehouse account approximately five times during four years. However, the administration regularly used the @realdonaldtrump account. News reports indicate that the account had 1.5 million followers on the platform. We do not know whether direct messaging was enabled on the account. We are not able to determine to what extent @realdonaldtrump SnapChat contained unique Presidential records as compared to content duplicative from other platforms, or purely campaign related information, which would not have been a Presidential record.

Please let me or my staff know if you have questions or would like to discuss this issue further.

Sincerely,

A handwritten signature in dark ink, appearing to read "David S. Ferriero". The signature is fluid and cursive, with a long horizontal stroke at the end.

DAVID S. FERRIERO
Archivist of the United States

cc: The Honorable James Comer, Ranking Member

From: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Sent time: 02/24/2022 06:10:29 PM
To: john.hamilton@nara.gov; congress.affairs@nara.gov; john.laster@nara.gov; garym.stern@nara.gov
Cc: Boyd, Krista <Krista.Boyd@mail.house.gov>; Robinson, Daina <Daina.Robinson@mail.house.gov>; Stratton, Amy <Amy.Stratton@mail.house.gov>; Solomon, Morgan <Morgan.Solomon@mail.house.gov>; Miller, Aidan <Aidan.Miller@mail.house.gov>; Erundu, Ozioma <Ozioma.Erundu@mail.house.gov>
BCc: kate.slaugh@nara.gov; shawn.morton@nara.gov; groups.archive1@nara.gov; julie.agurkis@nara.gov
Subject: Letter for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration
Attachments: 2022-02-24.CBM to Ferriero-NARA re Document Request.pdf

Hello—

Please see the attached letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration.

Please acknowledge receipt of the letter. Thank you.

Sincerely,

Melanie Mpanju

Staff Assistant | Committee on Oversight & Reform
Chairwoman Carolyn B. Maloney
melanie.mpanju@mail.house.gov

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

February 24, 2022

The Honorable David S. Ferriero
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Mr. Ferriero:

The Oversight Committee is 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. In response to a request from the Committee, the National Archives and Records Administration (NARA) provided new details of what appear to be the largest-scale violations of the Presidential Records Act since its enactment. I am deeply concerned that former President Trump may have violated the law through his intentional efforts to remove and destroy records that belong to the American people. This Committee plans to get to the bottom of what happened and assess whether further action is needed to prevent the destruction of additional presidential records and recover those records that are still missing.

On February 9, 2022, the Committee sought information related to the 15 boxes of presidential records recovered from the former president's Mar-a-Lago residence and recent reports that Mr. Trump attempted to destroy documents while serving as president.¹ On February 18, 2022, you sent two letters constituting a partial response and identifying significant potential violations of the Presidential Records Act and other federal laws governing the preservation of federal records, but you did not provide all the information the Committee requested.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 records) (online at www.archives.gov/files/foia/ferriero-letter-to-maloney-on-trump-presidential-records-on-social).

Your response confirmed that “NARA has identified items marked as classified national security information within the boxes” recovered at Mar-a-Lago, and that “NARA staff has been in communication with the Department of Justice” regarding this discovery. In response to the Committee’s request for an inventory of the contents of the 15 boxes, you stated the inventory should be completed by February 25 and that the Committee could request the inventory under Section 2205(2)(C) of the PRA.³

Your response also provided concerning new information about Mr. Trump’s destruction or attempted destruction of documents while serving as president. You stated that following press reports in 2018 that President Trump was tearing up records, NARA wrote to the Deputy Counsel for the President requesting information and that “[t]he White House Counsel’s Office indicated that they would address the matter.” However, you wrote that after this incident, “NARA learned that additional paper records that had been torn up by former President Trump were included in the records transferred to us.” You also wrote that White House staff had “taped together some of the torn-up records” but that “a number of other torn-up records that were transferred had not been reconstructed by the White House.”⁴

Your response also indicated that the Trump Administration failed to preserve other presidential records, and that NARA is continuing to search for missing records from the Trump Administration. You explained:

