



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

Dr. Colleen J. Shogan  
Archivist of the United States  
National Archives and Records Administration  
700 Pennsylvania Avenue, NW  
Washington, D.C. 20408

Michael E. Horowitz  
Inspector General of the Department of Justice  
U.S. Department of Justice  
Office of the Inspector General  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530

January 30, 2025

Re: Notice of Unauthorized Deletion of Federal Records by DOJ

Dear Dr. Shogan and Mr. Horowitz:

Citizens for Responsibility and Ethics in Washington (CREW) writes to notify you of the possible unauthorized destruction of federal records by the Department of Justice. Because it appears the DOJ has failed to report this matter to the National Archives and Records Administration (NARA) as required by the Federal Records Act (FRA), we are reporting it to you now and request that you review and take appropriate corrective action, if necessary.

On January 20th, 2025, soon after taking office, President Trump pardoned more than 1,000 people charged in the January 6, 2021 attack on the US Capitol.<sup>1</sup> The collections of individuals pardoned by President Trump included many who violently assaulted police officers such as Julian Khater, “who assaulted US Capitol Police officer Brian Sicknick and later pled guilty to assaulting officers with a dangerous weapon.”<sup>2</sup> Officer Sicknick died one day after being attacked during the Capitol insurrection. Trump pardoned other violent criminals like Devlyn Thompson, who assaulted a police officer with a metal baton; and Robert Palmer, a Florida man who attacked police with weapons including a fire extinguisher, a wooden plank and a pole.<sup>3</sup>

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<sup>1</sup> Marshall Cohen et al., *Trump Commutes Sentences of Proud Boys and Oath Keepers Leaders as he Pardons Over 1,000 January 6 US Capitol Rioters*, CNN (January 21, 2025, at 2:50 ET), <https://cnm.it/4hc9cfZ>

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

Following President Trump's pardon of hundreds of violent insurrectionists, the Department of Justice (DOJ) removed a database detailing criminal charges and convictions related to January 6 from its website. This database included information on all cases prosecuted by the US Attorney's Office for the District of Columbia arising from the January 6 attack.<sup>4</sup> It also included an update published on January 6, 2025, detailing the Department of Justice and Federal Bureau of Investigation's continued efforts to investigate, locate and prosecute criminally culpable individuals, and the current total number of arrests, pleas, trials and sentencing.<sup>5</sup> The update also included information on the government's continued review of the charges of 259 defendants to determine whether prosecution should continue after *Fischer v. United States*, 23-5572.<sup>6</sup> This information was removed from the DOJ's website shortly after President Trump's inauguration.<sup>7</sup>

This action by the DOJ appears to violate 44 U.S.C. § 3106 which requires:

(a) FEDERAL AGENCY NOTIFICATION.—The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records the head of the Federal agency knows or has reason to believe have been unlawfully removed from that agency, or from another Federal agency whose records have been transferred to the legal custody of that Federal agency.<sup>8</sup>

Implementing this requirement, NARA regulations provide that an “agency *must report promptly* any unlawful or accidental removal, defacing, alteration, or destruction of records in the custody of that agency to NARA.”<sup>9</sup> The regulations also specify certain details the agency “must include” in its report to NARA.<sup>10</sup> The knowing and willful destruction of federal records is a crime punishable by fines and up to three years of imprisonment.<sup>11</sup>

Further, NARA guidance indicates “much, if not all, documentation related to agency website operations should be managed as Federal records” and “can only be deleted with a NARA-approved disposition authority.”<sup>12</sup> 44 U.S.C. § 3101 instructs the head of each federal agency to “make and preserve records containing adequate and proper documentation of

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<sup>4</sup> Donie O'Sullivan & Katelyn Polantz, *Trump pardoned the January 6 Convicts. Now his DOJ is Wiping Evidence of Rioters' Crimes From the Internet*, CNN (January 26, 2025, at 10:50 ET), <https://bit.ly/3E96Wrx>

<sup>5</sup> United States Attorney's Office District of Columbia, *48 Months Since the Jan. 6 Attack on U.S. Capitol*, (archived Jan. 23, 2025), <https://bit.ly/40EZcVQ>

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> 44 U.S.C. § 3106.

<sup>9</sup> 36 C.F.R. § 1230.14 (emphasis added).

<sup>10</sup> *See id.* § 1230.14(a)(1)-(5).

<sup>11</sup> *See* 18 U.S.C. § 2071; 36 C.F.R. § 1230.12.

<sup>12</sup> NARA, *NARA Guidance on Managing Web Records Background*, <https://bit.ly/42wEORc>

the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities."<sup>13</sup> The January 6 database clearly qualifies as a federal record under this definition as it documented the DOJ's functions and decisions related to its investigations and prosecutions of individuals involved in the attack on January 6, 2021. The database must be managed as a federal record and its deletion is subject to the § 3106 notice requirements.

Despite the agency's requirement to notify the archivist of the deletion of these records, there is no indication that they reported this matter to NARA, and a list of open "unauthorized disposition cases" on NARA's website does not reveal any such reporting.<sup>14</sup> Given DOJ's apparent failure to report this matter to NARA as required by law, we are doing so now and request that NARA take appropriate action, including instructing the agency to issue a report in accordance with 36 C.F.R. § 1230.14 and § 1230.16.

The Department of Justice's removal of this vital information about its prosecutions arising from the January 6, 2021 attack on the Capitol is consistent with President Trump's ongoing efforts to rewrite or erase the insurrection, and also a likely violation of federal law. We request that you promptly investigate this matter and take appropriate corrective action if necessary.

Sincerely,



Donald K. Sherman  
Citizens for Responsibility and Ethics in  
Washington

cc: William P. Fischer, Acting Chief Records Officer, National Archives and Records Administration

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<sup>13</sup> 44 U.S.C. § 3101.

<sup>14</sup> See NARA, Unauthorized Disposition of Federal Records, <https://bit.ly/39Vn12N>.