



April 9, 2026

David Warrington, esq.
White House Counsel
Executive Office of the President
1600 Pennsylvania Ave. N.W
Washington, DC 20500

Re: Compliance with the Presidential Records Act

Dear Mr. Warrington:

I write on behalf of Citizens for Responsibility and Ethics in Washington (CREW) and Freedom of the Press Foundation (FPF) regarding the White House's compliance with the Presidential Records Act (PRA) in light of the April 1, 2026 opinion of the Office of Legal Counsel (OLC) entitled *Constitutionality of the Presidential Records Act* (OLC Opinion).¹ The OLC Opinion, which indicates that it was requested by and issued to your office, purported to unilaterally invalidate the PRA in its entirety and immediately free the President, and others who fall within its scope by virtue of their relationship to the Presidency, from its legal mandates.

As you are aware, the PRA "established the public ownership of records created by . . . presidents and their staffs in the course of discharging their official duties."² Accordingly the PRA, among other things, mandates preservation of Presidential records as defined by the PRA,³ imposes additional requirements on White House employee use of "non-official electronic messaging account[s],"⁴ limits the circumstances under which the President can destroy Presidential records,⁵ and requires compliance with a multi-step process (including procuring the written opinion of the Archivist of the United States and notifying Congress) before any such destruction.⁶

¹ 50 Op. O.L.C. (April 1, 2026) (slip op. at 1), <https://www.justice.gov/olc/media/1434131/dl>.

² *CREW v. Trump*, 924 F.3d 602, 603 (D.C. Cir. 2019) (quoting H.R. Rep. No. 95-1487, 95th Cong. at 2 (1978)); *see also* Presidential Records Act (PRA) of 1978, Nat'l Archives and Records Admin. (July 23, 2011), <https://www.archives.gov/presidential-libraries/laws/1978-act.html>.

³ 44 U.S.C. §§ 2202, 2203(a).

⁴ *Id.* § 2209(a)(1)–(2).

⁵ *Id.* § 2203(c).

⁶ *Id.* § 2203(d).

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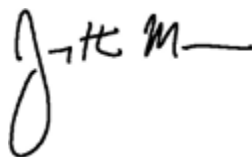
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The PRA further mandates the preservation, and manner of preservation, of Presidential records at the end of each administration and creates statutory rights to public access to those records, with certain conditions, after a sufficient period has passed.⁷ And it vests in Congress a special right to access Presidential Records as necessary in the conduct of its business.⁸

The OLC Opinion nevertheless asserts that “the PRA is invalid in its entirety” and that “[t]he President need not further comply with its dictates” because, in OLC’s view, the PRA is “unconstitutional because it exceeds Congress’s enumerated and implied powers and aggrandizes the Legislative Branch at the expense of the constitutional independence and autonomy of the Executive.”⁹ Because the Department of Justice has also opined that OLC opinions are controlling on Executive Branch Officials,¹⁰ the OLC Opinion not only purports to permit the President to ignore the PRA’s legal mandates, but to require other federal officials otherwise subject the PRA to violate it, in direct contravention of the letter and purpose of the law, so as not to negatively impact the “constitutional independence and autonomy of the Executive.”¹¹ This is so regardless of the fact that neither the White House nor the President has mounted a legal challenge to the PRA and no federal court has heard, let alone adopted, the OLC Opinion’s entirely novel legal assertions.

The OLC Opinion and its potential adoption by President Trump and the White House thus implicates paramount issues regarding the public’s right to know about the operations of its highest elected representatives, the separation of powers, and even basic ownership of the records of conduct of the government. Please confirm in writing no later than April 16, 2026 whether the White House has adopted any or all portions of the OLC Opinion and whether the White House has adopted, or is planning to adopt, any change in its operations as a result of the OLC Opinion. Please direct any communications about this matter to me at jmaier@citizensforethics.org.

Sincerely,

A handwritten signature in black ink, appearing to read "J Maier", with a horizontal line extending from the end of the signature.

Jonathan Maier
Senior Litigation Counsel
Citizens for Responsibility and Ethics in Washington

⁷ *Id.* §§ 2203(g)(1), 2212(c).

⁸ *Id.* § 2205(2)(A)–(C).

⁹ 50 Op. O.L.C. (slip op. at 1, 51–52).

¹⁰ U.S. Dep’t of Just., Off. of Legal Couns., Memo. for Att’ys of the Off. (July 16, 2010), <https://www.justice.gov/olc/page/file/1511836/dl?inline>.

¹¹ 50 Op. O.L.C. (slip op. at 1).