NARA has identified certain social media records that were not captured and preserved by the Trump Administration. NARA has also learned that some White House staff conducted official business using non-official electronic messaging accounts that were not copied or forwarded into their official electronic messaging accounts, as required by section 2209 of the PRA.⁵

On February 18, 2022, you also sent me a detailed description of the Trump Administration’s failure to capture and preserve presidential records on social media platforms. Among other information, your letter indicated that:

- The Trump Administration failed to adequately capture and preserve all tweets that the former president posted in the course of his official duties, including deleted tweets, despite being warned by NARA as far back as March 2017;
- The Trump Administration failed to preserve deleted content from the former president’s other social media accounts, and failed to preserve the former president’s Facebook, Instagram, and SnapChat accounts after he was suspended or banned from those platforms;

media-platforms.02.18.2022.pdf).

³ 44 U.S.C. § 2205(2)(C).

⁴ 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).

⁵ *Id.*

- The Trump Administration appears to have failed to preserve the former president's direct or private messages on social media accounts; and
- The Trump Administration failed to capture presidential records from the Twitter accounts of seven White House aides, including Ivanka Trump, Mark Meadows, Peter Navarro, and others.⁶

The information in your response suggests that former President Trump and his senior aides may have repeatedly violated the Presidential Records Act and other federal laws, which could severely impact the preservation of records from the Trump Administration. The Committee needs additional documents and information uniquely available from NARA to investigate the full extent of this conduct and determine what additional steps, including potential legislative reforms, may be needed to ensure the preservation of presidential records for the American people.

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. The Committee has legislative jurisdiction over the Presidential Records Act and the Federal Records Act and has a long history of conducting oversight related to compliance with these laws.⁷

For all these reasons, pursuant to the Presidential Records Act,⁸ please provide by March 10, 2022:

1. A detailed description of the contents of the boxes recovered from Mar-a-Lago, including any inventory prepared by NARA of the contents of the boxes, and identification of any items that are classified and the level of classification including, if necessary, a classified index;

⁶ *Id.*

⁷ See, e.g., Committee on Oversight and Government Reform, *Press Release: Chaffetz, Cummings Urge Compliance with Federal Recordkeeping Laws* (Mar. 17, 2017) (online at <https://oversight.house.gov/news/press-releases/chaffetz-cummings-urge-compliance-with-federal-recordkeeping-laws>); Letter from Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Donald F. McGahn II, White House Counsel (Sept. 25, 2017) (online at <https://republicans-oversight.house.gov/wp-content/uploads/2017/09/2017-09-25-TG-EEC-to-McGahn-WH-Presidential-Records-Act-due-10-9.pdf>); Committee on Oversight and Reform, *Press Release: Committee Approves Subpoena to White House for Emails Sent on Personal Accounts in Violation of Federal Law* (July 25, 2019) (online at <https://oversight.house.gov/news/press-releases/committee-approves-subpoena-to-white-house-for-emails-sent-on-personal-accounts>); Committee on Oversight and Reform, *Press Release: Chairwoman Maloney Seeks Details from National Archives on the Trump Administration's Compliance with Presidential Records Act* (Dec. 21, 2020) (online at <https://oversight.house.gov/news/press-releases/chairwoman-maloney-seeks-details-from-national-archives-on-the-trump>); Committee on Oversight and Reform, *Hearing on Examining Preservation of State Department Federal Records*, 114th Cong. (Sept. 13 and Sept. 22, 2016) (H. Rept. 114-161) (online at www.govinfo.gov/content/pkg/CHRG-114hhrg26120/pdf/CHRG-114hhrg26120.pdf).

⁸ 44 U.S.C. § 2205(2)(C).

2. A detailed description of any reviews conducted by other federal agencies of the information in the recovered boxes since the boxes were obtained by NARA, including with respect to classified information; the findings from these reviews; and the anticipated completion date of any reviews that are ongoing;
3. All presidential records transferred to NARA that NARA learned former President Trump had torn up, destroyed, mutilated, or attempted to tear up, destroy, or mutilate;
4. Any written responses from Deputy Counsel to the President Stefan Passantino, or any other White House official to NARA's June 14, 2018, letter to the Trump Administration; and
5. All letters sent by NARA to the Trump Administration related to the Presidential Records Act not already provided to the Committee and any responses from the Trump Administration to those letters.

In addition, pursuant to the Presidential Records Act,⁹ the Committee requests that you produce by March 17, 2022, the following documents from the records of President Donald Trump's Executive Office of the President (EOP) in your possession, custody, or control:

1. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to the use of personal messaging accounts for official business;
2. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to the attempted or actual destruction, tearing up, taping together, relocation, or removal of any presidential records or materials;
3. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to communications with former President Trump about the Presidential Records Act or White House policies on recordkeeping;
4. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to White House employees or contractors finding paper in a toilet in the White House, including the White House residence;

⁹ 44 U.S.C. § 2205(2)(C).

5. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to missing records; and
6. Documents and communications received, prepared, or sent between January 20, 2020, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to determinations of whether to transfer records to NARA.

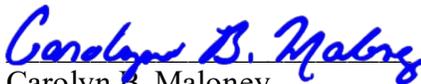
For requests 1 through 6, please prioritize producing records from the following custodians: Pat Cipollone; John Kelly; Nicholas Luna; Derek Lyons; Don McGahn; Mark Meadows; Stefan Passantino; Robert Porter; Reince Priebus; and Madeleine Westerhout.

7. Documents and communications received, prepared, or sent between January 20, 2017, and January 20, 2021, by employees or officials of EOP or any of its components, offices, or directorates, relating to the preservation or destruction of records from social media accounts, including direct messaging on social media accounts.

For request seven, please prioritize producing records from the following custodians: Andrew Giuliani, Chad Gilmartin, Ivanka Trump, Kayleigh McEnany, Kellyanne Conway, Mark Meadows, and Peter Navarro. Please also prioritize producing records related to methods of archiving social media accounts, including records related to the disconnection of the account @realDonaldTrump from ArchiveSocial.

An attachment to this letter provides additional instructions for responding to the Committee's request. Please contact Committee staff at (202) 225-5051 if you have any questions about this request.

Sincerely,


Carolyn B. Maloney
Chairwoman

Enclosure

cc: The Honorable James Comer, Ranking Member

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 02/24/2022 06:28:27 PM
To: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Subject: Re: Letter for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration

I am confirming the receipt of the letter.

Than you,
John Hamilton

On Thu, Feb 24, 2022 at 6:10 PM Mpanju, Melanie <Melanie.Mpanju@mail.house.gov> wrote:

Hello—

Please see the attached letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration.

Please acknowledge receipt of the letter. Thank you.

Sincerely,

Melanie Mpanju

Staff Assistant | Committee on Oversight & Reform

Chairwoman Carolyn B. Maloney

melanie.mpanju@mail.house.gov

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 02/25/2022 04:21:56 PM
To: Boyd, Krista <krista.boyd@mail.house.gov>
Subject: Call on Monday

Are free for a call with Gary and me on Monday at 11 am?

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959

From: Boyd, Krista <Krista.Boyd@mail.house.gov>
Sent time: 02/25/2022 05:03:30 PM
To: John Hamilton <john.hamilton@nara.gov>
Subject: RE: Call on Monday

Or 11:30?

From: John Hamilton <john.hamilton@nara.gov>
Sent: Friday, February 25, 2022 4:22 PM
To: Boyd, Krista <Krista.Boyd@mail.house.gov>
Subject: Call on Monday

Are free for a call with Gary and me on Monday at 11 am?

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 02/25/2022 05:56:30 PM
To: Boyd, Krista <Krista.Boyd@mail.house.gov>
Subject: Re: Call on Monday

That works. I'll send an invite later

On Fri, Feb 25, 2022, 5:03 PM Boyd, Krista <Krista.Boyd@mail.house.gov> wrote:

Or 11:30?

From: John Hamilton <john.hamilton@nara.gov>
Sent: Friday, February 25, 2022 4:22 PM
To: Boyd, Krista <Krista.Boyd@mail.house.gov>
Subject: Call on Monday

Are free for a call with Gary and me on Monday at 11 am?

--

John O. Hamilton

Director of Congressional Affairs

National Archives and Records Administration

700 Pennsylvania Avenue, NW

Washington, DC 20408-0001

PH: 202-357-6832

Cell: (b) (6)

Fax: 202-3575959

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 02/26/2022 12:36:12 PM
To: garym.stern@nara.gov; krista.boyd@mail.house.gov
Subject: NARA-COR Call re Letter
Attachments: invite.ics

You have been invited to the following event.

NARA-COR Call re Letter

When Mon Feb 28, 2022 11:30am – 12pm Eastern Time - New York [more details »](#)

Joining info Join with Google Meet

(b) (7)(E)

Join by phone

(US)(b) (7)(E)

[More phone numbers](#)

Calendar garym.stern@nara.gov

Who

- john.hamilton@nara.gov - organizer
- garym.stern@nara.gov
- krista.boyd@mail.house.gov

Going (garym.stern@nara.gov)? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account garym.stern@nara.gov because you are subscribed for invitations on calendar garym.stern@nara.gov.

To stop receiving these emails, please log in to <https://calendar.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More](#)

From: John Hamilton <john.hamilton@nara.gov>
Sent time: 03/02/2022 12:43:20 PM
To: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
garym.stern@nara.gov; Erinn.Sauer@mail.house.gov; Boyd, Krista <Krista.Boyd@mail.house.gov>; Robinson, Daina
Cc: <Daina.Robinson@mail.house.gov>; Stratton, Amy <Amy.Stratton@mail.house.gov>; Solomon, Morgan <Morgan.Solomon@mail.house.gov>;
Miller, Aidan <Aidan.Miller@mail.house.gov>; Erond, Ozioma <Ozioma.Erond@mail.house.gov>
Subject: Re: Letter for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration
Attachments: Ferriero Response to Maloney Signed.docx (1).pdf

Hello - Please find attached the initial response to Chairwoman Maloney's letter of February 24, 2022.

Sincerely,
John Hamilton

On Thu, Feb 24, 2022 at 6:10 PM Mpanju, Melanie <Melanie.Mpanju@mail.house.gov> wrote:

Hello—

Please see the attached letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration.

Please acknowledge receipt of the letter. Thank you.

Sincerely,

Melanie Mpanju

Staff Assistant | Committee on Oversight & Reform

Chairwoman Carolyn B. Maloney

melanie.mpanju@mail.house.gov

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959



Archivist of the
United States

March 2, 2022

The Honorable Carolyn B. Maloney Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20514

Dear Madam Chairwoman:

I write to acknowledge receipt of your letter of February 24, 2022, "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."

On February 28, 2022, my staff met with your staff to discuss your request for both operational and Presidential records from the National Archives and Records Administration. My staff explained how the process works for obtaining access to records under section 2205(2)(C) of the Presidential Records Act, which includes NARA's ability to search for responsive records over the four years of the Trump Administration and the requirement under our regulations (36 C.F.R. 1270.44) and Executive Order 13499 to provide notification to the representatives of the incumbent and former Presidents.

My staff will continue to keep your staff apprised of our progress in responding to your request.

Sincerely,

DAVID S. FERRIERO
Archivist of the United States

cc: The Honorable James Comer, Ranking Member

DAVID S. FERRIERO · T: 202.357.5900 · F: 202.357.5901 · david.ferriero@nara.gov

National Archives and Records Administration · 700 Pennsylvania Avenue, NW · Washington, DC 20408 · www.archives.gov

15B000059

From: Gary Stern <garym.stern@nara.gov>
Sent time: 03/28/2022 08:37:50 AM
To: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Cc: Boyd, Krista <Krista.Boyd@mail.house.gov>; Robinson, Daina <Daina.Robinson@mail.house.gov>; Stratton, Amy <Amy.Stratton@mail.house.gov>; Solomon, Morgan <Morgan.Solomon@mail.house.gov>; Miller, Aidan <Aidan.Miller@mail.house.gov>; Erundu, Ozioma <Ozioma.Erundu@mail.house.gov>; Sauer, Erinn <Erinn.Sauer@mail.house.gov>; John Hamilton <john.hamilton@nara.gov>
Subject: Re: Letter of 02.24.2022 for The Honorable David S. Ferriero, Archivist of the United States, NARA from Chair Maloney -- 1st Interim Response.03.28.2022
Attachments: House Oversight and Reform Committee Request.02.24.2022 -- 1st Interim Response.03.28.2022.pdf

Please see attached letter, further responding to Chairwoman Maloney's letter of February 24, 2022.

Sincerely,
Gary

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
(b) (6) (cell)
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



On Wed, Mar 2, 2022 at 12:43 PM John Hamilton <john.hamilton@nara.gov> wrote:

Hello - Please find attached the initial response to Chairwoman Maloney's letter of February 24, 2022.

Sincerely,
John Hamilton

On Thu, Feb 24, 2022 at 6:10 PM Mpanju, Melanie <Melanie.Mpanju@mail.house.gov> wrote:

Hello—

Please see the attached letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, for The Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration.

Please acknowledge receipt of the letter. Thank you.

Sincerely,

Melanie Mpanju

Staff Assistant | Committee on Oversight & Reform

Chairwoman Carolyn B. Maloney

melanie.mpanju@mail.house.gov

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)
Fax: 202-3575959



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

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001
www.archives.gov

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 M. Stern
General Counsel

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

From: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Sent time: 03/28/2022 09:12:17 AM
To: Gary Stern <garym.stern@nara.gov>
Boyd, Krista <Krista.Boyd@mail.house.gov>; Robinson, Daina <Daina.Robinson@mail.house.gov>; Stratton, Amy
Cc: <Amy.Stratton@mail.house.gov>; Solomon, Morgan <Morgan.Solomon@mail.house.gov>; Miller, Aidan <Aidan.Miller@mail.house.gov>; Erundu, Ozioma <Ozioma.Erundu@mail.house.gov>; Sauer, Erinn <Erinn.Sauer@mail.house.gov>; John Hamilton <john.hamilton@nara.gov>
Subject: RE: Letter of 02.24.2022 for The Honorable David S. Ferriero, Archivist of the United States, NARA from Chair Maloney -- 1st Interim Response.03.28.2022

Thank you, received.

Best regards,

Melanie Mpanju

Staff Assistant | Committee on Oversight & Reform

Chairwoman Carolyn B. Maloney

melanie.mpanju@mail.house.gov

From: Gary Stern <garym.stern@nara.gov>
Sent: Monday, March 28, 2022 8:38 AM
To: Mpanju, Melanie <Melanie.Mpanju@mail.house.gov>
Cc: Boyd, Krista <Krista.Boyd@mail.house.gov>; Robinson, Daina <Daina.Robinson@mail.house.gov>; Stratton, Amy <Amy.Stratton@mail.house.gov>; Solomon, Morgan <Morgan.Solomon@mail.house.gov>; Miller, Aidan <Aidan.Miller@mail.house.gov>; Erundu, Ozioma <Ozioma.Erundu@mail.house.gov>; Sauer, Erinn <Erinn.Sauer@mail.house.gov>; John Hamilton <john.hamilton@nara.gov>
Subject: Re: Letter of 02.24.2022 for The Honorable David S. Ferriero, Archivist of the United States, NARA from Chair Maloney -- 1st Interim Response.03.28.2022

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Sincerely,

Gary

Gary M. Stern
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National Archives and Records Administration
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garym.stern@nara.gov



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John Hamilton

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Honorable David S. Ferriero, Archivist of the United States, National Archives and Records Administration.

Please acknowledge receipt of the letter. Thank you.

Sincerely,

Melanie Mpanju

Staff Assistant | Committee on Oversight & Reform

Chairwoman Carolyn B. Maloney

melanie.mpanju@mail.house.gov

--

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